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# Senate Select Committee on Intelligence

## *Committee Study of the Central Intelligence Agency's Detention and Interrogation Program*



**Foreword by Senate Select Committee on Intelligence Chairman Dianne Feinstein**

**Findings and Conclusions**

**Executive Summary**

*Approved December 13, 2012*

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## Foreword

On April 3, 2014, the Senate Select Committee on Intelligence voted to send the Findings and Conclusions and the Executive Summary of its final Study on the CIA's Detention and Interrogation Program to the President for declassification and subsequent public release.

This action marked the culmination of a monumental effort that officially began with the Committee's decision to initiate the Study in March 2009, but which had its roots in an investigation into the CIA's destruction of videotapes of CIA detainee interrogations that began in December 2007.

The full Committee Study, which totals more than 6,700 pages, remains classified but is now an official Senate report. The full report has been provided to the White House, the CIA, the Department of Justice, the Department of Defense, the Department of State, and the Office of the Director of National Intelligence in the hopes that it will prevent future coercive interrogation practices and inform the management of other covert action programs.

As the Chairman of the Committee since 2009, I write to offer some additional views, context, and history.

I began my service on the Senate Intelligence Committee in January 2001. I remember testimony that summer from George Tenet, the Director of Central Intelligence, that warned of a possible major terrorist event against the United States, but without specifics on the time, location, or method of attack. On September 11, 2001, the world learned the answers to those questions that had consumed the CIA and other parts of the U.S. Intelligence Community.<sup>1</sup>

I recall vividly watching the horror of that day, to include the television footage of innocent men and women jumping out of the World Trade Center towers to escape the fire. The images, and the sounds as their bodies hit the pavement far below, will remain with me for the rest of my life.

It is against that backdrop – the largest attack against the American homeland in our history – that the events described in this report were undertaken.

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<sup>1</sup> For information on the events at the CIA prior to September 11, 2001, see the Final Report of the National Commission on Terrorist Attacks upon the United States (9/11 Commission) and Office of the Inspector General Report on CIA Accountability With Respect to the 9/11 Attacks.

Nearly 13 years later, the Executive Summary and Findings and Conclusions of this report are being released. They are highly critical of the CIA's actions, and rightfully so. Reading them, it is easy to forget the context in which the program began – not that the context should serve as an excuse, but rather as a warning for the future.

It is worth remembering the pervasive fear in late 2001 and how immediate the threat felt. Just a week after the September 11 attacks, powdered anthrax was sent to various news organizations and to two U.S. Senators. The American public was shocked by news of new terrorist plots and elevations of the color-coded threat level of the Homeland Security Advisory System. We expected further attacks against the nation.

I have attempted throughout to remember the impact on the nation and to the CIA workforce from the attacks of September 11, 2001. I can understand the CIA's impulse to consider the use of every possible tool to gather intelligence and remove terrorists from the battlefield,<sup>2</sup> and CIA was encouraged by political leaders and the public to do whatever it could to prevent another attack.

The Intelligence Committee as well often pushes intelligence agencies to act quickly in response to threats and world events.

Nevertheless, such pressure, fear, and expectation of further terrorist plots do not justify, temper, or excuse improper actions taken by individuals or organizations in the name of national security. The major lesson of this report is that regardless of the pressures and the need to act, the Intelligence Community's actions must always reflect who we are as a nation, and adhere to our laws and standards. It is precisely at these times of national crisis that our government must be guided by the lessons of our history and subject decisions to internal and external review.

Instead, CIA personnel, aided by two outside contractors, decided to initiate a program of indefinite secret detention and the use of brutal interrogation techniques in violation of U.S. law, treaty obligations, and our values.

This Committee Study documents the abuses and countless mistakes made between late 2001 and early 2009. The Executive Summary of the Study provides

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<sup>2</sup> It is worth repeating that the covert action authorities approved by the President in September 2001 did not provide any authorization or contemplate coercive interrogations.

a significant amount of new information, based on CIA and other documents, to what has already been made public by the Bush and Obama Administrations, as well as non-governmental organizations and the press.

The Committee's full Study is more than ten times the length of the Executive Summary and includes comprehensive and excruciating detail. The Study describes the history of the CIA's Detention and Interrogation Program from its inception to its termination, including a review of each of the 119 known individuals who were held in CIA custody.

The full Committee Study also provides substantially more detail than what is included in the Executive Summary on the CIA's justification and defense of its interrogation program on the basis that it was necessary and critical to the disruption of specific terrorist plots and the capture of specific terrorists. While the Executive Summary provides sufficient detail to demonstrate the inaccuracies of each of these claims, the information in the full Committee Study is far more extensive.

I chose not to seek declassification of the full Committee Study at this time. I believe that the Executive Summary includes enough information to adequately describe the CIA's Detention and Interrogation Program, and the Committee's Findings and Conclusions cover the entirety of the program. Seeking declassification of the more than six thousand page report would have significantly delayed the release of the Executive Summary. Decisions will be made later on the declassification and release of the full 6,700 page Study.

In 2009, when this effort began, I stated (in a press release co-authored with the Vice Chairman of the Committee, Senator Kit Bond) that "the purpose is to review the program and to shape detention and interrogation policies in the future." The review is now done. It is my sincere and deep hope that through the release of these Findings and Conclusions and Executive Summary that U.S. policy will never again allow for secret indefinite detention and the use of coercive interrogations. As the Study describes, prior to the attacks of September 2001, the CIA itself determined from its own experience with coercive interrogations, that such techniques "do not produce intelligence," "will probably result in false answers," and had historically proven to be ineffective. Yet these conclusions were ignored. We cannot again allow history to be forgotten and grievous past mistakes to be repeated.

President Obama signed Executive Order 13491 in January 2009 to prohibit the CIA from holding detainees other than on a “short-term, transitory basis” and to limit interrogation techniques to those included in the Army Field Manual. However, these limitations are not part of U.S. law and could be overturned by a future president with the stroke of a pen. They should be enshrined in legislation.

Even so, existing U.S. law and treaty obligations should have prevented many of the abuses and mistakes made during this program. While the Office of Legal Counsel found otherwise between 2002 and 2007, it is my personal conclusion that, under any common meaning of the term, CIA detainees were tortured. I also believe that the conditions of confinement and the use of authorized and unauthorized interrogation and conditioning techniques were cruel, inhuman, and degrading. I believe the evidence of this is overwhelming and incontrovertible.

While the Committee did not make specific recommendations, several emerge from the Committee’s review. The CIA, in its June 2013 response to the Committee’s Study from December 2012, has also already made and begun to implement its own recommendations. I intend to work with Senate colleagues to produce recommendations and to solicit views from the readers of the Committee Study.

I would also like to take this opportunity to describe the process of this study.

As noted previously, the Committee approved the Terms of Reference for the Study in March 2009 and began requesting information from the CIA and other federal departments. The Committee, through its staff, had already reviewed in 2008 thousands of CIA cables describing the interrogations of the CIA detainees Abu Zubaydah and ‘Abd al-Rahim al-Nashiri, whose interrogations were the subject of videotapes that were destroyed by the CIA in 2005.

The 2008 review was complicated by the existence of a Department of Justice investigation, opened by Attorney General Michael Mukasey, into the destruction of the videotapes and expanded by Attorney General Holder in August 2009. In particular, CIA employees and contractors who would otherwise have been interviewed by the Committee staff were under potential legal jeopardy, and therefore the CIA would not compel its workforce to appear before the Committee. This constraint lasted until the Committee’s research and documentary review were completed and the Committee Study had largely been finalized.

Furthermore, given the volume and internal nature of relevant CIA documents, the CIA insisted that the Committee enter into an arrangement where our staff would review documents and conduct research at a CIA-leased facility [REDACTED] rather than at the Committee's offices on Capitol Hill.

From early 2009 to late 2012, a small group of Committee staff reviewed the more than six million pages of CIA materials, to include operational cables, intelligence reports, internal memoranda and emails, briefing materials, interview transcripts, contracts, and other records. Draft sections of the Study were prepared and distributed to the full Committee membership beginning in October 2011 and this process continued through to the Committee's vote to approve the full Committee Study on December 13, 2012.

The breadth of documentary material on which the Study relied and which the Committee Study cites is unprecedented. While the Committee did not interview CIA officials in the context of the Committee Study, it had access to and drew from the interviews of numerous CIA officials conducted by the CIA's Inspector General and the CIA Oral History program on subjects that lie at the heart of the Committee Study, as well as past testimony to the Committee.

Following the December 2012 vote, the Committee Study was sent to the President and appropriate parts of the Executive Branch for comments by February 15, 2013. The CIA responded in late June 2013 with extensive comments on the Findings and Conclusions, based in part on the responses of CIA officials involved in the program. At my direction, the Committee staff met with CIA representatives in order to fully understand the CIA's comments, and then incorporated suggested edits or comments as appropriate.

The Committee Study, including the now-declassified Executive Summary and Findings and Conclusions, as updated is now final and represents the official views of the Committee. This and future Administrations should use this Study to guide future programs, correct past mistakes, increase oversight of CIA representations to policymakers, and ensure coercive interrogation practices are not used by our government again.

Finally, I want to recognize the members of the staff who have endured years of long hours poring through the difficult details of one of the lowest points in our nation's history. They have produced the most significant and comprehensive oversight report in the Committee's history, and perhaps in that of the U.S. Senate, and their contributions should be recognized and praised.

Daniel Jones has managed and led the Committee's review effort from its inception. Dan has devoted more than six years to this effort, has personally written thousands of its pages, and has been integrally involved in every Study decision. Evan Gottesman, Chad Tanner, and Alissa Starzak have also played integral roles in the Committee Study and have spent considerable years researching and drafting specific sections of the Committee Study.

Other Committee staff members have also assisted in the review and provided valuable contributions at the direction of our Committee Members. They include, among others, Jennifer Barrett, Nick Basciano, Michael Buchwald, Jim Catella, Eric Chapman, John Dickas, Lorenzo Goco, Andrew Grotto, Tressa Guenov, Clete Johnson, Michael Noblet, Michael Pevzner, Tommy Ross, Caroline Tess, and James Wolfe. The Committee's Staff Director throughout the review, David Grannis, has played a central role in assisting me and guiding the Committee through this entire process. Without the expertise, patience, and work ethic of our able staff, our Members would not have been able to complete this most important work.

Dianne Feinstein  
Chairman  
Senate Select Committee on Intelligence