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Title: United States: Senate Committee releases report on enhanced interrogation and detention program

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From File:

References: The cable has the following attachment/s - Attachments are publicly available and have not been included.
 McCain's remarks.docx
 Brennan Statement.docx
 CIA Fact Sheet.docx
 Feinstein's remarks.docx
 Kerry Statement.docx
 Obama Statement.docx
 Summary of Findings.docx
 WH Background Conference Call.docx
 WSJ Op-ed.docx

Response: Routine, Information Only

UNCLASSIFIED

Comments:
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Summary

The Senate Intelligence Committee's report on the CIA's enhanced interrogation and detention program states that the CIA misled Congress, the public, and Bush Administration officials as to the extent, severity, oversight, and legality of the program. The report also called into question the value of the intelligence gathered. The CIA has not accepted all the Committee's findings. Key Administration officials sought to emphasise that the program is in the past, was inconsistent with US values, and did not serve broader counterterrorism efforts. There is concern that the report's release may have implications for US personnel and assets abroad.

On 9 December, the Senate Select Committee on Intelligence (SSCI) released the Findings and Conclusions, and Executive Summary, ("the report") of the committee's Study on the CIA's Detention and Interrogation Program. The unclassified report, reflective of the Democratic majority's view, as well as a minority report, are available at <http://www.intelligence.senate.gov/study2014>. The full Study, which totals more than 6,700 pages, remains classified, but has been provided to the White House, CIA, ODNI, and the Departments of Justice, State and Defense.

2. Throughout the investigation, and leading up to the report's release, SSCI members had become increasingly split (largely along party lines) about whether the report should be released publicly. In April, members voted 11 to 3 to send the report to the President for declassification and subsequent release. Following the vote, the SSCI, White House and CIA

engaged in protracted negotiations over how much of the report would be declassified. According to official statements, 93 percent of the report was ultimately declassified.

3. On 5 December, Secretary of State John Kerry petitioned the SSCI on behalf of the Department of State and intelligence community, urging the committee to reconsider the report's release. He reportedly cited the potential global impact of the report's findings, including putting American hostages at risk, and concerns of allies that the report could incite violence in the Middle East. In her remarks (transcript attached) announcing the report's release, SSCI Chair Dianne Feinstein (D-California) said such concerns had weighed heavily on her decision to release the report. While there "may never be the right time to release this report ... this report is too important to be shelved indefinitely". Releasing the report – which documented what she called "a stain on our values and our history" - was "an important step to restoring our values and showing the world that we are a just society".

SSCI's findings

4. The report is highly critical of the CIA. It contains no recommendations, but includes twenty findings (summary attached) on the detainee program and the enhanced interrogation techniques used by the CIA between late 2001 and early 2009. In her Senate floor speech, Feinstein highlighted a number of these findings.

- She noted that the report did not use the word "torture" to characterise the program, but said it was her personal belief that the activities fitted that description. The program had damaged America's standing in the world, and resulted in significant monetary and non-monetary costs.

- The interrogation techniques were "deeply flawed," poorly managed and often resulted in "fabricated" information. The investigation did not conclude that the techniques failed to produce any intelligence, but were ineffective compared to other intelligence-gathering methods, and produced only information that was available or obtainable through other means. She said that the SSCI never found an instance where the interrogation resulted in vital, "imminent threat" intelligence as the CIA had claimed. In some cases, the techniques were counterproductive.

- The CIA misled the SSCI, Congress, the public, and initially officials in the Bush Administration, about the extent, brutality, legality and efficacy of these techniques. The agency also actively avoided or impeded congressional and executive oversight of the program.

- She said there were "surprisingly few" CIA officials involved with the program. Instead, the program had been largely run by two contract psychologists with little oversight. By 2005, the CIA had overwhelmingly outsourced operations related to the program. The CIA rarely reprimanded or held personnel accountable for violations and failures, and marginalised and ignored internal critiques and objections. The program was inherently unsustainable and had effectively ended by 2006 due to unauthorised press disclosures, reduced international cooperation, and legal and oversight concerns.

CIA response

5. The CIA released a **fact sheet** and a **statement by Director John Brennan** (both attached) in response to the release. Brennan's statement acknowledged that the program had had shortcomings and that the CIA had made mistakes. He said that "the issue occurred early in the program's lifespan and resulted from the agency being unprepared to carry out such a large-scale detention and interrogation initiative". He said that "[d]espite common ground with some of the findings of the Committee's Study, we part ways with the Committee on some key points". For example, the CIA's own review of the program had demonstrated that it "did produce intelligence that helped thwart attack plans, capture terrorists, and save lives", and "the record does not support the ... inference that the [CIA] systematically and intentionally misled ... on the effectiveness of the program".

Notable statements

6. **President Obama's statement** (attached) stated in part that the report "reinforces my long-held view that these harsh methods were not only inconsistent with our values as nation, they did not serve our broader counterterrorism efforts or our national security interests." The White House also hosted a **media background briefing with Administration officials** (transcript attached), noting that one of President Obama's first executive orders had been to end the use of such programs for all times and in all places.

7. On potential international implications, the officials said they were concerned about reactions from allies and other countries, but emphasised the need to continue to cooperate on countering terrorism. The Administration had briefed foreign partners, and remained confident that the report's release would have no impact on current international efforts to counter ISIL. The protection of US personnel and assets abroad – both military and diplomatic – was of paramount concern. There had been no changes to force posture, but US troops globally had been placed on a heightened sense of alert. All diplomatic missions had undertaken threat assessments and reviewed their security procedures. There was also concern for CIA employees, who the officials said were valued deeply and often the unsung heroes of the CT effort. Haines said that the CIA had established a number of internal support mechanisms for their staff.

8. **Secretary Kerry** released a statement (attached) in which he emphasised that the report addressed "a period that's more than five years behind us, so we can discuss and debate our history – and then look again to the future". He said it was "important that this period not define the intelligence community in anyone's minds", and urged support for the CIA and intelligence community. A spokesperson for the **Department of Justice** told media outlets that the department stood by its initial decision not to prosecute any individuals involved in the program.

9. **Senator John McCain (R-Arizona)** delivered the first Republican response (attached), and spoke in support of the report's release. He said "terrorists might use the report's re-identification of the practices as an excuse to attack Americans, but they hardly need an excuse for that. That has been their life's calling for a while now". On the intelligence produced through the program, he said "[o]bviously, we need intelligence to defeat our enemies, but we need reliable intelligence. Torture produces more misleading information than actionable intelligence".

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10. A 9 December op-ed (attached) in the Wall Street Journal, written by **former CIA Directors** George Tenet, Porter Goss and Michael Hayden, and **former CIA Deputy Directors** John McLaughlin, Albert Calland and Stephen Kappes, was highly critical of the report and the investigation.

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