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Senate Select Committee on Intelligence

Committee Study of the CIA's Detention and Interrogation Program

Executive Summary

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E. In Response to Detainee Treatment Act, the CIA Briefs Senators Not on the Committee; Proposal from Senator Levin for an Independent Commission Prompts Renewed Calls Within the CIA to Destroy Interrogation Videotapes

(~~TS//~~ [REDACTED] ~~//NF~~) In October and November 2005, after the Senate passed its version of the Detainee Treatment Act, the CIA, directed by the Office of the Vice President, briefed specific Republican senators, who were not on the Select Committee on Intelligence, on the CIA's Detention and Interrogation Program. (The full membership of the Committee had not yet been briefed on the CIA interrogation program.)²⁴⁸² The briefings, which were intended to influence conference negotiations,²⁴⁸³ were provided to Senator McCain,²⁴⁸⁴ Senators Ted Stevens and Thad Cochran, the chairmen of the Appropriations Committee and Defense Appropriations Subcommittee,²⁴⁸⁵ Majority Leader Bill Frist;²⁴⁸⁶ and Senator John Cornyn (CIA records state that Cornyn was not briefed on the CIA's specific interrogation techniques).²⁴⁸⁷ Meanwhile, a proposal from Senator Carl Levin to establish an independent commission to investigate U.S. detention policies and allegations of detainee abuse resulted in concern at the CIA that such a commission would lead to the discovery of videotapes documenting CIA interrogations. That concern prompted renewed interest at the CIA to destroy the videotapes.²⁴⁸⁸

²⁴⁸² According to an email from John Rizzo, the subject of one such meeting was "how the current version of McCain potentially undercuts our legal position." (See email from: John A. Rizzo; to: [REDACTED], [REDACTED]; cc: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: IMMEDIATE HEADS UP: VP Meeting with Appropriations Committee Leadership Tomorrow re McCain Amendment; date: October 17, 2005, at 10:49:39 AM; email from: John Rizzo; to: [REDACTED]; cc: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: Re: IMMEDIATE: Re: Sen. Frist req for briefing on impact of McCain Amendment; date: October 31, 2005, at 10:53:16 AM.

²⁴⁸³ Email from: John A. Rizzo; to: [REDACTED], [REDACTED]; cc: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: IMMEDIATE HEADS UP: VP Meeting with Appropriations Committee Leadership Tomorrow re McCain Amendment; date: October 17, 2005, at 10:49:39 AM.

²⁴⁸⁴ Email from: John Rizzo; to: [REDACTED]; cc: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: Re: IMMEDIATE: Re: Sen. Frist req for briefing on impact of McCain Amendment; date: October 31, 2005, at 10:53:16 AM; [REDACTED] Talking Points for OVP Sponsored Meeting with Sen McCain; Impact of McCain Amendment on Legal Basis for CTC's HVD Detention and Interrogation Program, 20 October 2005.

²⁴⁸⁵ Email from: John Rizzo; to: [REDACTED]; cc: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: Re: IMMEDIATE: Re: Sen. Frist req for briefing on impact of McCain Amendment; date: October 31, 2005, at 10:53:16 AM.

²⁴⁸⁶ Email from: John Rizzo; to: [REDACTED]; cc: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: Re: IMMEDIATE: Re: Sen. Frist req for briefing on impact of McCain Amendment; date: October 31, 2005, at 10:53:16 AM; email from: John A. Rizzo; to: David R. Shedd; cc: [REDACTED]; subject: Re: BRIEF READOUT: 31 OCT FRIST BRIEFING; date: November 1, 2005, at 2:53:40 PM.

²⁴⁸⁷ Email from: John A. Rizzo; to: [REDACTED]; cc: [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: Re: Senator Cornyn; date: November 30, 2005, at 12:50:11 PM.

²⁴⁸⁸ On October 31, 2005, John Rizzo wrote an email stating that "Sen. Levin's legislative proposal for a 9/11-type outside Commission to be established on detainees seems to be gaining some traction, which obviously would serve

Senator Levin's amendment to establish the commission failed on November 8, 2005.²⁴⁸⁹ The CIA destroyed the CIA interrogation videotapes the following day.²⁴⁹⁰

F. CIA Director Goss Seeks Committee Support for the Program After the Detainee Treatment Act; CIA Declines to Answer Questions for the Record

(TS// [REDACTED] //NF) In March 2006, three months after passage of the Detainee Treatment Act, the CIA provided a briefing for five Committee staffers that included limited information on the interrogation process, as well as the effectiveness of the CIA interrogation program.²⁴⁹¹ The briefings did not include information on the CIA's enhanced interrogation techniques or the location of CIA detention sites.²⁴⁹² A week later, on March 15, 2006, CIA Director Porter Goss briefed the full Committee on CIA detention matters, but did not provide the locations of the CIA's detention facilities, or a list or briefing on the CIA's enhanced

to surface the tapes' existence." Rizzo then added that "I think I need to be the skunk at the party again and see if the Director is willing to let us try one more time to get the right people downtown on board with the notion of our [sic] destroying the tapes." [REDACTED], a senior CIA attorney who had viewed the videotapes, responded, "You are correct. The sooner we resolve this the better." [REDACTED] CTC Legal, [REDACTED], also agreed that "[a]pproaching the DCIA is a good idea," adding, "[c]ommissions tend to make very broad document production demands, which might call for these videotapes that should have been destroyed in the normal course of business 2 years ago." See email from: John A. Rizzo; to: [REDACTED]; [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: Re: principals want PR plan to publicly roll the CTC program in some fashion; date: October 31, 2005, at 10:37 AM; email from: [REDACTED]; to John A. Rizzo; cc: [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: Re: principals want PR plan to publicly roll the CTC program in some fashion; date: October 31, 2005, at 12:32 PM; email from: [REDACTED]; to: John A. Rizzo; cc: [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: Re: principals want PR plan to publicly roll the CTC program in some fashion; date: October 31, 2005, at 11:45 AM. See also interview of [REDACTED], by [REDACTED] and [REDACTED], Office of the Inspector General, June 17, 2003.

²⁴⁸⁹ See Senate Roll Call Vote #00309, November 8, 2005, 5:37pm, on Amendment #2430.

²⁴⁹⁰ [REDACTED] 27089 (090627Z NOV 05)

²⁴⁹¹ A review of the Committee record of this briefing indicates much of the information provided by the CIA was inaccurate. For example, according to the Committee's Memorandum for the Record, CIA briefers stated "the plan divorces questioning from coercive measures." CIA records indicate, however, that questioning and the use of the CIA's enhanced interrogation techniques were combined in practice. According to Committee records, CIA officials stated that Khalid al-Masri had and maintained connections to al-Qa'ida, and that he was released "when the CIA reached a point in debriefings that required [foreign government] assistance," which was not forthcoming. The CIA Inspector General would later determine that when CIA officers questioned al-Masri, "they quickly concluded that he was not a terrorist," and that there was "insufficient basis to render and detain al-Masri." CIA officers referenced the captures of Hambali, Sajid Badat, Jose Padilla, and Iyman Faris, as well as the disruption of the West Coast/Second Wave plotting, the Heathrow Airport plotting, and the Karachi plotting. As detailed in this summary, the CIA consistently provided inaccurate representations regarding the plotting and the capture of the referenced individuals. CIA briefers also compared the program to U.S. military custody, stating that "the CIA can bring far more resources – debriefers, analysts, psychologists, etc. – per detainee than is possible at large scale facilities such as Guantanamo Bay, Cuba." As described, the chief of Base at DETENTION SITE BLACK complained of "problem, underperforming" and "totally inexperienced" debriefers almost a year prior to this briefing. As further described, an inspector general audit completed three months after the briefing described the lack of debriefers at CIA detention facilities as "an ongoing problem." (Senate Select Committee on Intelligence, Memorandum for the Record, "CIA Briefing on Detention Program," March 8, 2006 (DTS #2006-1182).)

²⁴⁹² Senate Select Committee on Intelligence, Memorandum for the Record, "CIA Briefing on Detention Program," March 8, 2006 (DTS #2006-1182).

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