

~~TOP SECRET~~ [REDACTED]

Document: [REDACTED]  
Subject: EYES ONLY - GUIDANCE ON RETENTION OF VIDEO TAPES OF ABU ZUBAYDAH

C [REDACTED] 17587512614522ATO [REDACTED] MIBD  
D [REDACTED] 20020506105221 UPID

/ / \* E-O HUMINT \* ~~TOP SECRET~~ FRP: ,2, .4,5, . . .  
STAFF

CONF: CTC/ [REDACTED] INFO: [REDACTED]

PAGE 001  
TOT: 061452Z MAY 02

~~TOP SECRET~~  
STAFF

061452Z [REDACTED]

TO: [REDACTED] INFO [REDACTED]

FROM: CTC/ [REDACTED] INFO [REDACTED]

SLUGS: [REDACTED]  
SUBJECT: EYES ONLY - GUIDANCE ON RETENTION OF VIDEO TAPES OF ABU ZUBAYDAH

REF:A. [REDACTED]

B. [REDACTED]

C. [REDACTED]

TEXT:

1. ACTION REQUIRED: 1) PLEASE DO NOT TAPE OVER OR EDIT VIDEOS OF ABU ZUBAYDAH'S INTERROGATIONS. 2) PLEASE PRESERVE ALL VIDEOS.

2. HQS/ [REDACTED] APPRECIATES REF A COMMENTS AND THANKS [REDACTED] FOR WORKING TO OVERCOME THE DIFFICULTIES INHERENT IN ESTABLISHING AND MAINTAINING VIDEO RECORDING OF ((ABU ZUBAYDAH))'S INTERROGATION SESSIONS. WE REITERATE REF B GUIDANCE, HOWEVER, AND ASK THAT [REDACTED] RETAIN ALL VIDEOS OF AZ'S INTERROGATIONS, AND THAT [REDACTED] LEAVE THOSE VIDEOS UNEDITED. THOUGH WE RECOGNIZE THAT THE TAPES MAY BE CUMBERSOME TO STORE, THEY OFFER EVIDENCE OF AZ'S CONDITION/TREATMENT WHILE IN [REDACTED] CARE THAT MAY BE OF VALUE IN THE FUTURE (APART FROM ACTIONABLE INTELLIGENCE).

3. [REDACTED]  
4. [REDACTED]

END OF MESSAGE

~~TOP SECRET~~

[REDACTED] TOP SECRET [REDACTED] [REDACTED]

Document: [REDACTED]  
Subject: EYES ONLY - GUIDANCE ON RETENTION OF VIDEO TAPES OF ABU ZUBAYDAH

C [REDACTED] 100661081625ZATO [REDACTED] MIBD  
D [REDACTED] 20020418122530 UPID

/ / \* E-O HUMINT \* TOP SECRET FRP: ,2, ,4,5, , ,  
STAFF

[REDACTED]

ATO PAGE 001  
TOR: 181625Z APR 02 [REDACTED]

~~T O P S E C R E T~~ 181625Z APR 02 STAFF

CITE [REDACTED]

TO: [REDACTED] INFO PRIORITY DIRECTOR, [REDACTED]

FOR: [REDACTED]

SLUGS: [REDACTED]  
SUBJECT: EYES ONLY - GUIDANCE ON RETENTION OF VIDEO TAPES OF ABU ZUBAYDAH

REF: [REDACTED]

TEXT:

1. ACTION REQUIRED: PLS SEE BELOW AND ADVISE COMMENTS RE REVISITING THIS TOPIC. THANKS.

2. WE APPRECIATE REF COMMENTS RE GUIDANCE ON RETENTION OF VIDEO TAPES OF ABU ZUBAYDAH (SUBJECT). WE INITIALLY ENCOUNTERED SOME DIFFICULTY WITH MAINTAINING THE VIDEO RECORDING OF OUR SESSIONS SINCE WE HAVE BEEN DEALING WITH FREQUENT [REDACTED]

[REDACTED] SINCE THE ACTIVE INTERROGATION HAS BEGUN WE HAVE BEEN MAINTAINING CONSTANT VIDEO TAPING OF THE INTERROGATIONS WITH SOME LIMITED DISRUPTIONS [REDACTED] WE WILL CERTAINLY FOLLOW REF GUIDANCE AND MAINTAIN A GROWING LIBRARY OF VIDEO TAPES. HOWEVER, WE WOULD LIKE TO SUGGEST THAT THIS ISSUE BE REVISITED TO ENSURE THAT IS EXACTLY WHAT HQS WISHES TO DO KEEPING IN MIND BELOW COMMENTS.

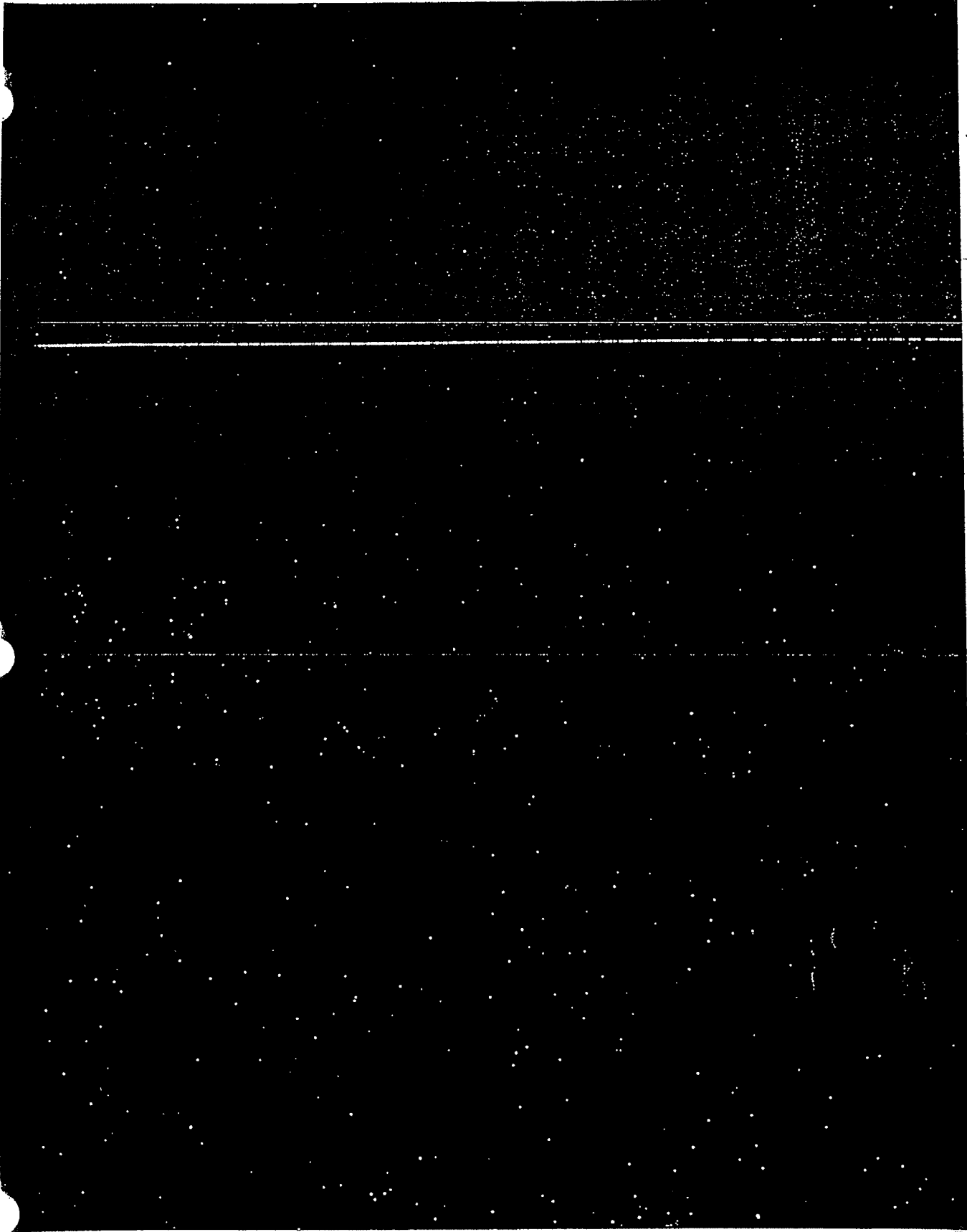
3. IF THE PRIMARY PURPOSE IS TO ENSURE CAPTURE OF VITAL INTELLIGENCE, THE INTERROGATION TEAM IS MAINTAINING A CAREFUL LOG OF ALL ACTIVITIES AS WELL AS KEEPING CAREFUL TRACK OF THE INTELLIGENCE OBTAINED. WITH THE ROUND THE CLOCK VIDEO TAPING WE ARE QUICKLY BUILDING AN IMPRESSIVE MOUND OF VIDEO TAPES WITH MANY HOURS OF LITTLE IF ANY INFORMATION BEING OBTAINED FROM SUBJECT. OUR PREFERENCE IS TO BE MORE SELECTIVE AND RETAIN ONLY THOSE INTERROGATIONS WHERE ACTIONABLE INTELLIGENCE IS GATHERED. IF THIS IS AGREEABLE, PLS ADVISE AND WE WILL PROCEED ACCORDINGLY. THANKS.

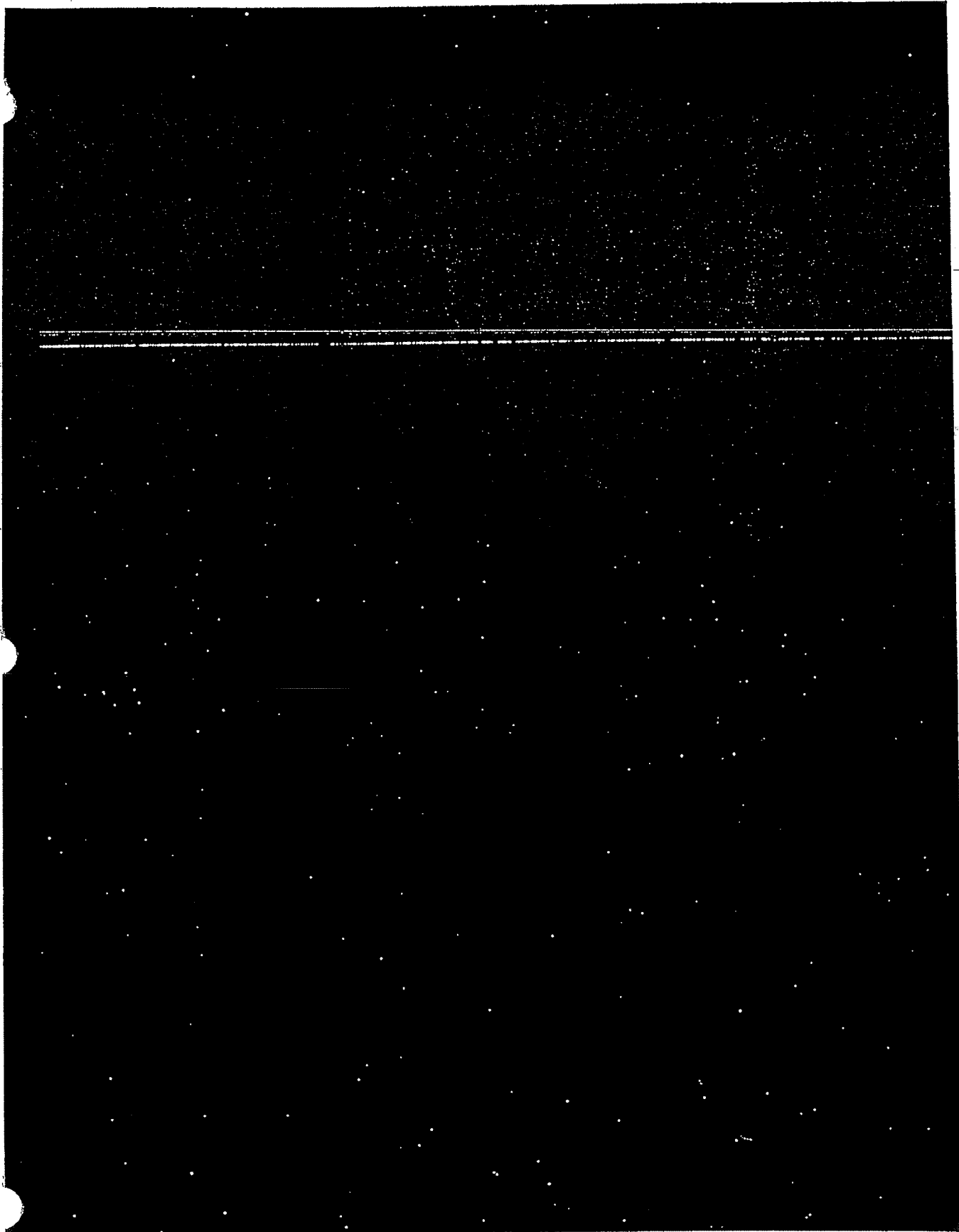
4. [REDACTED]

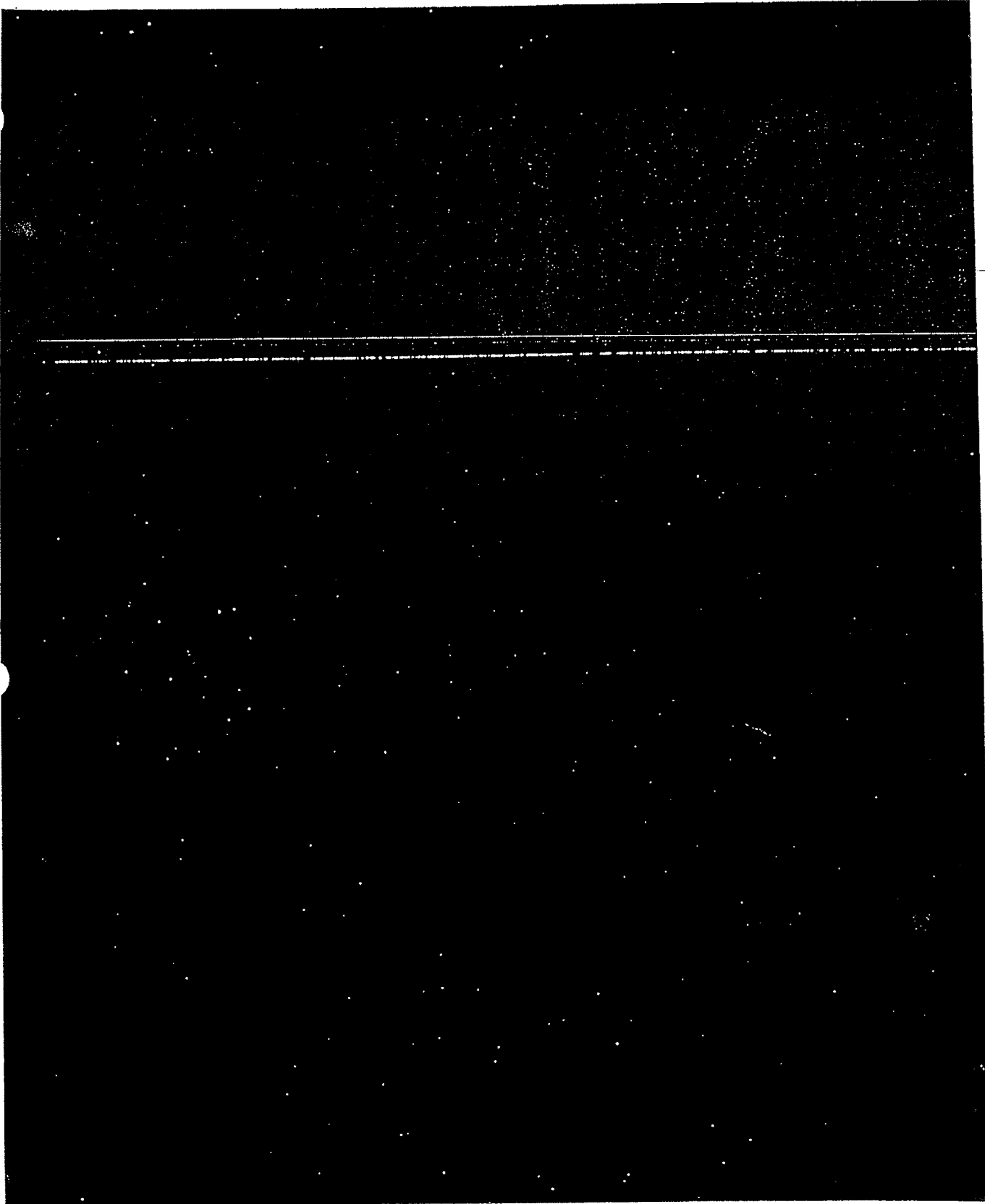
CABLETYPE: [REDACTED]

END OF MESSAGE TOP SECRET









[REDACTED] TOP SECRET [REDACTED] 401

Document: [REDACTED]  
Subject: EYES ONLY - GUIDANCE ON RETENTION OF VIDEO TAPES OF ABU ZUBAYDAH

C [REDACTED] 100661081625ZATO [REDACTED] MIBD  
D [REDACTED] 20020418122530 UPID

/ / \* E-O HUMINT \* TOP SECRET-- FRP: .2, .4, 5, . . .

STAFF

[REDACTED]

[REDACTED] ATO PAGE 001  
TOR: 181625Z APR 02 [REDACTED]

~~TOP SECRET~~ 181625Z APR 02 STAFF

CITE [REDACTED]

TO: [REDACTED] INFO PRIORITY DIRECTOR, [REDACTED]

FOR: [REDACTED]

SLUGS: [REDACTED]  
SUBJECT: EYES ONLY - GUIDANCE ON RETENTION OF VIDEO TAPES OF ABU ZUBAYDAH

REF: [REDACTED]

TEXT:

1. ACTION REQUIRED: PLS SEE BELOW AND ADVISE COMMENTS RE REVISITING THIS TOPIC. THANKS.

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[REDACTED] SINCE THE ACTIVE INTERROGATION HAS BEGUN WE HAVE BEEN MAINTAINING CONSTANT VIDEO TAPING OF THE INTERROGATIONS WITH SOME LIMITED DISRUPTIONS [REDACTED]

[REDACTED] WE WILL CERTAINLY FOLLOW REF GUIDANCE AND MAINTAIN A GROWING LIBRARY OF VIDEO TAPES. HOWEVER, WE WOULD LIKE TO SUGGEST THAT THIS ISSUE BE REVISITED TO ENSURE THAT IS EXACTLY WHAT HQS WISHES TO DO KEEPING IN MIND BELOW COMMENTS.

3. IF THE PRIMARY PURPOSE IS TO ENSURE CAPTURE OF VITAL INTELLIGENCE, THE INTERROGATION TEAM IS MAINTAINING A CAREFUL LOG OF ALL ACTIVITIES AS WELL AS KEEPING CAREFUL TRACK OF THE INTELLIGENCE OBTAINED. WITH THE ROUND THE CLOCK VIDEO TAPING WE ARE QUICKLY BUILDING AN IMPRESSIVE MOUND OF VIDEO TAPES WITH MANY HOURS OF LITTLE IF ANY INFORMATION BEING OBTAINED FROM SUBJECT. OUR PREFERENCE IS TO BE MORE SELECTIVE AND RETAIN ONLY THOSE INTERROGATIONS WHERE ACTIONABLE INTELLIGENCE IS GATHERED. IF THIS IS AGREEABLE, PLS ADVISE AND WE WILL PROCEED ACCORDINGLY. THANKS.

4. FILE: [REDACTED]

CABLETYPE: [REDACTED]

END OF MESSAGE TOP SECRET--

SECRET [REDACTED] XT

Document: [REDACTED]  
Subject: EYES ONLY - ACTIVATION OF [REDACTED] COMMUNICATIONS EQUIPMENT [REDACTED]

C [REDACTED] 1000409917452ASO [REDACTED] MIDD  
D [REDACTED] 20020409134516 UPID

/ / \* E-O HUMINT \*. SECRET FRP: .2, .4, 5, . . .  
STAFF

ACTION: [REDACTED] INFO: [REDACTED]  
[REDACTED]

[REDACTED] ASO PAGE 001  
FOR: 091745Z APR 02 [REDACTED]

~~SECRET~~ 091743Z APR 02 STAFF

CITE [REDACTED]

TO: IMMEDIATE DIRECTOR, [REDACTED]  
[REDACTED] INFO [REDACTED]

FOR: [REDACTED]  
[REDACTED]

SLUGS: [REDACTED]  
SUBJECT: EYES ONLY - ACTIVATION OF [REDACTED] COMMUNICATIONS  
EQUIPMENT [REDACTED]

REF: [REDACTED]

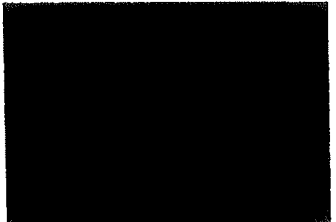
TEXT:  
[REDACTED]

1. ACTION REQUIRED: ACTION ADDRESSEES PLEASE START A CHECK  
NUMBER SERIES WITH [REDACTED] BEGINNING WITH 001.

2. RE REF [REDACTED] THIS MESSAGE CONSTITUTES ACTIVATION  
OF THE [REDACTED] CABLE ADDRESS DESIGNATOR FOR COMMUNICATIONS  
EQUIPMENT [REDACTED] PLEASE NOTE THAT SITE CURRENTLY HAS CABLE CAPABILITY  
ONLY. REGARDS.

3. FILE: [REDACTED]

SECRET  
END OF MESSAGE SECRET--



SECRET [REDACTED] XT



~~TOP SECRET~~ [REDACTED] ~~SI~~



CENTRAL INTELLIGENCE AGENCY

Washington, D.C. 20505

General Counsel

28 February 2003

The Honorable Jane Harman  
Ranking Democratic Member  
Permanent Select Committee on Intelligence  
House of Representatives  
Washington, D.C. 20515

Dear Ms. Harman:

~~(TS)~~ [REDACTED] Thank you for your letter of 10 February following up on the briefing we gave you and Congressman Goss on 5 February concerning the Central Intelligence Agency's limited use of the handful of specially approved interrogation techniques we described. As we informed both you and the leadership of the Intelligence Committees last September, a number of Executive Branch lawyers including lawyers from the Department of Justice participated in the determination that, in the appropriate circumstances, use of these techniques is fully consistent with US law. While I do not think it appropriate for me to comment on issues that are a matter of policy, much less the nature and extent of Executive Branch policy deliberations, I think it would be fair to assume that policy as well as legal matters have been addressed within the Executive Branch.

(U) I enjoyed meeting you, albeit briefly, and I look forward to seeing you again.

Sincerely,

[REDACTED]  
Scott W. Muller

~~TOP SECRET~~ [REDACTED] ~~SI~~

000309

C05530812

Date: 20080207

TO: [REDACTED]

(b)(1)  
(b)(3)

FROM:

SUBJECT: DCIA EXCERPTS FROM 4 FEBRUARY SSCI TESTIMONY

-----  
BODY  
-----

~~C O N F I D E N T I A L~~

STAFF 071325ZFEB08 DIRECTOR 267647

TO: PRIORITY [REDACTED]

[REDACTED]

SLUGS: [REDACTED]

SUBJECT: DCIA EXCERPTS FROM 4 FEBRUARY SSCI TESTIMONY  
REF: NONE

TEXT:

1. ACTION REQUIRED: SEE PARA 2.

2. D/CIA HAS ASKED THAT PORTIONS OF HIS 4 FEBRUARY 2008 TESTIMONY BEFORE THE SENATE SELECT COMMITTEE ON INTELLIGENCE THAT PERTAIN TO INTERROGATIONS AND DETENTIONS BE MADE AVAILABLE TO KEY FOREIGN PARTNERS. GENERAL HAYDEN WISHES HIS PARTNERS TO HAVE EXACTLY WHAT WAS SAID TO COMPLEMENT ANY NEWS ARTICLES THEY MAY HAVE READ. ACCORDINGLY, STATIONS MAY SHARE THE ATTACHMENT AS THEY DEEM APPROPRIATE. PLEASE NOTE: THE EXCERPTS ARE TAKEN FROM THE CONGRESSIONAL QUARTERLY TRANSCRIPTS AND ARE SUBJECT TO U.S. COPYRIGHT LAWS. ~~FURTHER REPRODUCTION AND DISSEMINATION BY ANY MEANS, FOR ANY PURPOSE OTHER THAN OFFICIAL BUSINESS, MAY BE SUBJECT TO COPYRIGHT RESTRICTIONS AND IS GENERALLY PROHIBITED WITHOUT THE PERMISSION OF THE COPYRIGHT HOLDER.~~

<ATTACH\_REF ATTACH\_ID="08-HQS024135748-003.DOC-SSCI -- 4 FEB 08 TESTIMONY EXCERPTS.DOC"/>

3. OPFR WILL ALSO SEND THE ATTACHMENT TO STATIONS VIA EMAIL.

4. FILE: [REDACTED]

CABLETYPE: [REDACTED]

000310

END OF MESSAGE

RELNO: [REDACTED]

ORIG: [REDACTED]

END OF MESSAGE

Attachments:

Attach: 08-HQS024135748-003.DOC-08-HQS024135748-003.DOC

PLEASE NOTE: THE EXCERPTS ARE TAKEN FROM THE CONGRESSIONAL QUARTERLY TRANSCRIPTS AND ARE SUBJECT TO U.S. COPYRIGHT LAWS. FURTHER REPRODUCTION AND DISSEMINATION BY ANY MEANS, FOR ANY PURPOSE OTHER THAN

OFFICIAL BUSINESS, MAY BE SUBJECT TO COPYRIGHT RESTRICTIONS AND IS GENERALLY PROHIBITED WITHOUT THE PERMISSION OF THE COPYRIGHT HOLDER.

HEARING OF THE SENATE SELECT INTELLIGENCE COMMITTEE SUBJECT: CURRENT AND PROJECTED NATIONAL SECURITY THREATS CHAIRED BY: SENATOR JOHN D. ROCKEFELLER, IV (D-WV) WITNESSES: DIRECTOR OF NATIONAL INTELLIGENCE

MIKE MCCONNELL; CIA DIRECTOR GENERAL MICHAEL V. HAYDEN; DIA DIRECTOR LIEUTENANT GENERAL MICHAEL D. MAPLES; FBI DIRECTOR ROBERT S. MUELLER, III; ASSISTANT SECRETARY OF STATE FOR INTELLIGENCE AND RESEARCH

RANDALL M. FORT LOCATION: 216 HART SENATE OFFICE BUILDING, WASHINGTON, D.C.

TIME: 10:00 A.M. EST DATE: TUESDAY, FEBRUARY 5, 2008

(PORTION DELETED)

SEN. ROCKEFELLER: I UNDERSTAND.

DIRECTOR HAYDEN, THE HOUSE AND SENATE CONFERENCE COMMITTEE ON AUTHORIZATION AGREED TO A TERM WHICH I THINK YOU MAY NOT BE IN FAVOR OF, AND THAT IS THAT ALL INTERROGATION IN CIA FACILITIES, WHEREVER, MUST FOLLOW THE ARMY FIELD MANUAL.

NOW, THAT'S CONTROVERSIAL, AND MANY CHANGES HAVE BEEN MADE -- AND I UNDERSTAND THAT -- WITHIN YOUR APPROACH. BUT I -- WHAT I NEED YOU TO DO IS TO TELL ME HOW YOU TURN TO DIRECTOR MUELLER AND DIRECTOR MAPLES, WHO SAY THAT THAT WILL DO THE TRICK AND THAT THAT KIND OF INTERROGATION IS ENOUGH TO ELICIT WHAT YOU NEED TO GET, AND TELL THEM THAT IT MAY BE, IF THE AUTHORIZATION IS PASSED, THAT WE WILL BE, IN YOUR VIEW, PERHAPS SHORTCHANGING OUR ABILITY TO DO INTELLIGENCE.

GEN. HAYDEN: THANK YOU, MR. CHAIRMAN, FOR THE QUESTION. THE WAY I USUALLY DESCRIBE IT IS THAT THERE IS A UNIVERSE OUT THERE OF LAWFUL INTERROGATION TECHNIQUES THAT WE SHOULD FEEL, AS A NATION, THAT WE HAVE A RIGHT TO USE AGAINST OUR ENEMIES. AND OBVIOUSLY THERE ARE A LOT OF SUBTEXTS AND SUBPLOTS TO THAT AGAINST OUR ENEMIES -- ARE THEY LAWFUL COMBATANTS, UNLAWFUL COMBATANTS, ARE THEY TERRORISTS, ARE THEY UNIFORMED SOLDIERS; AND SO ON. BUT AGAIN, THERE'S A UNIVERSE OUT THERE OF LAWFUL TECHNIQUES.

THE ARMY FIELD MANUAL DESCRIBES A SUBSET OF THAT UNIVERSE. I'VE HEARD NO ONE CLAIM THAT THE ARMY FIELD MANUAL EXHAUSTS ALL THE TOOLS THAT COULD OR SHOULD BE LEGITIMATELY AVAILABLE TO OUR REPUBLIC TO DEFEND ITSELF WHEN IT COMES TO QUESTIONING PEOPLE WHO WOULD INTEND OUR REPUBLIC HARM. WHAT I WOULD SAY IS THE ARMY FIELD MANUAL MEETS THE NEEDS OF AMERICA'S ARMY AND, YOU KNOW, GIVE THAT TO YOU IN MAYBE THREE OR FOUR DIFFERENT SENSES.

IT MEETS THE NEEDS OF AMERICA'S ARMY IN TERMS OF WHO'S GOING TO DO IT,

WHICH IN THE CASE OF THE ARMY FIELD MANUAL WOULD BE A RELATIVELY LARGE POPULATION OF RELATIVELY YOUNG MEN AND WOMEN WHO'VE RECEIVED GOOD TRAINING BUT NOT EXHAUSTIVE TRAINING IN ALL POTENTIAL SITUATIONS. SO THE POPULATION OF WHO'S DOING IT IS DIFFERENT THAN THE POPULATION THAT WOULD BE WORKING FOR ME INSIDE THE CIA INTERROGATION PROGRAM.

THE POPULATION OF WHO THEY DO IT TO WOULD ALSO BE DIFFERENT. IN THE LIFE OF THE CIA DETENTION PROGRAM WE HAVE HELD FEWER THAN A HUNDRED PEOPLE.

AND ONLY -- ACTUALLY, FEWER THAN A THIRD OF THOSE PEOPLE HAVE HAD ANY TECHNIQUES USED AGAINST THEM -- ENHANCED TECHNIQUES -- IN THE CIA PROGRAM. AMERICA'S ARMY LITERALLY TODAY IS HOLDING OVER 20,000 DETAINEES IN IRAQ ALONE. AND SO AGAIN THERE'S A DIFFERENCE IN TERMS OF WHO'S DOING IT, AGAINST WHOM YOU'RE DOING IT, AND THEN FINALLY IN THE CIRCUMSTANCES UNDER WHICH YOU'RE DOING THE INTERROGATION.

AND I KNOW THERE CAN BE CIRCUMSTANCES IN MILITARY CUSTODY THAT ARE AS PROTECTED AND ISOLATED AND CONTROLLED AS IN OUR DETENTION FACILITIES, BUT IN MANY INSTANCES THAT IS NOT THE CASE. THESE ARE INTERROGATIONS AGAINST ENEMY SOLDIERS, WHO ALMOST ALWAYS WILL BE LAWFUL COMBATANTS, IN TACTICAL SITUATIONS, FROM WHOM YOU EXPECT TO GET INFORMATION OF TRANSIENT AND TACTICAL VALUE. NONE OF THAT APPLIES TO THE DETAINEES WE HOLD, TO THE INTERROGATORS WE HAVE, OR THE INFORMATION WE ARE ATTEMPTING TO SEEK.

AND SO I WOULD SUBSCRIBE AND SUPPORT -- IN FACT, CIA HAD A CHANCE TO COMMENT ON THE ARMY FIELD MANUAL DURING ITS DEVELOPMENT -- THAT THE ARMY FIELD MANUAL DOES EXACTLY WHAT IT DOES -- EXACTLY WHAT IT NEEDS TO DO FOR THE UNITED STATES ARMY. BUT ON THE FACE OF IT IT WOULD MAKE NO MORE SENSE TO APPLY THE ARMY'S FIELD MANUAL TO CIA -- THE ARMY FIELD MANUAL ON INTERROGATIONS, THEN IT WOULD BE TO TAKE THE ARMY FIELD MANUAL ON GROOMING AND APPLY IT TO MY AGENCY, OR THE ARMY FIELD MANUAL ON RECRUITING AND APPLY IT TO MY AGENCY, OR FOR THAT MATTER, TAKE THE ARMY FIELD MANUAL ON SEXUAL ORIENTATION AND APPLY TO MY AGENCY.

THIS WAS BUILT TO MEET THE NEEDS OF AMERICA'S ARMY. WE SHOULD NOT CONFINE OUR UNIVERSE OF LAWFUL INTERROGATION TO A SUBSET OF THOSE TECHNIQUES THAT WERE DEVELOPED FOR ONE PURPOSE.

SEN. ROCKEFELLER: I'M WAY OVER MY TIME, I APOLOGIZE TO MY COLLEAGUES. AND I CALL ON THE VICE CHAIRMAN.

SEN. BOND: THANK YOU VERY MUCH, MR. CHAIRMAN.

FOLLOWING UP ON THAT, I'D LIKE TO ASK DIRECTOR HAYDEN FOR HIS COMMENTS BECAUSE WE'VE SPOKEN ABOUT THIS ISSUE AND YOUR BELIEF THAT THE CIA'S PROGRAM WAS ESSENTIAL.

NOW THE ATTORNEY GENERAL HAS PUBLICLY SAID THAT THE CIA IS NO LONGER USING WATERBOARDING AS ONE OF ITS TECHNIQUES.

I'D LIKE YOUR VIEWS ON -- FROM YOUR PROFESSIONAL PERSPECTIVE ON WHY YOU THINK ENHANCED TECHNIQUES ARE SO CRITICAL IN COLLECTING INTELLIGENCE AND WHAT YOU WOULD SAY TO THOSE WHO THINK THE ARMY FIELD MANUAL WILL BE JUST AS EFFECTIVE, BECAUSE THAT PROVISION THAT WAS ADDED IN CONFERENCE IS OUT OF SCOPE AND WHEN THE CONFERENCE COMES, WHEN THE BILL COMES TO THE SENATE, I INTEND TO ATTEMPT TO STRIKE THAT.

WHAT ARGUMENTS, DIRECTOR HAYDEN? EXCUSE ME. I'M GOING TO SAY -- I'M

SORRY. GENERAL HAYDEN'S HAD THE SHOT. LET ME DIRECT THAT TO DIRECTOR MCCONNELL. MY APOLOGIES. I WANT TO GET ANOTHER VIEW IN THE GAME.

MR. MCCONNELL: SENATOR BOND, I WOULD ASSOCIATE MYSELF WITH THE COMMENTS JUST MADE BY DIRECTOR HAYDEN WITH REGARD TO LAWFUL TECHNIQUES THAT COULD BE USED TO PROTECT THE COUNTRY UNDER -- IN THE APPROPRIATE CIRCUMSTANCES. YOU MENTIONED WATERBOARDING. THAT IS NOT CURRENTLY IN THE PROGRAM THAT WE USE. THE QUESTION THAT'S ALWAYS ASKED, IS THAT A LAWFUL TECHNIQUE, AND I THINK AS YOU SAW THE REPORTS OR PARTICIPATED IN THE HEARING THAT THE ATTORNEY GENERAL PARTICIPATED IN LAST WEEK, IF THERE WAS A REASON TO USE SUCH A TECHNIQUE, YOU WOULD HAVE TO MAKE A JUDGMENT ON THE CIRCUMSTANCES AND THE SITUATION REGARDING THE SPECIFICS OF THE EVENT, AND IF SUCH A DESIRE WAS GENERATED ON THE PART OF -- IN THE INTERESTS OF PROTECTING THE NATION, GENERAL HAYDEN WOULD HAVE TO FIRST OF ALL HAVE A DISCUSSION WITH ME AND WE WOULD HAVE A DIALOGUE ABOUT WHETHER WE SHOULD GO FORWARD AND SEEK LEGAL OPINION. ONCE WE AGREED TO THAT, ASSUMING WE DID, WE WOULD GO TO THE ATTORNEY GENERAL WHO'D MAKING A RULING ON THE SPECIFICS OF THE SITUATION. AT THAT POINT IT WOULD BE TAKEN TO THE PRESIDENT FOR A DECISION. IF A DECISION WAS TAKEN, THEN THE APPROPRIATE COMMITTEES OF THE CONGRESS WOULD BE SO NOTIFIED.

SO IN MANAGING THE PROCESS THERE IS A UNIVERSE OF LAWFUL TECHNIQUES. THEY SHOULD BE CONSIDERED IN DEFENSE OF THE NATION AND APPROPRIATELY ADMINISTERED, GIVEN THAT WE WOULD HAVE TO USE SUCH A TECHNIQUE.

GEN. HAYDEN: CAN I ADD TO THAT, MR. VICE CHAIRMAN?

SEN. BOND: PLEASE.

GEN. HAYDEN: JUST TO PUT THIS INTO SCALE -- AND I KNOW THIS IS -- LOOK, THIS IS A VERY DIFFICULT ISSUE NOT JUST FOR THE COMMITTEE, BUT FOR THE SENATE, FOR THE GOVERNMENT, FOR MY AGENCY AND FOR THE PEOPLE IN MY AGENCY AND FOR THE NATION AT LARGE. BUT LET ME JUST TRY TO FRAME THE DISCUSSION BY POINTING OUT A FEW FACTS.

I MENTIONED JUST A MINUTE OR TWO AGO THAT IN THE LIFE OF THE CIA DETENTION PROGRAM WE'VE DETAINED FEWER THAN A HUNDRED PEOPLE. OF THE PEOPLE DETAINED, FEWER THAN A THIRD HAVE HAD ANY OF WHAT WE CALL THE ENHANCED INTERROGATION TECHNIQUES USED AGAINST THEM. LET ME MAKE IT VERY CLEAR AND TO STATE SO OFFICIALLY IN FRONT OF THIS COMMITTEE THAT WATERBOARDING HAS BEEN USED ON ONLY THREE DETAINEES. IT WAS USED ON KHALID SHEIKH MOHAMMED, IT WAS USED ON ABU ZUBAYDAH, AND IT WAS USED ON NASHIRI. THE CIA HAS NOT USED WATERBOARDING FOR ALMOST FIVE YEARS. WE USED IT AGAINST THESE THREE HIGH-VALUE DETAINEES BECAUSE OF THE CIRCUMSTANCES OF THE TIME.

VERY CRITICAL TO THOSE CIRCUMSTANCES WAS THE BELIEF THAT ADDITIONAL CATASTROPHIC ATTACKS AGAINST THE HOMELAND WERE IMMINENT. IN ADDITION TO THAT, MY AGENCY AND OUR COMMUNITY WIT LARGE HAD LIMITED KNOWLEDGE ABOUT AL QAEDA AND ITS WORKINGS.

THOSE TWO REALITIES HAVE CHANGED. NONE OF US UP HERE ARE GOING TO MAKE THE CLAIM -- AND I'M SURE WE'LL GET THIS QUESTION BEFORE WE'RE DONE THIS MORNING -- "IS AMERICA SAFE?"

AND WE WILL ANSWER, "IT IS SAFER, BUT IT IS NOT YET SAFE." SO THIS WILL NEVER GET TO ZERO. BUT THE CIRCUMSTANCES UNDER WHICH WE'RE OPERATING, WE

BELIEVE, ARE, FRANKLY, DIFFERENT THAN  
THEY WERE IN LATE 2001 AND EARLY 2002.

WE ALSO HAVE MUCH MORE EXTENSIVE KNOWLEDGE OF AL QAEDA. AND I'VE TOLD  
THIS TO THE COMMITTEE IN OTHER SESSIONS. OUR MOST POWERFUL TOOL IN QUESTIONING  
ANY DETAINEE IS OUR KNOWLEDGE, THAT  
WE ARE ABLE TO BRING THAT KNOWLEDGE TO BEAR.

(PORTION DELETED)

SEN. DIANNE FEINSTEIN (D-CA): THANK YOU VERY MUCH, MR. CHAIRMAN.

GENERAL HAYDEN, I WASN'T GOING TO DISCUSS THIS BUT SINCE IT WAS  
RAISED, IT IS TRUE THAT YOU HAVE BRIEFED THE INTELLIGENCE COMMITTEE ON THE  
INTERROGATION TECHNIQUES WHICH ARE CALLED ENHANCED,  
WHICH I CALL COERCIVE. AND THEY HAVE CHANGED AND THEY HAVE BEEN REDUCED IN  
NUMBER.

I'D LIKE TO ASK THIS QUESTION. WHO CARRIES OUT THESE TECHNIQUES? ARE  
THEY GOVERNMENT EMPLOYEES OR CONTRACTORS?

GEN. HAYDEN: AT OUR FACILITIES DURING THIS, WE HAVE A MIX OF BOTH  
GOVERNMENT EMPLOYEES AND CONTRACTORS. EVERYTHING IS DONE UNDER, AS WE'VE  
TALKED BEFORE, MA'AM, UNDER MY AUTHORITY  
AND THE AUTHORITY OF THE AGENCY. BUT THE PEOPLE AT THE LOCATIONS ARE  
FREQUENTLY A MIX OF BOTH. WE CALL THEM BLUEBAGGERS AND GREENBAGGERS.

SEN. FEINSTEIN: AND WHERE DO YOU USE ONLY CONTRACTORS?

GEN. HAYDEN: I'M NOT AWARE OF ANY FACILITY IN WHICH THERE WERE ONLY  
CONTRACTORS.

AND THIS CAME UP, AND I KNOW --

SEN. FEINSTEIN: (OFF MIKE) -- ANYWHERE IN THE WORLD?

GEN. HAYDEN: OH, I MEAN, I'M TALKING ABOUT OUR DETENTION FACILITIES.

AND I WANT TO MAKE SOMETHING VERY CLEAR BECAUSE I DON'T THINK IT WAS  
QUITE CRYSTAL CLEAR IN THE DISCUSSION YOU HAD WITH ATTORNEY GENERAL MUKASEY.  
WE ARE NOT OUTSOURCING THIS. THIS IS NOT  
WHERE WE WOULD TURN TO FIRM X, Y OR Z AND SAY, THIS IS WHAT WE WOULD LIKE YOU  
TO ACCOMPLISH; GO ACHIEVE THAT FOR US AND COME BACK WHEN YOU'RE DONE. THAT IS  
NOT WHAT THIS IS. THIS IS A GOVERNMENTAL  
ACTIVITY UNDER GOVERNMENTAL DIRECTION AND CONTROL, IN WHICH THE PARTICIPANTS  
MAY BE BOTH GOVERNMENT EMPLOYEES AND CONTRACTORS, BUT IT'S NOT OUTSOURCED.

SEN. FEINSTEIN: I UNDERSTAND THAT.

GEN. HAYDEN: OKAY, GOOD.

SEN. FEINSTEIN: IS NOT THE PERSON THAT CARRIES OUT THE ACTUAL  
INTERROGATION -- NOT THE DOCTOR OR THE PSYCHOLOGIST OR THE SUPERVISOR OR  
ANYBODY ELSE BUT THE PERSON THAT CARRIES OUT THE ACTUAL  
INTERROGATION -- A CONTRACTOR?

GEN. HAYDEN: AGAIN THERE ARE TIMES WHEN THE INDIVIDUALS INVOLVED ARE  
CONTRACTORS, AND THERE ARE TIMES WHEN THE INDIVIDUALS INVOLVED HAVE BEEN  
GOVERNMENT EMPLOYEES. IT'S BEEN A MIX, MA'  
AM.

SEN. FEINSTEIN: WHY WOULD THAT BE?

GEN. HAYDEN: WE -- THE BEST INDIVIDUAL AVAILABLE AT THAT MOMENT FOR  
THE TASK AND, IN MANY INSTANCES, THE INDIVIDUAL BEST SUITED FOR THE TASK MAY BE  
A CONTRACTOR.

SEN. FEINSTEIN: OKAY:

I'D LIKE TO ASK DIRECTOR MUELLER THIS QUESTION. AS AN FBI SPECIAL  
AGENT, GEORGE PIRO, WAS ON "60 MINUTES" RECENTLY TALKING ABOUT HOW HE CONDUCTED

A LENGTHY INTERROGATION WITH SADDAM HUSSEIN, AND WHO HUSSEIN CAME TO DIVULGE MANY, MANY THINGS, I THINK, NOT CLEARLY KNOWN TO THE WORLD BEFORE, SUCH AS THE FACT THAT, YES, HE DID NOT HAVE WEAPONS OF MASS DESTRUCTION. HE LET THE WORLD BELIEVE HE HAD WEAPONS OF MASS DESTRUCTION, AND THE REASON HE DID SO WAS BECAUSE HE FEARED AN ATTACK NOT FROM THE UNITED STATES BUT FROM IRAN.

WHAT TECHNIQUES DID MR. PIRO USE TO GET THIS INFORMATION, DIRECTOR MUELLER?

MR. MUELLER: IT WAS A TECHNIQUE THAT WAS UTILIZED OVER A PERIOD OF TIME, WHICH WAS BUILDING A BOND, A RELATIONSHIP, A STRUCTURED RELATIONSHIP WHERE SADDAM HUSSEIN BELIEVED THAT GEORGE PIRO WAS THE INDIVIDUAL WHO CONTROLLED HIS EVERYDAY MOVEMENTS, HIS ABILITY TO HAVE ACCESS TO PEN AND PAPER, FOR INSTANCE, AND DEVELOPING A RELATIONSHIP OVER A PERIOD OF TIME, WHICH INCLUDED A NUMBER OF DISCUSSIONS IN WHICH A PARTICULAR SUBJECT COULD BE INTRODUCED AND INFORMATION ELICITED. SEN. FEINSTEIN: AND CLEARLY, IT WORKED VERY WELL.

MR. MUELLER: WE BELIEVE SO.

SEN. FEINSTEIN: DOES THE FBI USE THE SAME TECHNIQUES THAT THE CIA HAS AUTHORIZED?

MR. MUELLER: IT HAS BEEN OUR POLICY NOT TO USE COERCIVE TECHNIQUES.

SEN. FEINSTEIN: DO YOU FOLLOW ANY OF THE TECHNIQUES -- OR I SHOULD SAY PROTOCOLS, THE 18 THAT ARE PUT FORWARD IN THE ARMY FIELD MANUAL?

MR. MUELLER: OUR POLICY HAS BEEN FAIRLY CLEAR FROM AS LONG AS, CERTAINLY, I'VE BEEN THERE, AND THAT IS WE DO NOT USE COERCIVE TECHNIQUES OF ANY SORT IN THE COURSE OF OUR INTERROGATIONS, WHICH WE FIND IN THE COURSE OF OUR INTERROGATIONS, GIVEN THAT THEY ARE CONDUCTED GENERALLY WITHIN THE UNITED STATES, OFTEN -- MOST-TIMES U.S. CITIZENS, TO BE SUFFICIENT AND APPROPRIATE TO THE MISSION THAT WE HAVE TO ACCOMPLISH.

SEN. FEINSTEIN: GENERAL, IS IT FAIR TO SAY THAT ALL MEMBERS OF THE AMERICAN ARMED -- OF THE MILITARY USE THE ARMY FIELD MANUAL?

GEN. MAPLES: YES, MA'AM, THAT'S TRUE.

SEN. FEINSTEIN: SO THEN IT'S SAFE TO SAY THAT THE ONLY ORGANIZATION OF THE AMERICAN GOVERNMENT THAT DOES NOT IS THE CIA. IS THAT CORRECT?

GEN. MAPLES: I DIDN'T HEAR DIRECTOR MUELLER SAY THAT THEY ACTUALLY USE THE FIELD MANUAL. BUT WITHIN THE ARMED --

SEN. FEINSTEIN: NO --

GEN. HAYDEN: -- FORCES, WE DO USE THE ARMY FIELD MANUAL AS OUR GUIDE.

SEN. FEINSTEIN: SO, ADMIRAL MCCONNELL, THEN THE ONLY ORGANIZATION OF GOVERNMENT THAT USES COERCIVE INTERROGATION TECHNIQUES REALLY IS THE CIA; IS THAT NOT CORRECT?

MR. MCCONNELL: THE ONLY ONE TO MY KNOWLEDGE, YES, MA'AM. SEN.

FEINSTEIN: AND I WAS READING A NEW YORKER ARTICLE ABOUT YOUR INTERVIEW ON THE SUBJECT OF WATERBOARDING AND COERCIVE INTERROGATION TECHNIQUES, AND I GATHER THAT YOU FELT THAT FOR YOURSELF, IF USED, WATERBOARDING WOULD, IN FACT, CONSTITUTE TORTURE. IS THAT CORRECT?

MR. MCCONNELL: NO, MA'AM, THAT'S NOT CORRECT. THE DISCUSSION WAS ABOUT SOMETHING ENTIRELY DIFFERENT. IT WAS A PERSONAL DISCUSSION ABOUT WHEN I GREW UP AND WHAT I WAS DOING AS A YOUNGSTER AND THE DISCUSSION WAS FRAMED AROUND BEING A WATER SAFETY INSTRUCTOR. SOME PEOPLE, AND I'M ONE OF THEM, HAVE DIFFICULTY PUTTING MY HEAD UNDER WATER. IF

YOUR HEAD GOES UNDER WATER, I INGEST WATER  
IN MY NOSE.

SO WHAT I WAS HAVING THE DISCUSSION WITH THE JOURNALIST IS ABOUT BEING  
A WATER SAFETY INSTRUCTOR AND TEACHING PEOPLE TO SWIM. HE SAID, "WELL, WHAT  
ABOUT WHEN WATER GOES UP YOUR NOSE?"

AND I SAID, "THAT WOULD BE TORTURE." I SAID IT WOULD BE VERY PAINFUL FOR ME.

THEN IT TURNED INTO A DISCUSSION OF WATERBOARDING. MA'AM, I MADE NO  
STATEMENT OR JUDGMENT REGARDING THE LEGALITY OF WATERBOARDING. WE'VE DISCUSSED  
IT OPENLY HERE, WHAT IT IS. WATERBOARDING,  
TAKEN TO ITS EXTREME, COULD BE DEATH. YOU COULD DROWN SOMEONE.

SEN. FEINSTEIN: THEN THE QUOTE THAT I'M READING DIRECTLY FROM THE  
ARTICLE, "WHETHER IT'S TORTURE BY ANYONE ELSE'S DEFINITION, FOR ME IT WOULD BE  
TORTURE," IS NOT CORRECT.

MR. MCCONNELL: I SAID IN -- WHAT I WAS TALKING ABOUT WAS WATER GOING  
INTO MY NOSE GIVEN THE CONTEXT OF SWIMMING AND TEACHING PEOPLE TO SWIM. SO  
IT'S OUT OF CONTEXT.

NOW, WHEN THE JOURNALIST WAS CHECKING FACTS, HE CALLED ME BACK AND  
SAID, "HERE'S WHAT I'M GOING TO SAY." AND I SAID, "THAT'S NOT THE SUBJECT OF  
OUR DISCUSSION, AND  
I ASK YOU NOT TO PUT THAT IN THE ARTICLE." WE ARGUED FOR 90 MINUTES. I SAID,  
"THAT WILL BE TAKEN OUT OF CONTEXT. IT IS NOT WHAT OUR DISCUSSION WAS ALL  
ABOUT." AND HE SAID, "WELL,  
YOU SAID IT. I'VE GOT -- IT'S IN MY ARTICLE, IT'S OUT OF MY CONTROL."

SO HERE WE ARE. I SAID TO HIM, "I WILL BE SITTING IN FRONT OF A  
COMMITTEE HAVING THIS DISCUSSION, ARGUING ABOUT WHAT I SAID THAT WAS TOTALLY  
OUT OF CONTEXT."

THE QUESTION IS, IS WATERBOARDING A LEGAL TECHNIQUE? AND EVERYTHING I  
KNOW, BASED ON THE APPROPRIATE AUTHORITY TO MAKE THAT JUDGMENT, IT IS A LEGAL  
TECHNIQUE USED IN A SPECIFIC SET OF CIRCUMSTANCES.  
YOU HAVE TO KNOW THE CIRCUMSTANCES TO BE ABLE TO MAKE THE JUDGMENT.

SEN. FEINSTEIN: ONE LAST QUESTION.

MR. MCCONNELL: YES, MA'AM.

SEN. FEINSTEIN: WOULD YOU SUPPORT HAVING THE DEPARTMENT OF JUSTICE  
OPINIONS ON THIS SUBJECT, WHICH WE HAVE ASKED FOR NUMEROUS TIMES, BEING MADE  
AVAILABLE TO THE COMMITTEE?

MR. MCCONNELL: THE COMMITTEE HAS AN OVERSIGHT ROLE THAT SHOULD  
ENTITLE IT TO HAVE ACCESS TO THE APPROPRIATE INFORMATION. AND I'VE SAID THAT  
TO YOU AND THE CHAIRMAN AND THE VICE CHAIRMAN  
ON ANY NUMBER OF OCCASIONS. SO YOU KNOW MY POSITION.

SEN. FEINSTEIN: THANK YOU.

THANK YOU VERY MUCH, MR. CHAIRMAN.

SEN. ROCKEFELLER: SENATOR WHITEHOUSE.

SEN. SHELDON WHITEHOUSE (D-RI): THANK YOU. THANK YOU, MR. CHAIRMAN.

JUST TO FOLLOW UP A LITTLE BIT ON SENATOR FEINSTEIN'S QUESTIONS,  
GENERAL HAYDEN, IS IT -- I JUST WANT TO GIVE YOU A CHANCE TO REVIEW YOUR  
TESTIMONY HERE THAT THOSE WHO CONDUCT THE INTERROGATIONS  
ARE NOT 100 PERCENT CONTRACT EMPLOYEES AND ARE ACTUALLY A MIX OF CONTRACT AND  
CIA EMPLOYEES.

SEN. HAYDEN: IN THE HISTORY -- SORRY. SENATOR, -- IF YOU'RE LOOKING FOR  
A SPECIFIC EXAMPLE OR SPECIFIC PLACE, I'D HAVE TO CHECK THE FACTS, BUT IN THE  
HISTORY OF THE PROGRAM THE INTERROGATORS



THAT I'M AWARE OF HAVE BEEN A MIX OF CONTRACT AND GOVERNMENT.

SEN. WHITEHOUSE: DOES THAT APPLY -- HOW ABOUT IF YOU NARROW THE PROGRAM TO WATERBOARDING?

GEN. HAYDEN: I -- THE REAL ANSWER IS, I DON'T KNOW. I'D HAVE TO CHECK, SENATOR. SEN. WHITEHOUSE: OKAY. I THINK THAT HELPS CLARIFY.

GENERAL MAPLES, HASN'T THE ARMY -- DOESN'T THE ARMY OFTEN, OR MILITARY IN GENERAL, FACE LIFE-OR-DEATH DECISIONS DEPENDING ON WHAT INFORMATION IT CAN EXTRACT FROM PRISONERS?

GEN. MAPLES: YES, SIR, I'D SAY THAT'S TRUE. YES.

SEN. WHITEHOUSE: IT COULD BE WHETHER BATTLESHIPS WITH CREWS OF THOUSANDS GET TORPEDOED. IT COULD BE LOCATIONS OF V-2 MISSILE SITES THAT LAND ON LONDON. IT COULD BE ALL SORTS OF THINGS. CORRECT?

GEN. MAPLES: ALL SORTS OF INFORMATION THAT COULD BE DERIVED FROM AN INTERROGATION, YES, SIR.

SEN. WHITEHOUSE: AND COULD SAVE THOUSANDS, TENS OF THOUSANDS, LARGE NUMBERS OF LIVES.

GEN. MAPLES: IT COULD, YES, SIR.

SEN. WHITEHOUSE: AND NOTWITHSTANDING THOSE STAKES, THE ARMY HAS ADHERED IN ITS INTERROGATION TECHNIQUES ALWAYS TO THE ARMY FIELD MANUAL.

GEN. MAPLES: CERTAINLY, SINCE THE ARMY FIELD -- RECENT ARMY FIELD MANUAL WAS PUBLISHED AND IT BECAME LAW, THAT WE WOULD ADHERE TO THAT. THAT IS WHAT THE ARMED FORCES OF THE UNITED STATES TRAIN TO, AND THAT'S WHAT WE PRACTICE.

SEN. WHITEHOUSE: THANK YOU.

(PORTION DELETED)

SEN. HATCH: THANK YOU.

MR. CHAIRMAN, MAY I ASK JUST ONE OTHER QUESTION? (NO AUDIBLE RESPONSE.) THANK YOU, SIR. I WISH TO COMMEND BOTH YOU, ADMIRAL MCCONNELL -- WELL, ALL FIVE OF YOU, BUT IN PARTICULAR, LISTENING TO YOU, YOU, ADMIRAL MCCONNELL AND GENERAL HAYDEN, FOR YOUR CANDOR. AND YOUR PRECISION OF YOUR REMARKS ON THE QUESTIONS OF ENHANCED INTERROGATION TECHNIQUES.

AND I WANT TO THANK YOU, GENERAL MAPLES, FOR REITERATING THE PENTAGON'S ADHERENCE TO THE ARMY FIELD MANUAL. THESE COUPLE OF QUESTIONS I'M GOING TO DIRECT TO YOU, GENERAL MAPLES. IN FOLLOWING UP ON SENATOR WHITEHOUSE'S QUESTION EARLIER, LET ME ASK YOU THESE TWO QUESTIONS.

CAN THE ARMY FIELD MANUAL BE REWRITTEN?

GEN. MAPLES: CERTAINLY IT COULD, YES, SIR.

SEN. HATCH: HOW?

GEN. MAPLES: WELL, ONE OF THE AREAS THAT WE'VE LOOKED AT AND WE HAVE TALKED ABOUT IS WHAT TYPE OF BEHAVIORAL TECHNIQUES ARE MOST BENEFICIAL TO EDUCE INFORMATION FROM OTHERS? AND --

SEN. HATCH: THAT COULD BE CHANGED AT ANY TIME.

GEN. MAPLES: YES, SIR --

SEN. HATCH: OKAY, THEN LET ME ASK YOU THIS. (PAUSE.) I THINK -- WOULD IT BE FAIR TO SAY THAT THE ARMY FIELD MANUAL WAS WRITTEN FOR 18- TO 20-YEAR-OLDS, PRIMARILY, TO HELP THEM TO KNOW HOW TO ACT AND WHAT TO DO?

GEN. MAPLES: I WOULD GO SOMEWHAT BEYOND THAT, BUT GENERALLY IT IS A YOUNGER POPULATION, YES, SIR.

(CROSS TALK.)

SEN. HATCH: (INAUDIBLE) -- 24-YEAR-OLDS OR -- (INAUDIBLE). I DON'T CARE.

GEN. MAPLES: YES, SIR.

SEN. HATCH: BUT WRITTEN FOR YOUNGER PEOPLE WHO MAY NOT BE INVOLVED IN THE INTELLIGENCE GATHERING THAT THE CIA DOES OR THAT OTHERS IN THE INTELLIGENCE COMMUNITY HAVE TO DO FOR US. (IS THAT RIGHT ?)

GEN. MAPLES: CERTAINLY WRITTEN FOR A DIFFERENT GROUP WITH A DIFFERENT PURPOSE, YES, SIR.

SEN. HATCH: THAT'S RIGHT. NOW, ONE LAST QUESTION. IF THE APPLICATION OF AN ENHANCED INTERROGATION TECHNIQUE ON AN AL QAEDA OPERATIVE COULD HAVE GIVEN US INTELLIGENCE TO HAVE PREVENTED

THE ATTACK ON THE U.S.S. COLE, WOULD THAT HAVE BEEN WORTHWHILE? GEN. MAPLES: SIR, IT CERTAINLY WOULD HAVE BEEN TO THE ARMED FORCES AND TO THOSE SAILORS --

SEN. HATCH: WE LOST HOW MANY YOUNG SAILORS AT THAT TIME? THERE WAS ABOUT 17, IF I --

GEN. MAPLES: SEVENTEEN, SIR.

(PORTION DELETED)

SEN. FEINGOLD: ALL RIGHT.

DIRECTOR MCCONNELL, YOU WERE QUOTED IN THE NEW YORKER AS SAYING THAT WHETHER AN INTERROGATION TECHNIQUE IS TORTURE IS, QUOTE, "PRETTY SIMPLE, IT IS EXCRUCIATINGLY PAINFUL TO THE POINT OF FORCING SOMEONE TO SAY SOMETHING BECAUSE OF THE PAIN." WELL, PAIN IS PAIN, RIGHT? IT DOESN'T DEPEND ON THE CIRCUMSTANCES UNDER WHICH IT'S INFLICTED, RIGHT?

MR. MCCONNELL: IS THAT A QUESTION?

SEN. FEINGOLD: YEAH, IT'S A QUESTION. IS PAIN -- I MEAN, -- (INAUDIBLE) --

MR. MCCONNELL: PAIN --

SEN. FEINGOLD: -- PAIN IS PAIN. IT DOESN'T REALLY DEPEND ON THE CIRCUMSTANCES UNDER WHICH IT'S INFLICTED.

MR. MCCONNELL: MY REMARKS THAT YOU'RE REFERRING TO, I WAS TALKING ABOUT EXCRUCIATING PAIN. SEN. FEINGOLD: GENERAL HAYDEN, DO YOU -- DO YOU AGREE WITH THE DIRECTOR'S DEFINITION? DO YOU AGREE THAT TORTURE IS DEFINED BY THE LEVEL OF PAIN THAT IS INFLICTED, AND NOT BY THE CIRCUMSTANCES?

GEN. HAYDEN: THE STATUTE POINTS OUT, THE REQUIREMENT FOR SOMETHING TO BE DEFINED AS TORTURE -- AND I'VE FORGOTTEN THE ADJECTIVES, SENATOR, BUT THERE ARE A SERIES OF ADJECTIVES IN FRONT OF THE WORD PAIN. THAT'S CORRECT.

SEN. FEINGOLD: AND DOES THIS HAVE TO DO WITH THE LEVEL OF PAIN, OR THE CIRCUMSTANCES?

GEN. HAYDEN: I THINK IT HAS TO DO WITH BOTH THE LEVEL AND DURATION, AND THE LASTING EFFECTS OF THE PAIN, TO THE BEST OF MY MEMORY OF THE STATUTE. (PORTION DELETED)

SENATOR BOND.

SEN. BOND: THANK YOU, MR. CHAIRMAN.

DIRECTOR MCCONNELL, I -- THERE'S A LITTLE BIT OF LACK OF CLARITY IN SOME OF THE DISCUSSIONS EARLIER ON -- I THINK GENERAL HAYDEN SAID THAT THERE ARE A GROUP OF LAWFUL TECHNIQUES WHICH CAN BE USED IN INTERROGATION. SOME OF THEM ARE IN THE ARMY FIELD MANUAL, AND

SOME OF THEM ARE THE TECHNIQUES THAT WOULD BE USED BY THE CIA.

IN RESPONSE TO A QUESTION, YOU SAID THAT WE DO NOT USE COERCIVE -- WE DO USE COERCIVE TECHNIQUES. BUT MY UNDERSTANDING IS YOU ONLY USE TECHNIQUES IF THEY ARE COERCIVE TO LEAD A DETAINEE TO GIVE INFORMATION. AND I WOULD IMAGINE IF THE ARMY FIELD MANUAL TECHNIQUES DID NOT HAVE SOME COERCION, THEY WOULDN'T BE USED.

CAN YOU CLARIFY FOR ME -- YOU ARE NOT IMPLYING, ARE YOU, THAT WHAT THE TECHNIQUES THE CIA USES ARE COERCIVE, WHEREAS THE ARMY FIELD MANUAL TECHNIQUES ARE NOT COERCIVE?

MR. MCCONNELL: NO, SIR. THAT WASN'T THE -- WHAT I IMPLIED. I DID NOT USE THE WORD "COERCIVE," OR AT LEAST I DON'T RECALL USING IT. I WAS DESCRIBING IT AS "ENHANCED."

NOW, YOU MAY SAY I'M SPLITTING HAIRS HERE.

SEN. BOND: I WROTE IT DOWN THAT YOU SAID "COERCIVE."

AND I JUST WANTED TO MAKE SURE THAT WE WERE CLEAR THAT -- IS IT YOUR VIEW THAT THE TECHNIQUES USED BY THE CIA UNDER ITS PROGRAM, ARE DIFFERENT FROM, BUT NO MORE PAINFUL OR VIOLATIVE OF, THE STANDARDS WHICH ARE APPLIED TO THE ARMY FIELD MANUAL; THAT THEY WOULD COMPLY, SHOULD THE ARMY FIELD MANUAL TOMORROW PICK UP YOUR, THE CIA TECHNIQUES -- OF COURSE THEY'D BE PUBLISHED, AND THEY WOULDN'T BE EFFECTIVE ON HIGH-VALUE DETAINEES, BUT THEY COULD BE PICKED UP BY ARMY FIELD MANUAL -- IS THAT CORRECT?

MR. MCCONNELL: YES, SIR. I WOULD SAY "ENHANCED" --

(CROSS TALK)

MR. MCCONNELL: -- THE TECHNIQUES ARE ENHANCED. THEY ARE EFFECTIVE; THEY ARE NOT COERCIVE, AND THEY'RE LAWFUL. AND NOW THE EXPERT ON THIS SUBJECT, OF COURSE, IS GENERAL HAYDEN. SO LET HIM -- LET ME OFFER HIM A CHANCE TO FOLLOW UP MY REMARKS.

SEN. BOND: ALWAYS BE PROUD TO HEAR FROM GENERAL HAYDEN.

GEN. HAYDEN: THANK YOU, SENATOR.

JUST TO REINFORCE, IN SOME -- IF YOU DON'T MIND, MAYBE DRAW TOGETHER A COUPLE OF POINTS THAT WERE KIND OF SCATTERED ABOUT IN SOME EARLIER CONVERSATIONS. WE HAVE A BODY OF TECHNIQUES THAT WE BELIEVE TO BE LAWFUL, THE ATTORNEY GENERAL HAS SAID ARE LAWFUL, AND THAT WE'VE BRIEFED TO THE COMMITTEE AND STAFF.

THEY ARE BEYOND THOSE AUTHORIZED BY THE ARMY FIELD MANUAL THAT, I THINK, SENATOR HATCH POINTED OUT. THE ARMY FIELD MANUAL CAN BE A TRANSITORY DOCUMENT. IT CAN CHANGE. THE CURRENT ARMY FIELD MANUAL, FOR EXAMPLE, I THINK MOST PEOPLE WOULD JUDGE TO BE LESS ROBUST THAN THE ARMY FIELD MANUAL THAT IT REPLACED. AND SO, YOU KNOW, THERE ARE CHANGES THAT CAN TAKE PLACE THERE. I'VE SAID THAT THE TECHNIQUES -- THAT I HAVE BRIEFED THE COMMITTEE, INSIDE THE CIA PROGRAM ARE APPROPRIATE, LAWFUL CERTAINLY, OTHERWISE WE WOULDN'T HAVE THE CONVERSATION, BUT APPROPRIATE AND ADEQUATE TO THE NEEDS OF THE CIA PROGRAM -- AS ARE, I BELIEVE, THE ARMY FIELD MANUAL, TO WHAT DOD HAS TO DO, AND THE PROCESSES CONTAINED IN THE VARIOUS REGULATIONS OF THE FBI FOR WHAT THEY HAVE TO DO.

BUT OURS IS DIFFERENT, ALL RIGHT. IT WAS BROUGHT UP EARLIER, THE INTERROGATION OF SADDAM HUSSEIN -- WHICH REVEALED SOME VERY INTERESTING AND VERY VALUABLE INFORMATION, BUT I'D ONLY POINT OUT THAT WAS DONE OVER A PERIOD OF MONTHS.

SEN. BOND: AND BEFORE HE WAS ABOUT TO BE HANGED.

GEN. HAYDEN: YES, SIR, IN AN ENVIRONMENT --

SEN. BOND: TALK ABOUT AN ENHANCED INTERROGATION TECHNIQUE.

(LAUGHTER.) THAT OUGHT TO -- I THINK JOHNSON SAID THERE'S NOTHING THAT CLARIFIES THE MIND LIKE THE PROSPECT OF A HANGING IN A FORTNIGHT --

GEN. HAYDEN: AND IT WAS DONE --

SEN. BOND: -- FROM OLD ENGLISH LIT.

GEN. HAYDEN: YES, SIR. IT WAS DONE AS A RETROSPECTIVE. IT WAS DONE AS FORENSICS ON EVENTS PAST; AGAIN, VERY VALUABLE, BUT DIFFERENT THAN WHAT WE NEED.

LET ME SAY SOMETHING VERY CLEARLY, SENATOR. I REALLY NEED TO PUT THIS ON THE RECORD. WE WILL DO -- WE WILL PLAY TO THE EDGES OF THE BOX THAT THE AMERICAN POLITICAL PROCESS GIVES US. IN THE CREATION OF THAT BOX, IF WE'RE ASKED A VIEW, WE'LL GIVE A VIEW. BUT THE LINES DRAWN BY THAT BOX ARE THE PRODUCT OF THE AMERICAN POLITICAL PROCESS. ONCE YOU'VE DRAWN THE BOX, ONCE THAT PROCESS CREATES A BOX, WE HAVE A DUTY TO PLAY TO THE EDGE OF IT. OTHERWISE WE'RE NOT PROTECTING AMERICA, WE MAY BE PROTECTING OURSELVES.

IF THE AMERICAN POLITICAL PROCESS DRAWS THE BOX AND MAKES IT EQUAL TO THE ARMY FIELD MANUAL, WE WILL PLAY INSIDE THE BOX LABELED "ARMY FIELD MANUAL" OR THE MIRANDA PROCESS. ONE SHOULD NOT EXPECT THIS DIRECTOR OR A SUBSEQUENT DIRECTOR -- THAT'S NOT REALLY VERY INTERESTING; LET'S TALK ABOUT THE OFFICERS OF THE CENTRAL INTELLIGENCE AGENCY. ONE SHOULD NOT EXPECT THEM TO PLAY OUTSIDE THE BOX BECAUSE WE'VE ENTERED A NEW PERIOD OF THREAT OR DANGER TO THE NATION. SO THERE'S NO WINK AND NOD HERE.

IF YOU CREATE THE BOX, WE WILL PLAY INSIDE THE BOX WITHOUT EXCEPTION. IF IT IS THE JUDGMENT OF THE AMERICAN POLITICAL PROCESS THAT THE ARMY FIELD MANUAL AND THE PROCESSES OF THE FBI ARE ADEQUATE TO THE DEFENSE OF THE REPUBLIC IN ALL CONDITIONS OF THREAT, IN ALL PERIODS IN THE FUTURE, THAT'S WHAT WE WILL DO.

MY VIEW IS THAT WOULD SUBSTANTIALLY INCREASE THE DANGER TO AMERICA AND THAT MY AGENCY SHOULD BE ALLOWED TO CONTINUE THE USE OF TECHNIQUES WHICH HAVE BEEN JUDGED LAWFUL BY THE ATTORNEY GENERAL AND BRIEFED TO THIS COMMITTEE. SEN. BOND: AND I BELIEVE YOU HAVE SAID THAT THE LESS THAN ONE-THIRD OF THE LESS THAN 100 WHO WERE SUBJECTED TO ENHANCED TECHNIQUES WOULD NOT GIVE INFORMATION USING LESS THAN THE ENHANCED TECHNIQUES THAT YOU USED. AND THUS THE LITERALLY THOUSANDS OF INTELLIGENCE REPORTS THAT YOU GAINED FROM THAT SMALL SUBSET WOULD NOT BE AVAILABLE.

GEN. HAYDEN: THAT'S CORRECT, SENATOR.

SEN. BOND: WELL, MY THANKS TO ALL OF YOU. MY APOLOGIES TO THE CHAIRMAN.

GEN. MAPLES: SIR, COULD I MAKE JUST ONE FOLLOW-ON?

SEN. BOND: OH, PLEASE DO. YES, GENERAL.

GEN. MAPLES: THE ARMY FIELD MANUAL HAS BEEN MENTIONED SEVERAL TIMES. AND THE FACT THAT IT COULD BE REWRITTEN -- TO MY KNOWLEDGE, RIGHT NOW, WITHIN THE DEPARTMENT OF DEFENSE AND WITHIN THE ARMY, THERE'S NO INTENTION TO REWRITE THAT FIELD MANUAL, AND THAT THE MANUAL DOES GIVE US THE KINDS OF TECHNIQUES THAT WE BELIEVE WE NEED TO HAVE IN ORDER TO BE

SUCCESSFUL.

SEN. BOND: WELL, WHEN MR. PIROT (SP) QUESTIONED SADDAM HUSSEIN, HE CLAIMED HE WAS AN ENVOY OF THE PRESIDENT OF THE UNITED STATES. IS THAT WITHIN THE TACTICS IN THE ARMY FIELD MANUAL?

GEN. MAPLES: IT IS, YES, SIR, BECAUSE --

SEN. BOND: YOU CAN SAY YOU'RE AN ENVOY OF --

GEN. MAPLES: AND MR. PIROT (SP) WAS ALSO ALL-KNOWING. HE USED A NUMBER OF THE TECHNIQUES THAT COULD BE CONSIDERED AS A PART OF THE MANUAL.

GEN. HAYDEN: I BELIEVE -- MIKE, CORRECT ME IF I'M WRONG -- THAT'S CALLED FALSE FLAG, AND IT'S A LIMITED TECHNIQUE. AND I BELIEVE THE FIELD MANUAL CONFINES THAT TO UNLAWFUL COMBATANTS

GEN. MAPLES: YES.

GEN. HAYDEN: -- NOT TO THE NORMAL LAWFUL COMBATANTS.

SEN. BOND: MOST INTERESTING. I WILL FOLLOW UP AT OUR SUBSEQUENT OPEN HEARING ON THE POWERS THAT THE INTELLIGENCE REFORM BILL SHOULD HAVE GIVEN TO THE COMMUNITY, AND ALSO ASK YOU ABOUT BUDGETING PROBLEMS. BUT I APPRECIATE THE FORBEARANCE OF THE CHAIRMAN AND YOUR WILLINGNESS TO JOIN US FOR THIS LENGTHY SESSION. AND IF WE DO NOT GET CALLED ON THE FLOOR TO PLAY IN THE FISA SANDBOX THIS AFTERNOON, WE WILL LOOK FORWARD TO FURTHER DISCUSSIONS.

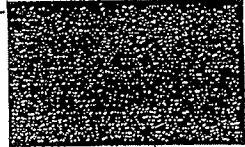
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AT: 12:41

TOP SECRET  
CODEWORDS: [REDACTED]



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(b)(3)  
(b)(6)

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# Memorandum for the Record

KEY: C/2003-00087

EVENT: MEMBER BRIEFING      DATE: 02/05/2003    TIME: 13:30    STATUS: COMPLETED  
 PLACE: H-405    CAPITOL  
 FOR: HPSCI  
 SUBJECT: SENSITIVE NOTIFICATION

**ATTENDEES:**

<u>ASSOCIATION</u>	<u>NAME</u>	<u>ROLE</u>
CIA/OCA	MOSKOWITZ, STANLEY	SUPPORT
DDO	PAVITT, JAMES (JIM)	BRIEFER
DO/CTC	[REDACTED]	BRIEFER
GC	MULLER, SCOTT	BRIEFER
HPSCI	GOSS, PORTER [R-FL]	CHAIRMAN
HPSCI	HARMAN, JANE [D-CA]	REP
HPSCI	[REDACTED]	STAFF
HPSCI/MIN STAFF	[REDACTED]	STAFF
OHMIN	[REDACTED]	STAFF

Executive Summary:  
MFR never completed. Closed in [REDACTED] 10/3/07 by OCA [REDACTED]

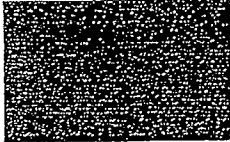
Summary Text:  
(U) Pls see attached notes.

Follow-up Action Items:

Additional Information:

UNCLASSIFIED

~~TOP SECRET~~



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DO/CIC		BRIEFER
GC	MULLER, SCOTT	BRIEFER
HPSCI	GOSS, PORTER [R-FL]	CHAIRMAN
HPSCI	HARMAN, JANB [D-CA]	REP
HPSCI		STAFF
HPSCI/MIN STAFF		STAFF
OHMIN		STAFF

Executive Summary:

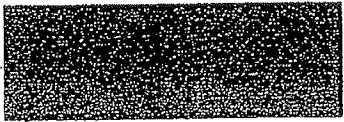
Summary Text:

(U) Pls see attached notes.

Stanley M. Moskowitz  
Director of Operations

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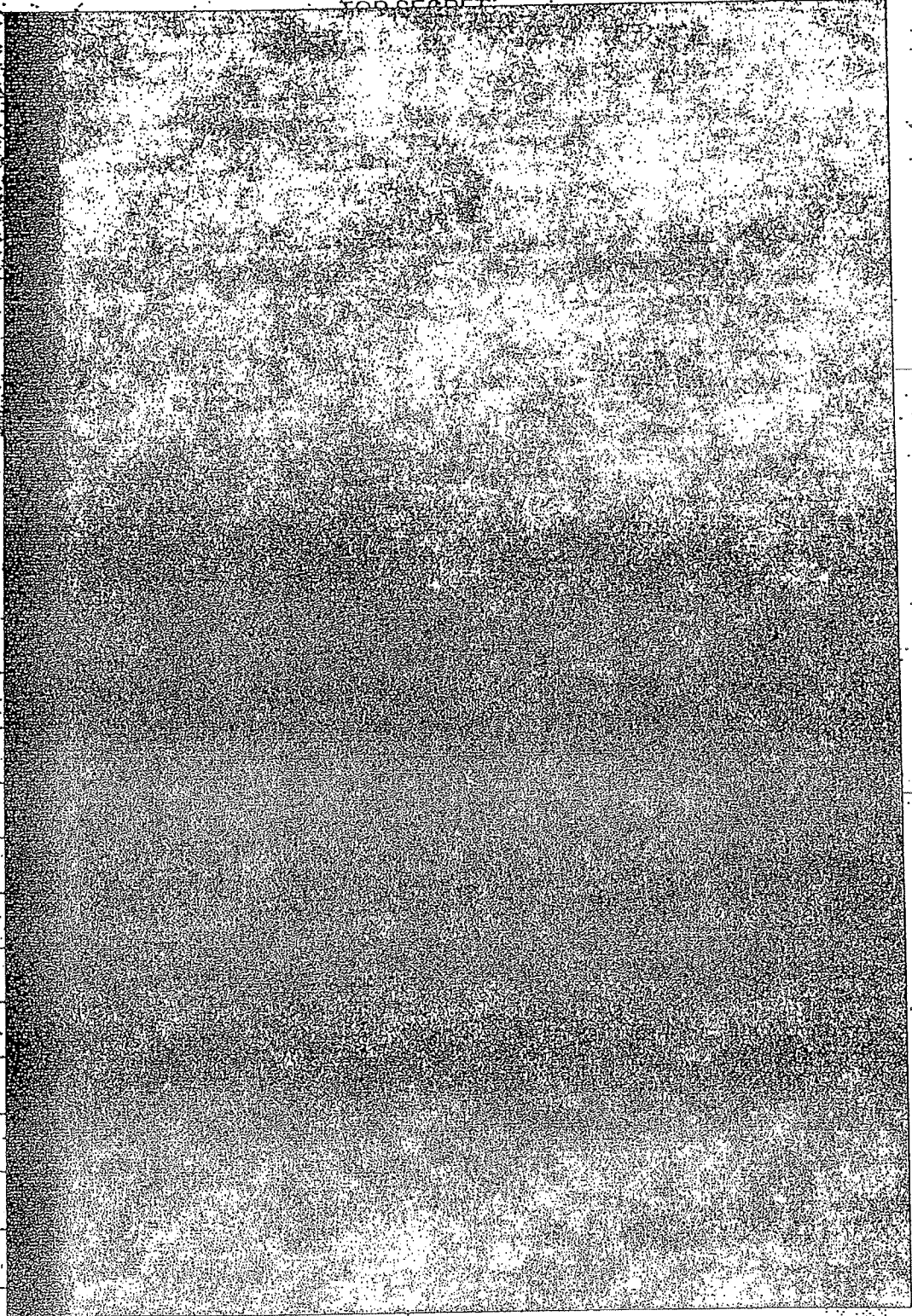


Follow-up Action Items:

Additional Information:

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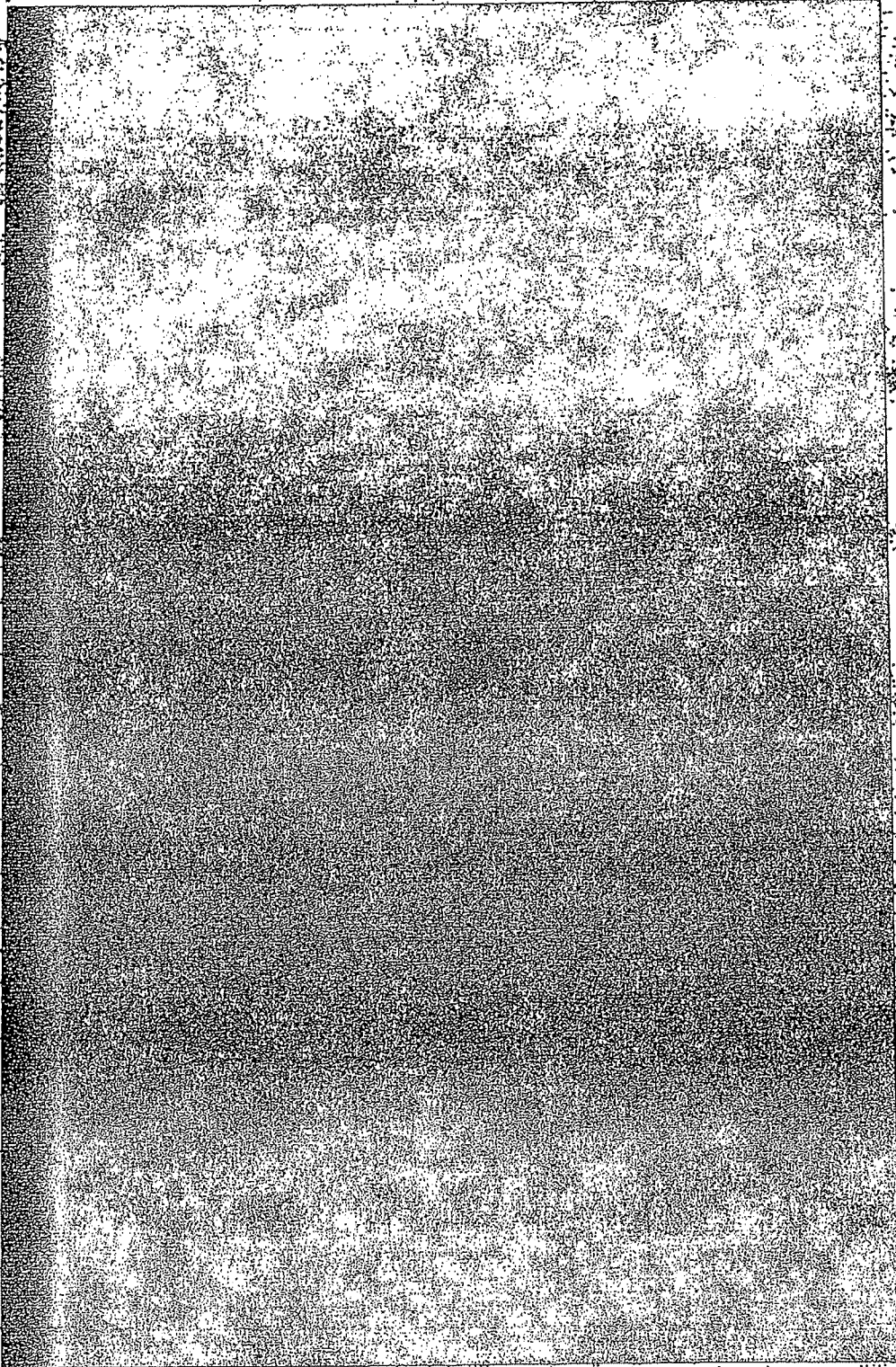


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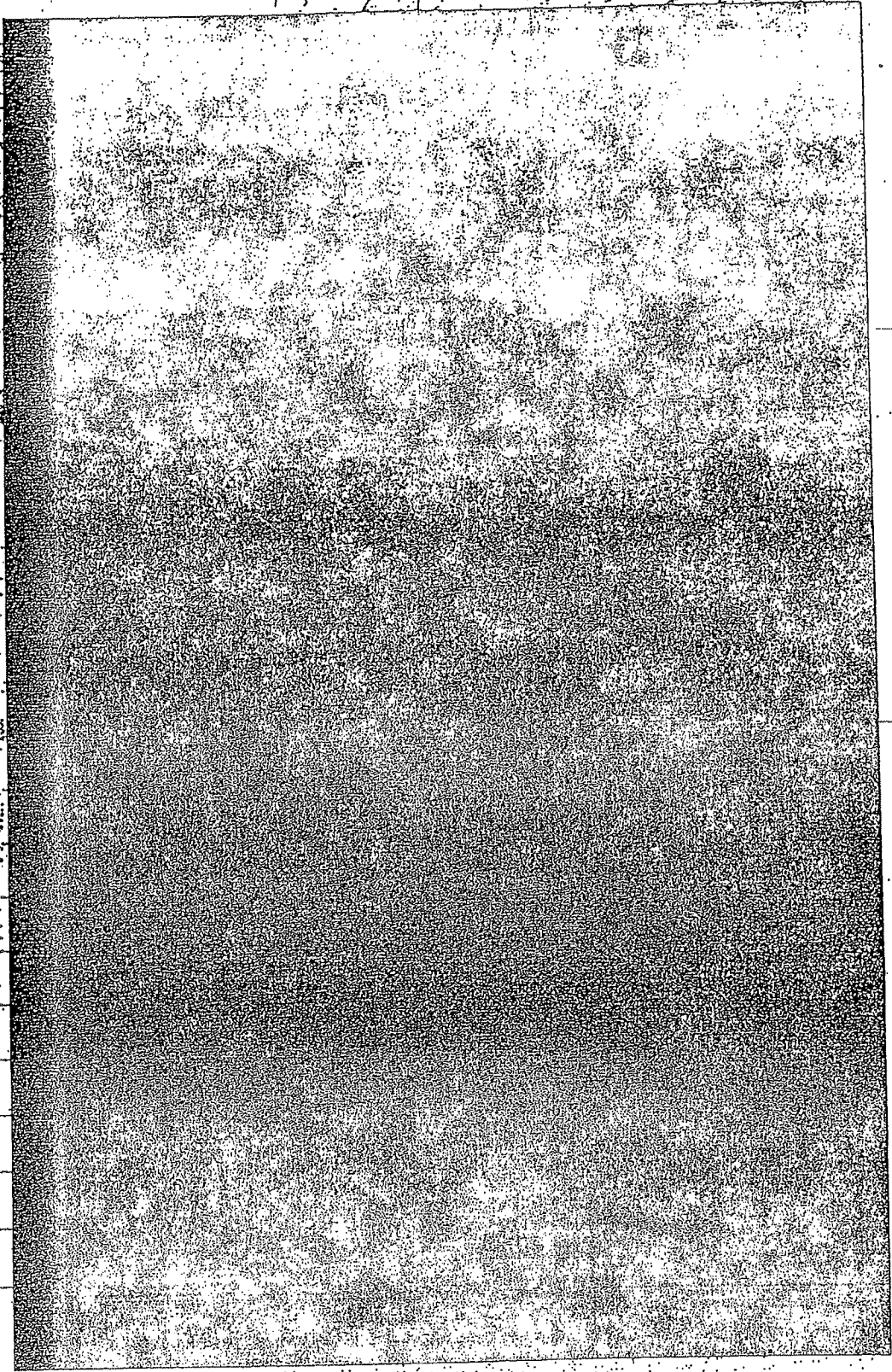




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85/12/88 TOP SECRET

~~TOP SECRET~~

000326

SENSITIVE BRIEFINGS TO OVERSIGHT MEMBERS FROM  
FEBRUARY 2003-JULY 2004

DATE                      SUBJECT

5 Feb 2003                  Sensitive Notification: Detainee Interrogation Activities

Attendees:                  Porter Goss, Chairman, HPSCI  
Jane Harmon, Ranking Member, HPSCI  
Staff: [REDACTED]  
CIA: Stan Moskowitz, Jim Pavitt,  
[REDACTED] and Scott Miller

\*\*References made to EITs [REDACTED]

4 Sep 2003                  HPSCI Member Briefing: CTC Interrogation Programs

Attendees:                  Porter Goss, Chairman, HPSCI  
Jane Harmon, Ranking Member, HPSCI  
HPSCI Staff: [REDACTED]  
CIA: Jim Pavitt, Scott Millert, and Stan Moskowitz

\*\*References to EITs [REDACTED]

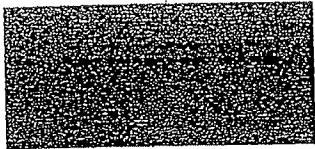
28 Jan 2004                  HPSCI Member Briefing: [REDACTED]  
(14 Jan 2004)

Attendees:                  Porter Goss, Chairman, HPSCI  
Jane Harmon, Ranking Member, HPSCI  
Staff: [REDACTED]  
CIA: Jim Pavitt and Stan Moskowitz

15 Jul 2004                  SSCI Member Briefing: IG Report on Interrogations

Attendees:                  Pat Roberts, Chairman, SSCI  
John Rockefeller, Vice Chairman, SSCI  
SSCI Staff: [REDACTED]  
CIA: John Helgerson, Jim Pavitt, Scott Miller, and Stan Moskowitz

\*\*Possible references made to EITs.



MEMORANDUM FOR THE RECORD

FROM: STANLEY M. MOSKOWITZ  
DIRECTOR OF CONGRESSIONAL AFFAIRS

SUBJECT: GANG OF 4 BRIEFS RE INTERROGATIONS

FOR THE RECORD, THERE WERE FOUR GANG OF 4 BRIEFINGS REGARDING INTERROGATION/DETAINEE ISSUES. THE BRIEFINGS WERE AS FOLLOWS:

DATE	ATTENDEES
FEBRUARY 4, 2003	SSCI CHAIR ROBERTS MAJORITY STAFF [REDACTED] MINORITY STAFF [REDACTED] VICE CHAIR ROCKEFELLER WAS UNABLE TO ATTEND BUT [REDACTED] WAS TO BRIEF HIM
FEBRUARY 4, 2003 (Feb 5 03)	HPSCI CHAIR GOSS HPSCI RANKING DEMOCRAT HARMAN STAFF [REDACTED] DEMOCRATIC [REDACTED]
SEPTEMBER 4, 2003	HPSCI CHAIR GOSS HPSCI RANKING DEMOCRAT HARMAN STAFF [REDACTED] DEMOCRATIC [REDACTED]
SEPTEMBER 4, 2003	SSCI CHAIR ROBERTS VICE CHAIR ROCKEFELLER MAJORITY STAFF [REDACTED] MINORITY STAFF [REDACTED]

A MEMORANDUM FOR THE RECORD (MFR) FOR THE FEBRUARY 4 SESSION WITH SSCI IS ATTACHED. MFRs FOR THE REMAINDER OF THE SESSIONS ARE BEING FINALIZED.

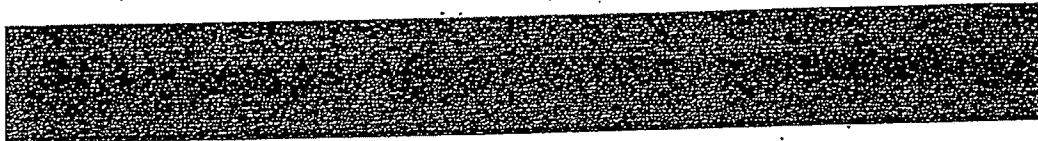
STANLEY M. MOSKOWITZ

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HANDLE VIA [REDACTED] CHANNELS

# Memorandum for the Record

KEY: C/2004-00730

EVENT: MEMBER BRIEFING      DATE: 07/15/2004    TIME: 14:15    STATUS: COMPLETED  
 PLACE: H-405    CAPITOL  
 FOR: HPSCI  
 SUBJECT: INTERROGATIONS

**ATTENDEES:**

<u>ASSOCIATION</u>	<u>NAME</u>	<u>ROLE</u>
CIA/OCA	MOSKOWITZ, STAN	SUPPORT
DDO	PAVITT, JAMES (JIM)	BRIEFER
[REDACTED]	[REDACTED]	SUPPORT
GC	MULLER, SCOTT	BRIEFER
HPSCI	GOSS, PORTER [R-FL]	CHAIRMAN
HPSCI	HARMAN, JANE [D-CA]	REP
HPSCI	[REDACTED]	STAFF
HPSCI/STAFF	[REDACTED]	STAFF
IG	HELGERSON, JOHN	BRIEFER
OGC	[REDACTED]	SUPPORT

**Executive Summary:**

**Summary Text:**

(S) This briefing was at the request of D/OCA. There were three purposes. One was for the IG to present his recent report on interrogations and to answer questions. The second was for an update on the status of the interrogation process. The third purpose was to allow the General Counsel to inform them of the legal and policy issues that had recently arisen and give an appreciation of where all that stood.

(TS) [REDACTED] (NF) D/OCA began the meeting by outlining the three purposes of the meeting. The IG then briefed his report. He said that at first much went right with the debriefing and interrogation program, although the program was put together quickly. (He briefed from the paper attached.) He said that there was considerable substantive success; thousands of reports had been written; interrogations had led to the exposure and defeat of terrorist cells and terrorists. Chairman Goss asked how many of the reports were "strategic" and how many were "tactical". The IG indicated he was not sure. Ms. Harman asked when did we begin using "enhanced techniques." The DDO responded that it began with Abu Zabayda. The IG indicated that the interrogations were legal, including the use of enhanced techniques. The General Counsel said that the effort was working effectively under the DOJ 1 August 2002 memo which was the legal foundation for the debriefings and interrogations. The IG indicated that the 1 August memo did not address Article 16 of the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. Article 16 required signatory States to prevent in any territory subject to their jurisdiction acts of cruel, inhuman and degrading treatment or punishment not amounting to torture. The question was whether CIA's use of the need techniques would transgress U.S. obligations under Article 16. The IG indicated he was also bothered in that DOJ 1 August document did not address interrogations as we carried them out. He said that for the most part

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[redacted] detainees were well handled, except for the event in November 2003 in which a CIA officer  
dished a handgun in front of a detainee. He indicated that was the event previously reported to the Chairman and  
ing Democratic Member. The DOJ, the IG indicated, took no action on that case. It was also true that none of the  
-tainees who had died had been subjected to the enhanced techniques.

[redacted] The IG indicated that all deaths were  
communicated to the two committees—

[redacted] The [redacted] death in Afghanistan was at  
in which David Passaro, a CIA contractor, was involved, Passaro was recently indicted on four counts of assault.  
He allegedly beat a person who subsequently died. It took a period of time for DOJ to move to the indictment because  
people who needed to be interviewed were scattered. The IG said the common link in these cases is that the Agency  
officers lacked timely guidance, training, experience and judgment.

(TS) [redacted] (NF) The IG then turned to the waterboard issue. He said that three people had been  
interrogated with the waterboard. On one, the IG felt it had been used excessively, beyond what the IG thought was the  
agreement with DOJ. Khalid Sheikh Mohammed (KSM) got 183 applications [redacted] The IG  
indicated the guidance in cables sent to the field evolved over time and that the guidance did not get to everybody who  
was involved in debriefing interrogations. In January 2003, the DCI issued guidance, seven months after the first  
debriefings began, and addressed only those detained [redacted] Harman asked if we were  
talking about the [redacted]. She asked why the DCI guidance was late. The IG indicated that guidance had  
gone out earlier, but the real guidance was in January of 2003. The DDO explained that after 9/11 "we were thrown  
into a fury of activity." There was lots of confusion over interrogations, the enhanced program, and what was fully  
rized. At [redacted] for instance, no one was authorized to do interrogations. This was also true at [redacted]  
dicated that every instance of wrongdoing was promptly reported and investigated by the IG. He said there was  
no instance of the IG being kept in the dark.

[redacted]  
reaction to the Attorney General's seeming withdrawal of an earlier opinion that enhanced interrogations did not  
"shock the conscience" and that the techniques, therefore, were constitutional.

(TS) [redacted] (NF) The Chairman asked whether [redacted] had stood down in their  
activities. The IG said no. Rep. Harman noted that the [redacted] did not specify interrogations and  
only authorized capture and detention. She asked whether we had questioned detainees before the [redacted]  
The GC said yes, but no enhanced techniques had been used before Abu Zabayda and there was [redacted]

[redacted] Abu Zabayda and enhanced techniques which started in August 2002. In August 2002  
there was a lengthy unclassified opinion by DOJ generally discussing interrogations. In a separate and classified  
opinion addressed to John Rizzo, OGC, DOJ concluded the ten specific CIA techniques, which included the  
board, were legal for use with Abu Zabayda. [redacted]

[REDACTED]

S) The GC laid out the legal analysis. The Attorney General has consistently advised the NSC Principals that the CIA techniques did not violate US statutes, met all obligations under the treaties, including Article 16 of the Torture Convention, and would not violate U.S. constitution standards were those standards to apply to aliens overseas. But the AG's willingness to stand behind these prior statements changed after DoJ's lengthy unclassified legal memo on interrogations leaked and after the Abu Ghuray scandal. CIA is now seeking to have DoJ reaffirm its prior written opinion that CIA's techniques did not violate the torture statute, and to issue a new written opinion on Article 16 of the Convention Against Torture and U.S. constitutional standards. At the same time, CIA is seeking renewed policy approval from the NSC Principals to continue using the enhanced interrogation techniques.

/s/

Stanley M. Moskowitz  
Director of Congressional Affairs

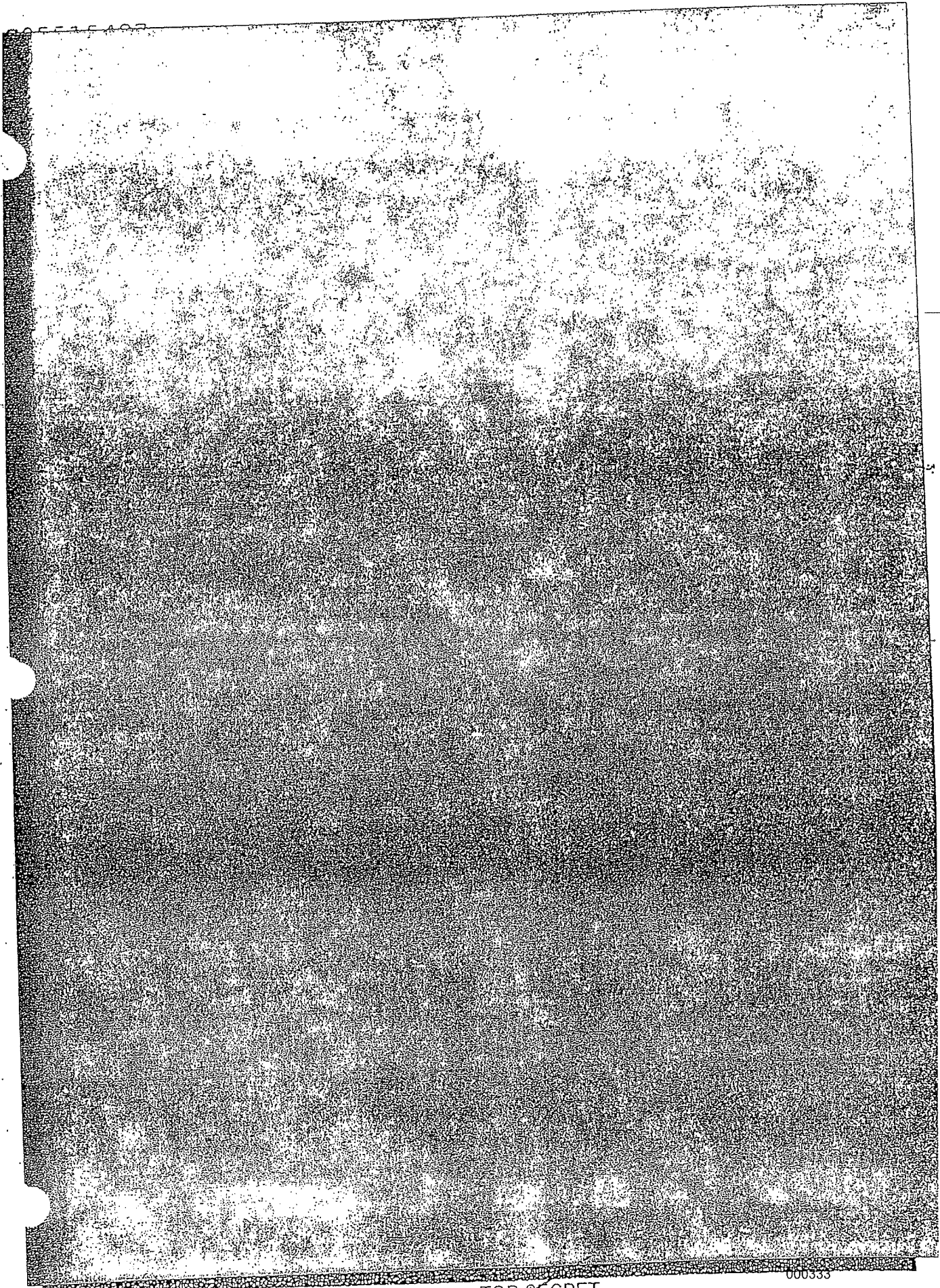
**Distribution:**

- 1 - DAC (Official OCA Record)
- 1 - GC
- 1 - D/OCA

**Follow-up Action Items:**

**Additional Information:**





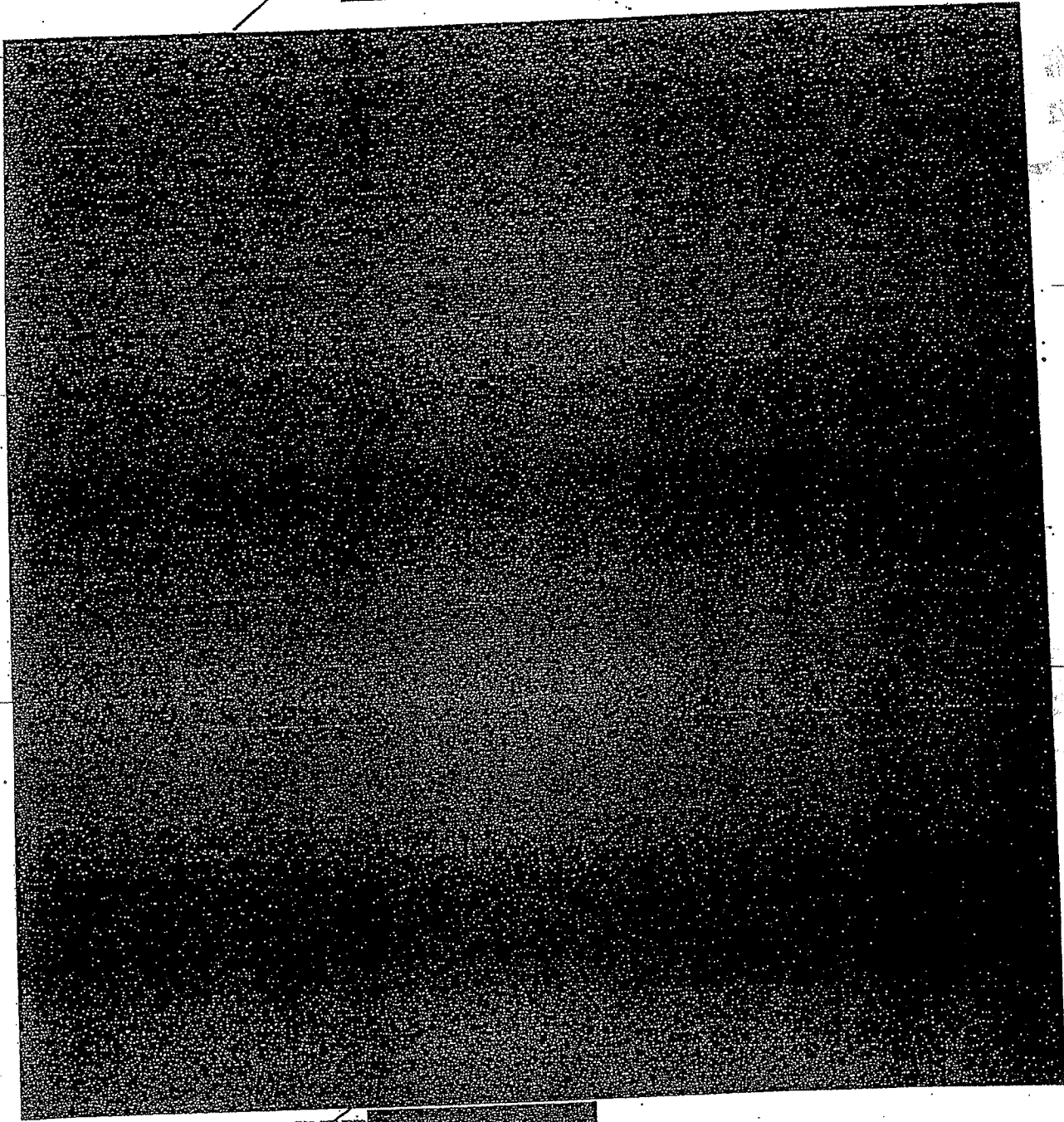
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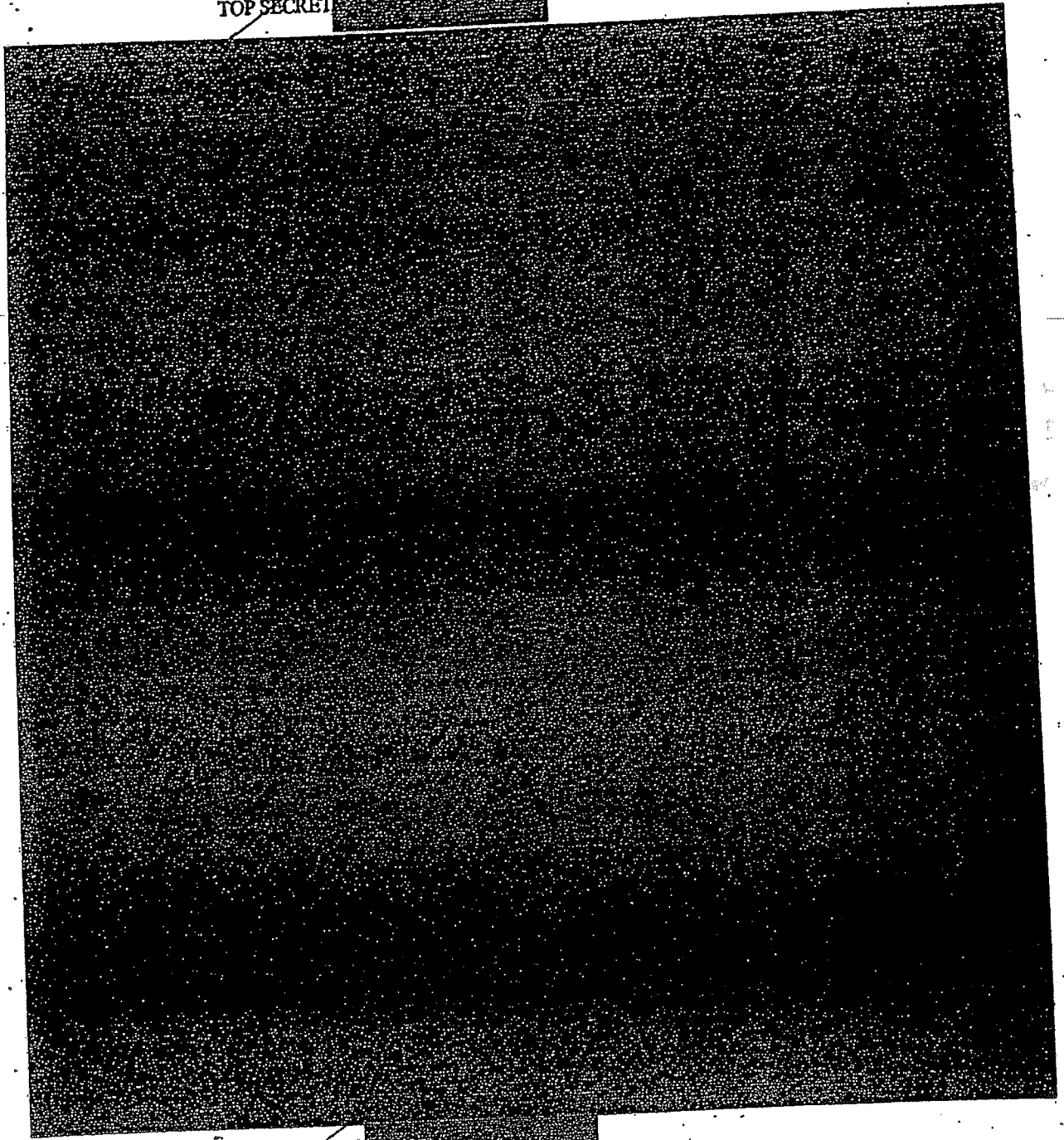
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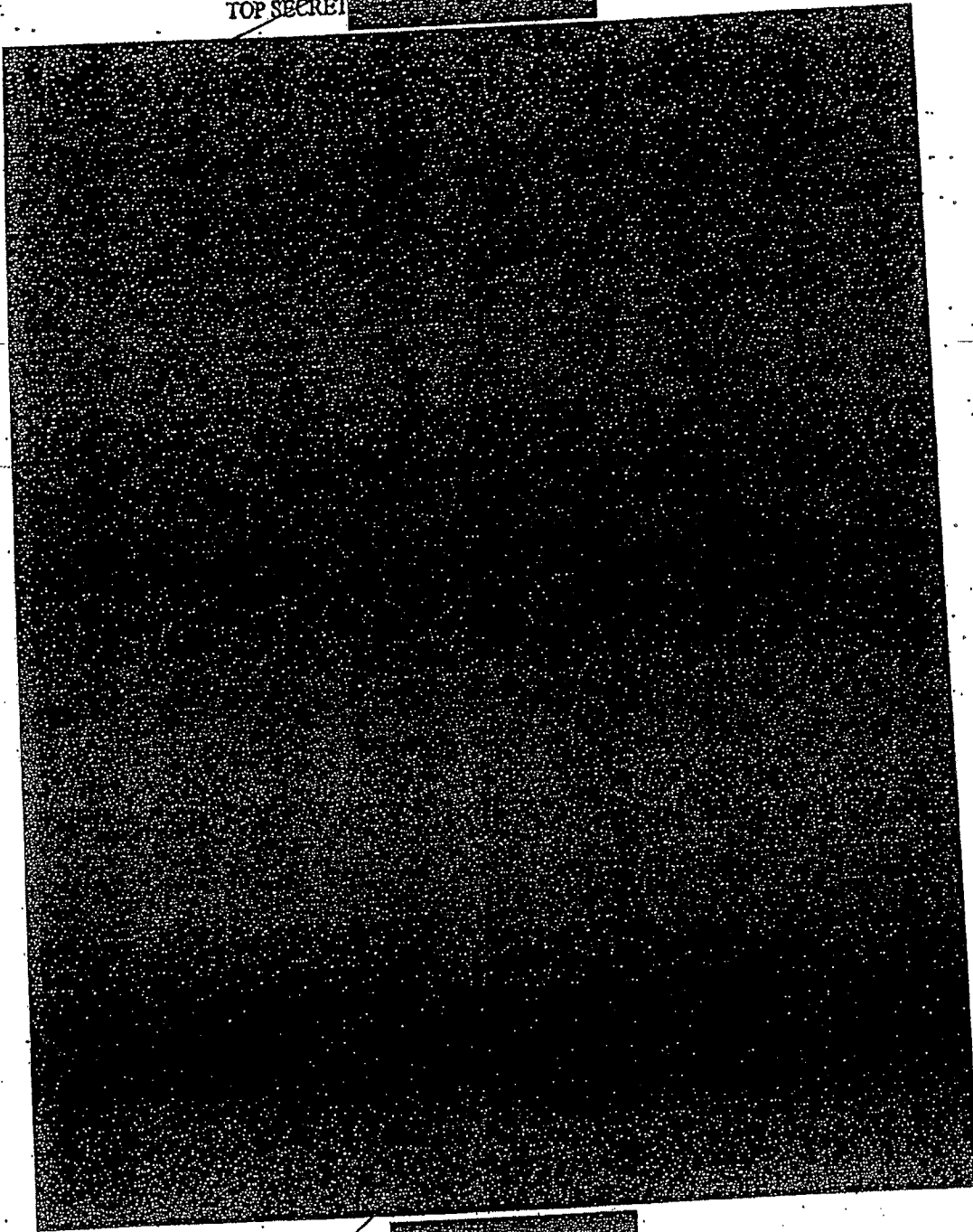
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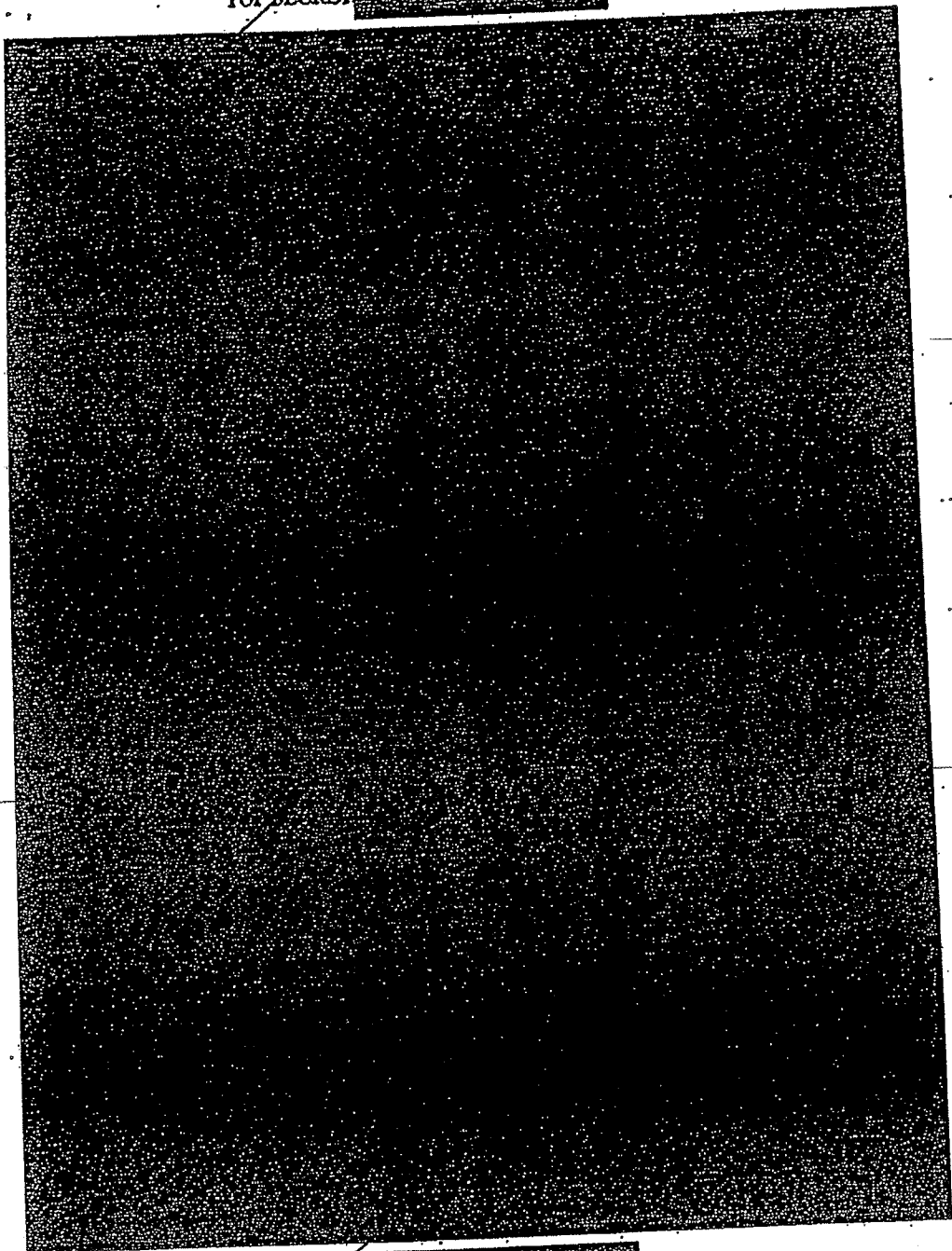
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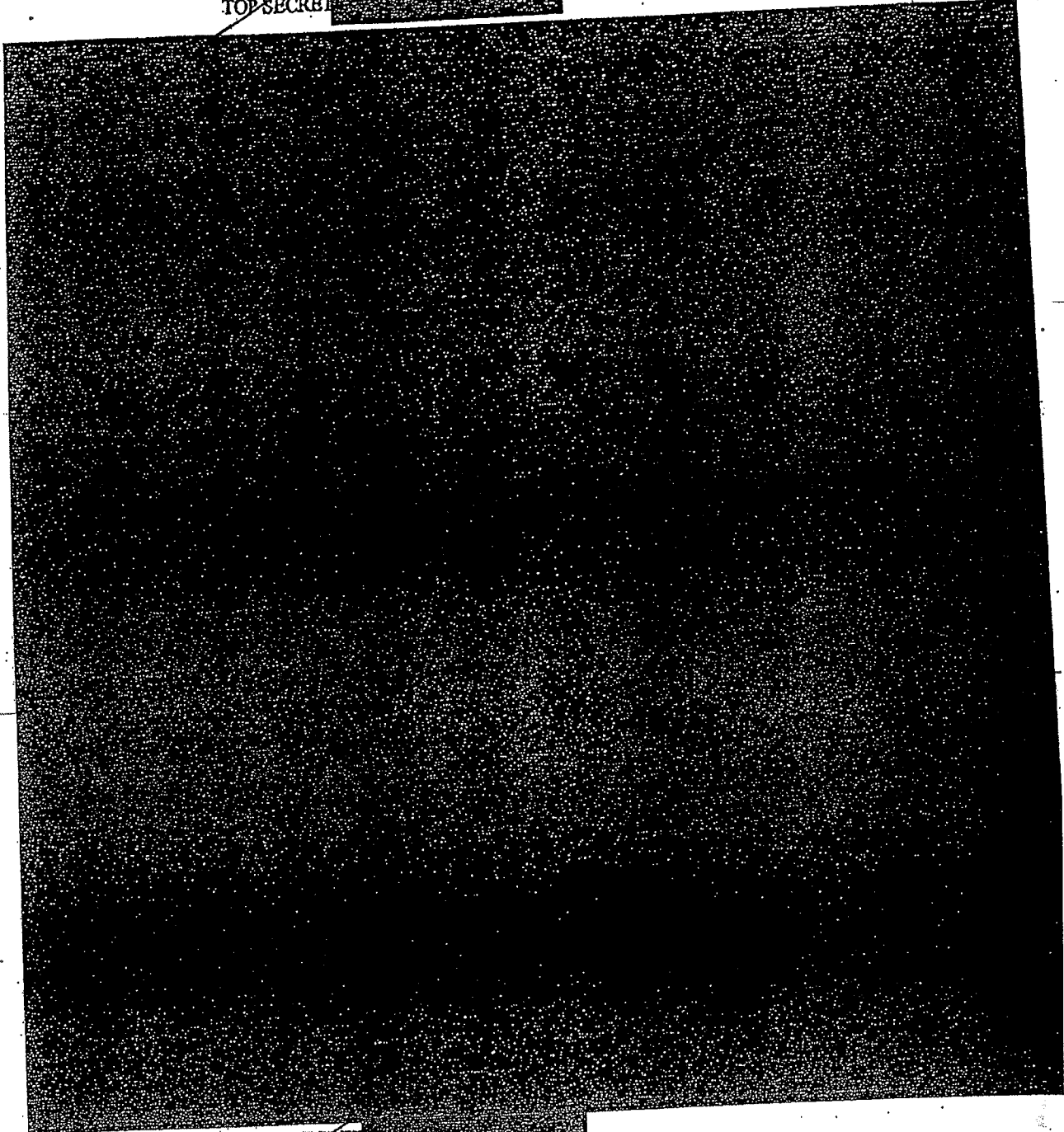
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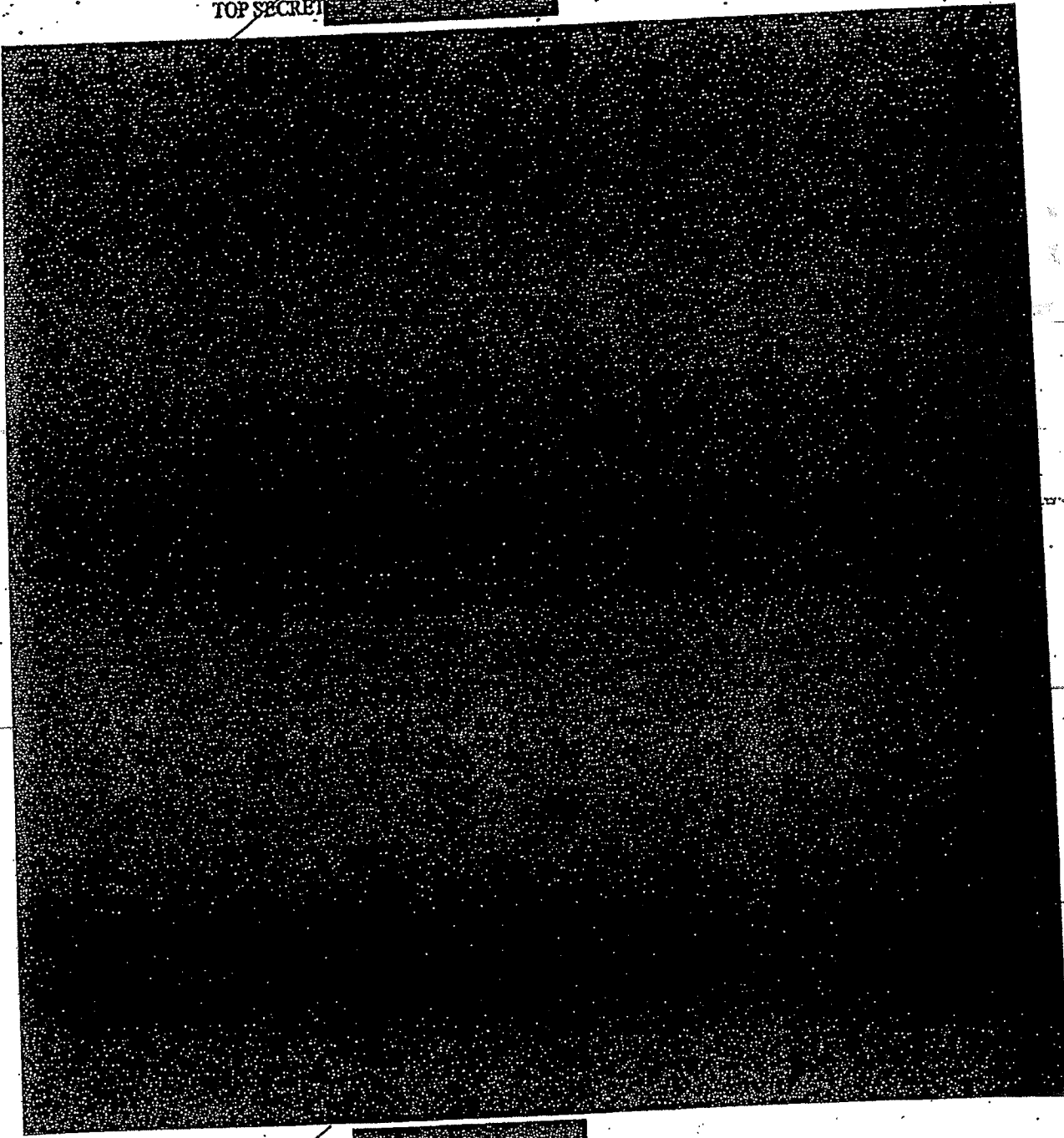
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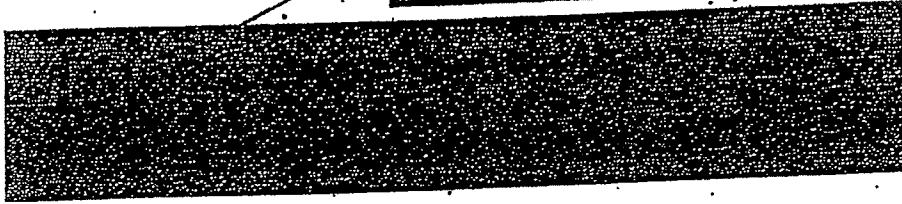
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[REDACTED]

[REDACTED]

11/08/2005 06:48 PM

To: [REDACTED]  
cc: [REDACTED]

Subject: Briefed Members

[REDACTED]

Per your request please find attached List of Members who have been briefed and a couple of other categories. My thanks to [REDACTED] who assisted me with this.

Please advise if you have any questions.

[REDACTED]



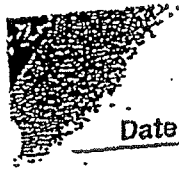
Briefed Members November 2005.xls

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Date	Committee	Position	Member	Subject
September 2002	HPSCI	Chair	Goss	EIT
	HPSCI	Ranking Minority	Harman	EIT
	HPSCI	Staff	[Redacted]	EIT
	HPSCI	Staff	[Redacted]	EIT
-9 September 2002	SSCI	Chair	Graham	EIT
	SSCI	Vice Chair	Selby	EIT
	SSCI	Staff	[Redacted]	EIT
	SSCI	Staff	[Redacted]	EIT
-Winter 2003	HPSCI	Chair	Goss	EIT
	HPSCI	Ranking Minority	Harman	EIT
	SSCI	Chair	Roberts	EIT
	SSCI	Representative for	Rockefeller	EIT
-5 Feb 2003	HPSCI	Chair	Goss	Detainee Interrogation Activities
	HPSCI	Ranking Minority	Harman	Detainee Interrogation Activities
	HPSCI	Staff	[Redacted]	Detainee Interrogation Activities
	HPSCI	Staff	[Redacted]	Detainee Interrogation Activities
Summer 2003	HPSCI	Chair	Goss	EIT
	HPSCI	Ranking Minority	Harman	EIT
	SSCI	Chair	Roberts	EIT
	SSCI	Vice Chair	Rockefeller	EIT
September 2003	HPSCI	Chair	Goss	CTC Interrogation Programs
	HPSCI	Ranking Minority	Harman	CTC Interrogation Programs
	HPSCI	Staff	[Redacted]	CTC Interrogation Programs
	HPSCI	Staff	[Redacted]	CTC Interrogation Programs
May 2004	HPSCI	Chair	Goss	[Redacted]
	HPSCI	Ranking Minority	Harman	[Redacted]
	HPSCI	Staff	[Redacted]	[Redacted]
	HPSCI	Staff	[Redacted]	[Redacted]
July 2004	HPSCI	Chair	Goss	EIT
	HPSCI	Ranking Minority	Harman	EIT
	HPSCI	Staff	[Redacted]	EIT
	HPSCI	Staff	[Redacted]	EIT
July 2004	SSCI	Chair	Roberts	IG Report on Interrogations
	SSCI	Vice Chair	Rockefeller	IG Report on Interrogations
	SSCI	[Redacted]	[Redacted]	IG Report on Interrogations
	SSCI	[Redacted]	[Redacted]	IG Report on Interrogations
January 2005	HPSCI	Chair	Hoekstra	EIT
	HPSCI	Ranking Minority	Harman	EIT
	HPSCI	[Redacted]	[Redacted]	EIT
	HPSCI	[Redacted]	[Redacted]	EIT
March 2005	SSCI	Chair	Roberts	EIT
	SSCI	Vice Chair	Rockefeller	EIT
	SSCI	[Redacted]	[Redacted]	EIT
	SSCI	[Redacted]	[Redacted]	EIT
March 2005	HPSCI	Chair	Goss	EIT
	HPSCI	Ranking Minority Member	Harman	EIT
	SSCI	Chair	Roberts	EIT
	SSCI	Vice Chair	Rockefeller	EIT

error, it is  
Pelosi per 145166

[REDACTED]

Date	Committee	Position	Member	Subject
-18 October 2005		Senator	Stevens	5 of the 13 interrogation techniques (waterboard, facial slap, abdominal slap, sleep deprivation, and walling)
		Senator	Cochran	
18 October 2005		Senator	McCain	
-1 November 2005		Senate Majority Leader	Frist	
-8 November 2005	House Armed	Chair	Hunter	
8 November 2005	HPSCI	Chair	Hoekstra	

Thorough [REDACTED] Briefings, but excluding EITs [REDACTED]

4 April 2005		Senate Majority Leader	Frist	No EIT	[REDACTED]
19 April 2005	HPSCI	Member	Thornberry and Cran	No EIT	
	HPSCI	Member	Gramer	No EIT	
	HPSCI	Staff	[REDACTED]	No EIT	
	HPSCI	Staff	[REDACTED]	No EIT	
25 April 2005	HPSCI	Staff	[REDACTED]	No EIT	
	HPSCI	Staff	[REDACTED]	No EIT	
	HPSCI	Staff	[REDACTED]	No EIT	
1 November 2005	HPSCI	Staff	[REDACTED]	No EIT	
	HPSCI	Staff	[REDACTED]	No EIT	

Cleared for [REDACTED] level briefings (no EITs)  
 All Members of the Intelligence Oversight Committees  
 HPSCI Staff - 12  
 Staff - [REDACTED]  
 Staff - [REDACTED]  
 SAC Staff - [REDACTED]

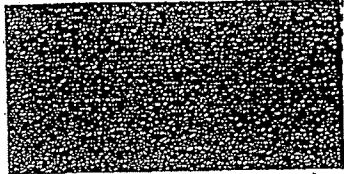
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# Memorandum for the Record

KEY: C/2007-269

EVENT: DCI BRIEFING

DATE: 12/11/2007 TIME: 02:30 STATUS: Final  
PM

PLACE: H-219 CAPITOL

FOR: SSCI

SUBJECT: DESTRUCTION OF DETAINEE VIDEOTAPES

**ATTENDEES:**

**ASSOCIATION**

**NAME**

**ROLE**

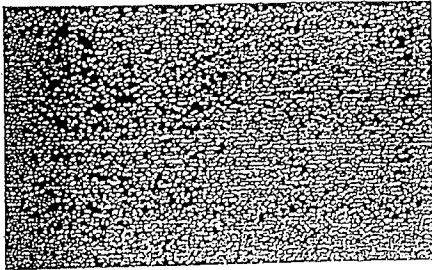
ASSOCIATION	NAME	ROLE
DCIA	HAYDEN, MICHAEL	BRIEFER
CIA/OCA	WALKER, CHRISTOPHER	SUPPORT
COS/CIA	[REDACTED]	SUPPORT
DCIA/SENIOR COUNCILLOR	DEITZ, ROBERT	SUPPORT
SSCI	ROCKEFELLER IV, JOHN D.	CHAIRMAN
SSCI	BOND, CHRISTOPHER (KIT) S	VICE CHAIR
SSCI	FEINSTEIN, DIANNE	SEN
SSCI	WYDEN, RON	SEN
SSCI	BAYH, EVAN	SEN
SSCI	MIKULSKI, BARBARA A	SEN
SSCI	FEINGOLD, RUSSELL D	SEN
SSCI	NELSON, BILL	SEN
SSCI	WHITEHOUSE, SHELDON	SEN
SSCI	LEVIN, CARL	SEN
SSCI	WARNER, JOHN	SEN
SSCI	HAGEL, CHUCK	SEN
SSCI	HATCH, ORRIN G	SEN
SSCI	SNOWE, OLYMPIA J	SEN
SSCI	BURR, RICHARD M.	SEN
SSCI	[REDACTED]	STAFF
SSCI	[REDACTED]	STAFF
SSCI	[REDACTED]	STAFF
SSCI	[REDACTED]	STAFF
SSCI	[REDACTED]	STAFF
SSCI	[REDACTED]	STAFF
SSCI	[REDACTED]	STAFF
SSCI	[REDACTED]	STAFF
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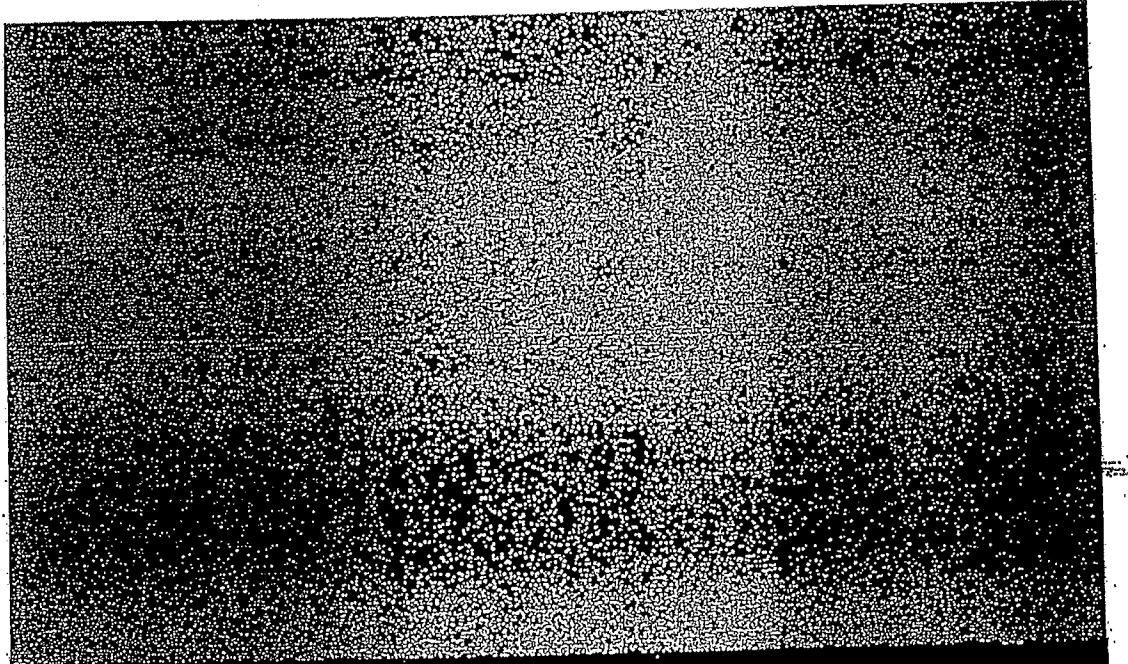


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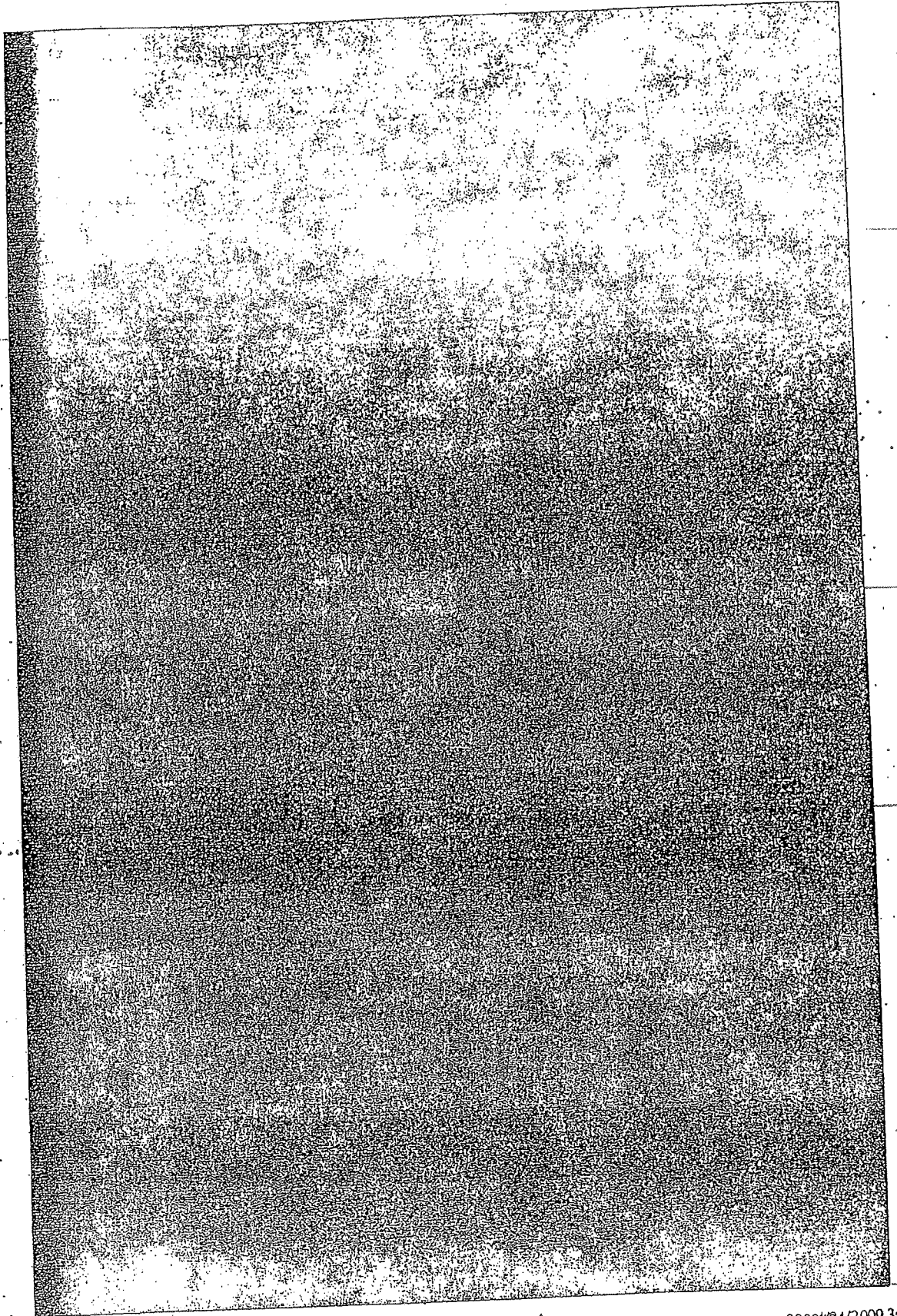


Summary Text:



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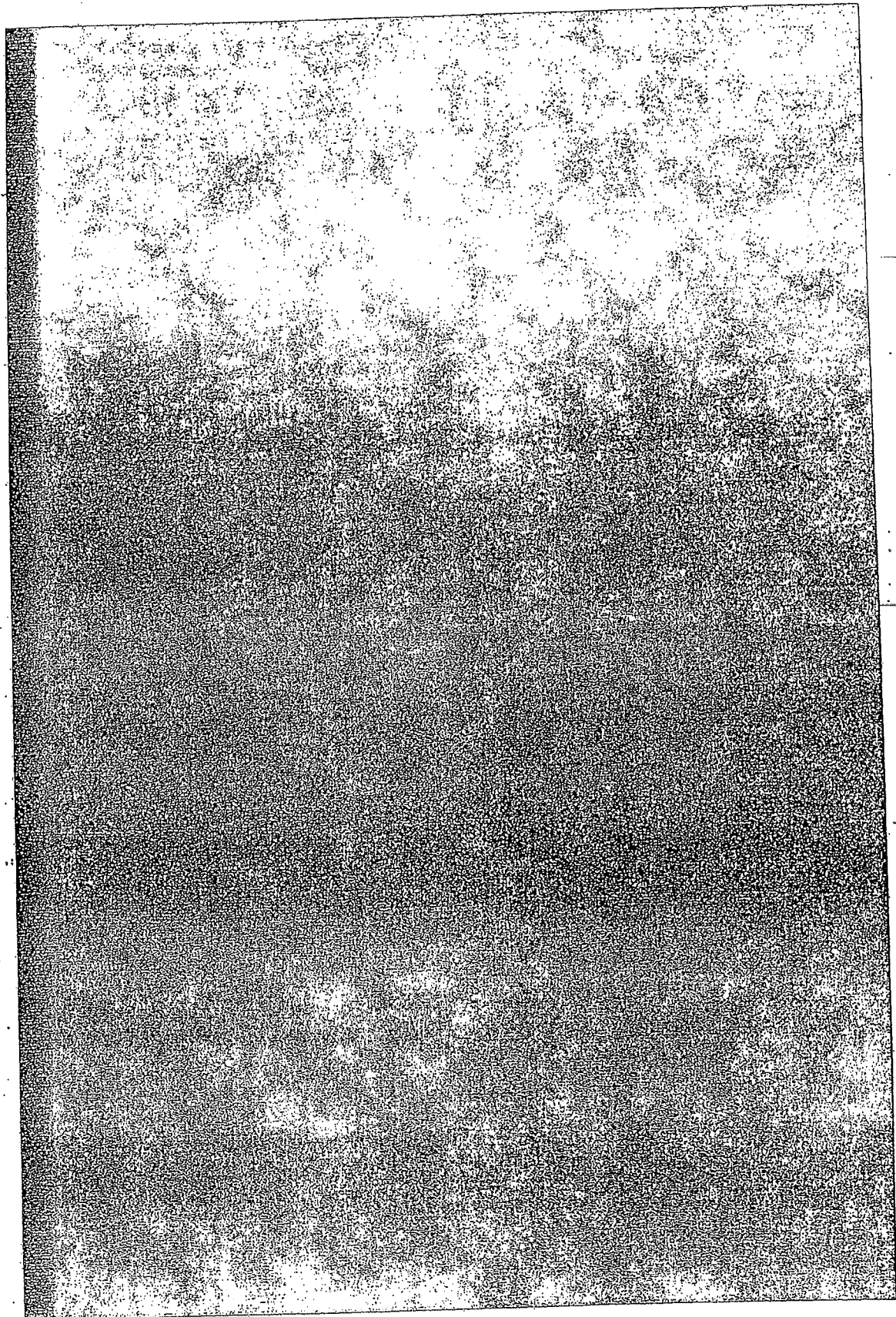
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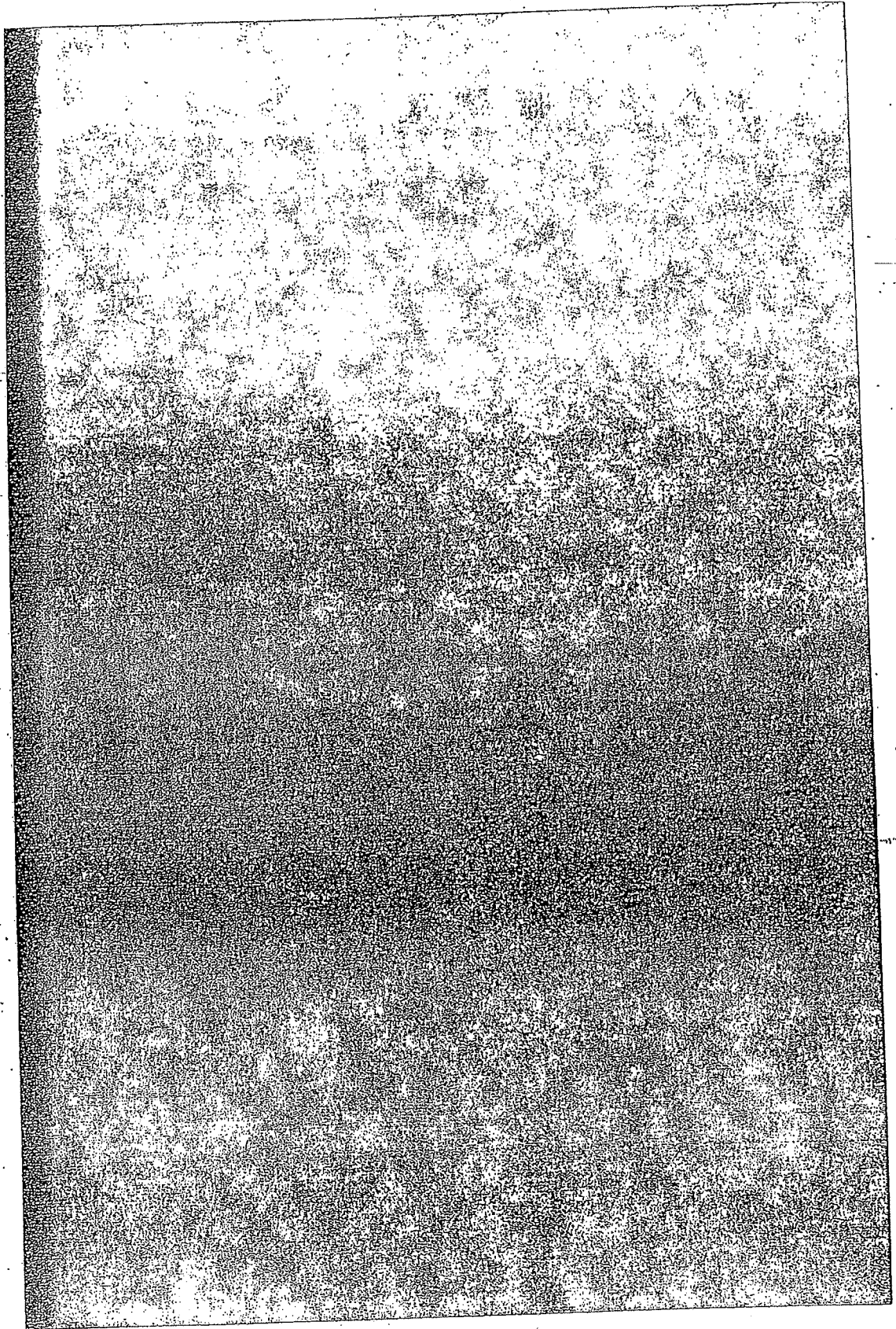
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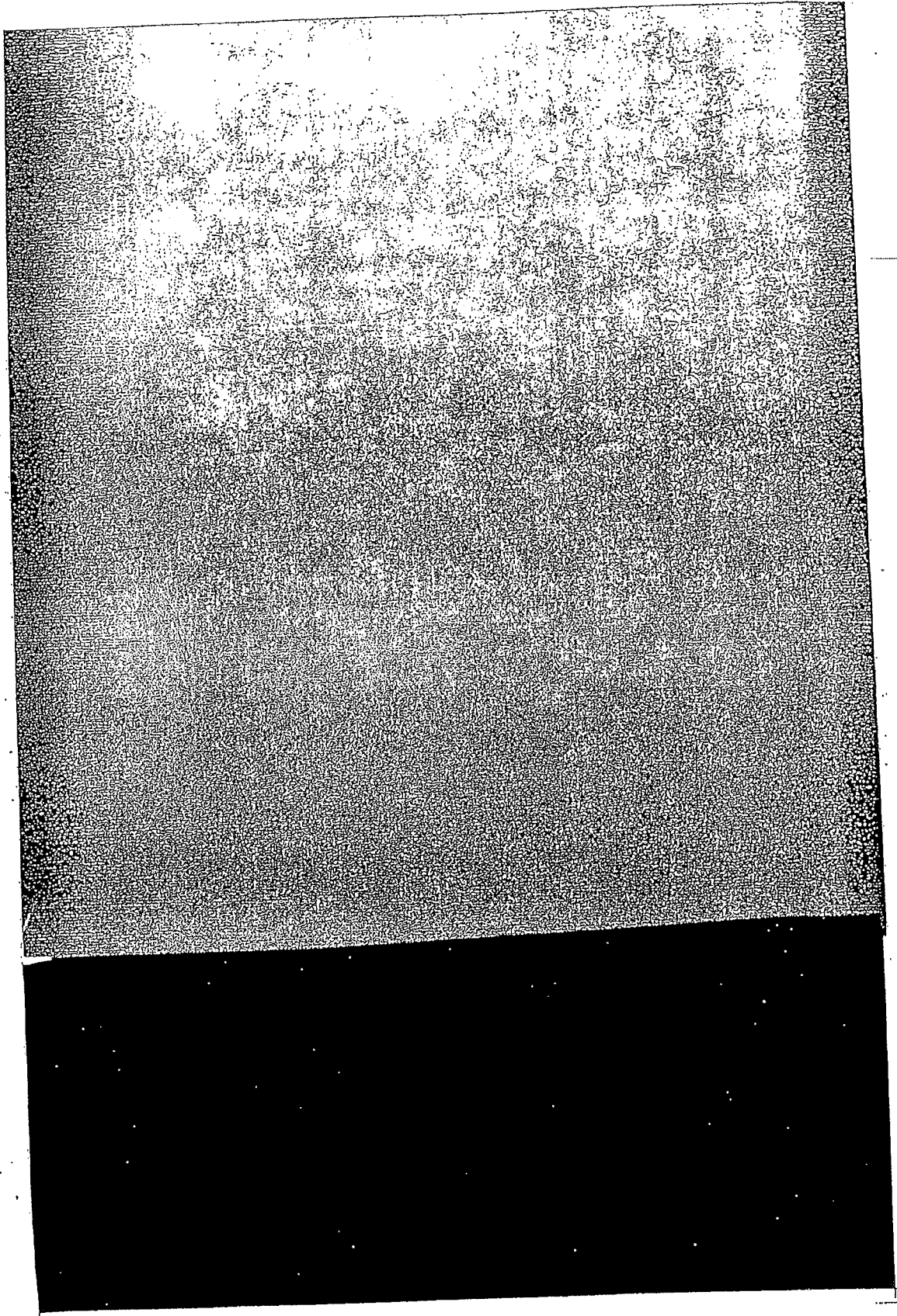
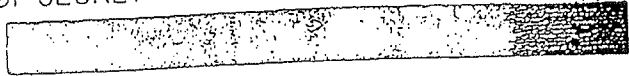


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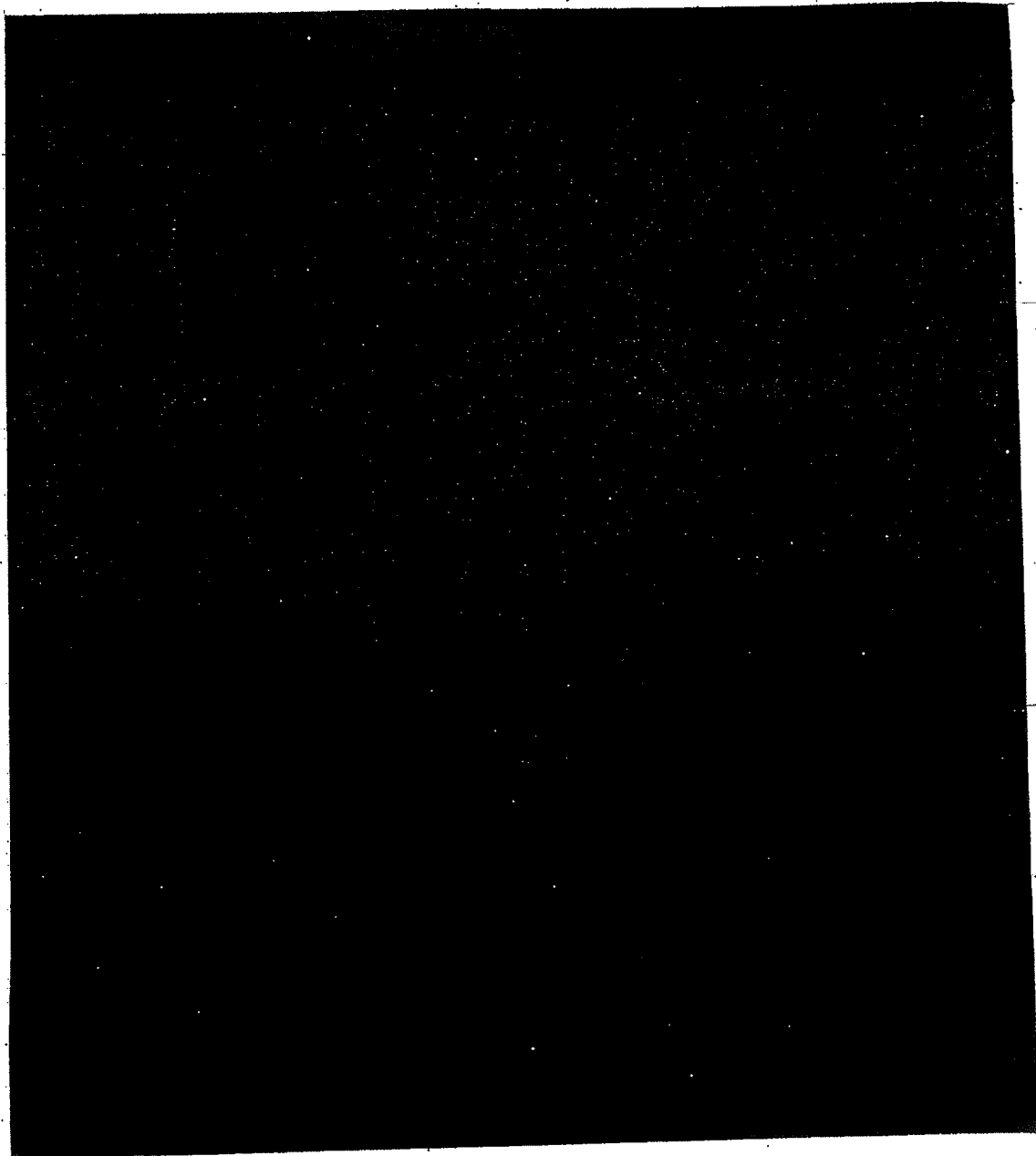


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/signed/

Christopher J. Walker  
Director, Office of Congressional Affairs

Follow-up Action Items: