



**U.S. Department of Justice**

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March 5, 2010

By Federal Express

Paul J. Orfanedes, Esq.  
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Re: *Judicial Watch v. C.I.A.*, Case No. 09-cv-01352-CKK (D.D.C.)

Dear Paul:

Enclosed is a document provided today to plaintiffs in *Amnesty Int'l v. CIA*, Case No. 07-cv-5435 (LAP) (S.D.N.Y.), which is also likely responsive to the Freedom of Information Act request at issue in the above-captioned case. Pursuant to the Court's January 25, 2010 Minute Order we will provide a complete set of responsive, non-exempt records with Bates stamps no later than Thursday, April 15, 2010.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Coleman".

John R. Coleman  
Trial Attorney  
United States Department of Justice

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# Memorandum for the Record

KEY: C/2004-00729

EVENT: CMTE HEARING-CLOSED      DATE: 07/14/2004    TIME: 14:00    STATUS: COMPLETED  
PLACE: H405    CAPITOL  
FOR: HPSCI  
SUBJECT: INTERROGATIONS - PANEL THREE

**ATTENDEES:**

<u>ASSOCIATION</u>	<u>NAME</u>	<u>ROLE</u>
D/DIA	JACOBY, VADM LOWELL	WITNESS
DC/CTC		WITNESS
DC/NE		BRIEFER
DCI/DWG		BRIEFER
DCI/OCA		SUPPORT
DIA	TURNER, KATHLEEN (KATHY)	SUPPORT
DO/NE		BRIEFER
DOD	CAULFIELD, FNU	SUPPORT
DOD		SUPPORT
DOD		SUPPORT
DOD		SUPPORT
DOD	WILLARD, BUTCH	SUPPORT
DOD	BOYKIN, LTGEN WILLIAM	WITNESS
FBI		SUPPORT
FBI	PISTOLE, JOHN	WITNESS
HPSCI	GOSS, PORTER [R-FL]	CHAIRMAN
HPSCI	BOEHLERT, SHERWOOD L [R-NY]	REP
HPSCI	COLLINS, MAC	REP
HPSCI	ESHOO, ANNA [D-CA]	REP
HPSCI	GIBBONS, JAMES (JIM) A [R-NV]	REP
HPSCI	HARMAN, JANE [D-CA]	REP
HPSCI	HASTINGS, ALCEE L. [D-FL]	REP
HPSCI	HOEKSTRA, PETER [R-MI]	REP
HPSCI	REYES, SILVESTRE [D-TX]	REP
HPSCI	RUPPERSBERGER, DUTCH [D-MD]	REP
HPSCI		STAFF
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WITNESS

U.S. ARMY G2            ALEXANDER, LTGEN KEITH

~~Executive Summary:~~

(C) Panel three of this full HPSCI hearing on interrogations was conducted in line with the Committee's invitation letter dated 6 July (attached). The hearing was structured as three panels comprised of witnesses from CIA, DOD, DOJ and FBI. This MFR reports the results of panel three, whose purpose as defined in the HPSCI invitation letter was to "discuss the value of interrogations to the intelligence community," to include "what information has been collected to date from detainee interrogations, its relevance, timeliness, and accuracy, and what intelligence is currently being sought from detainees in the Global War on Terrorism." The letter further enjoins panel three to "be prepared to provide an estimate of what the loss to the intelligence community would be if the interrogation process were to end completely." Lead witnesses for this panel were Lieutenant General William G. Boykin, Deputy Under Secretary of Defense for Intelligence and War Fighting Support, Vice Admiral Lowell Jacoby, Director, DIA, Lieutenant General Keith Alexander, U.S. Army G2, John Pistole, FBI Executive Assistant Director for Deputy Chief, Directorate of Operations Near East and South Asia

Division, and

(U) (Note: See mfr's C/2004-00588 and C/2004-00728 for the reports of results of hearing panels one and two, respectively.)

~~Summary Text:~~

(U) (NOTE: Information set forth herein is not a verbatim transcript of statements made at the hearing. Rather, it is a good faith effort to set down for the record information that was conveyed at the hearing.)

(U) Chairman Porter Goss opened panel three with a statement which prominently included the observation that detainee debriefings have led to the capture and thwarting of terrorists.

(S) Ranking Minority Member Jane Harman followed Chairman Goss with a statement which included the following assertions and observations: HPSCI still has not received all of the documents that it has requested; HPSCI has not been getting full and candid testimony on the detainee issue; panel three witnesses and briefers were strongly enjoined by Ms. Harman to provide full, candid answers to members' questions, and to avoid playing "20 questions"; she regretted that there was a significant element of CIA operations that the committee in full would not be able to address due to compartmentation and Gang of Four procedures; no one in the room doubts that interrogation is a tool that we must have; we need better HUMINT to penetrate terrorist cells; it is equally vital to operate within the scope of laws and accepted values; Ms. Harman hoped that reported successes would be put in their proper cost/benefit contexts; she noted that there were over 600 detainees in Baghdad and asked how much good, actionable intelligence was obtained from them; have we studied which tactics with detainees have been the most successful, noting that some say building rapport with detainees is the most successful tactic; Ms. Harman said that the U.S. Government must provide clear guidance to those in the field and claimed that this was not done in the past.

(S) At this point General Boykin read a prepared statement to the Committee in which he asserted that interrogation is a critically valuable tool, and, citing observations made by service personnel at Ft. Bragg, said that the most important factor in the capture of Saddam Hussein was interrogation.

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(PS) DC/NE next read his prepared statement and was followed by DC/CTC, who delivered an oral statement to the Committee that, as he noted, departed significantly from his prepared comments. In substance, DC/CTC made the following points: Information obtained from detainees was an extremely valuable component in our ability to conduct counterterrorist operations; detainee information in this context was as important as HUMINT and SIGINT, and deservedly should be considered to be its own form of "INT"; interrogations account for over half of detainee reporting; detainee reporting gives essential depth and breadth to our understanding of the terrorist target; terrorists behave and operative like seaweed, not well defined nets--

detainee information helps us to understand terrorist operatives and groups that don't operate/ behave in a hierarchical manner; information obtained from Khalid Shaykh Muhammad in detention has been extremely valuable; working detainees is a building block process which involves taking information from one detainee, who often might think what he is providing is of little consequence, comparing/combining it with information obtained from another detainee in a manner that results in more valuable/actionable information; examples of this are the takedowns of Hambali, and Majid Khan; good operations are thus derived from detainee information which are bits and pieces and which may be thought of as grains of sand on the beach--combined they make a recognizable beach; even today long term detainees like Khalid Shayk Muhammad and Zubayda are providing good information because their histories go back along way and often a tidbit they provide, while not initially operationally significant, ends up being the piece that completes the puzzle; DC/CTC closed by noting that he was personally persuaded that detainee reporting has saved lives.

(U) Mr. Pistole next read his statement, followed by General Alexander, who was followed by Admiral Jacoby. Following the delivery of these statements, the hearing was opened up to members' questions.

(U) Burr: On a personal note, I'm thankful for the efforts of so many in the war on terrorism. We do follow the rule of law and we can question what happened. At the end of the day we are proud of you and your efforts to stop the attack. Please don't lose faith or the commitment that's behind you. Is Saddam Hussein talking yet?

(S) Pistole: He is dissembling a lot and providing some historical information on the invasion of Kuwait. He refuses to talk about chemical weapons.

(U) Burr: Is there a line with Saddam that we won't cross on techniques?

(U) Pistole: The agents who are working the Saddam case are following standard FBI procedures.

(S) Burr: Have any methods used on Saddam required special approval?

(U) Pistole: No.

(S) After his capture, We looked at the Milosovic example. Basically they were friendly discussions with an eye to future public prosecution.

(U) Burr: Were those indicted that were pointed out by the Attorney General from detainees?

(U) Pistole: Yes. Five of seven.

(U) Burr: If we didn't have the ability to interrogate would we have those five?

(U) Pistole: I can't say specifically. Generally, there would be a huge void.

(S) Harman: What are the costs in terms of the percent of folks who are not useful, wrongly detained, etc.? And

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what do you think of the value of enhanced techniques?

(S) In my view the benefits are huge and the costs are insignificant. Very few detainees don't provide us with good information, in our small part of the universe, the clandestine CT world.

(C) Alexander: We have 530 interrogators and the Chief of Staff is looking at adding 1,500 more. The first thing military commanders in the field want is more 97E's even to the point of trading off some of their combat troops.

(S) Jacoby: CENTCOM and SOUTHCOM define techniques so I can't talk to you on that. At the strategic level, more investment is needed in interrogators. I agree with the information we obtain from detainees is of incalculable value.

(U) Hastings: What techniques were used that led to the capture of Saddam?

(S) Boykin: Battlefield interrogation techniques by our special operations people who immediately interrogate detainees after capture. I can't say what the specific techniques are. SOCOM could comment on that. General Alexander and I went to Ft. Bragg to talk to interrogators. They all say unobtrusive forms of interrogation are the best.

(U) Hastings: Is sodium pentothol used on detainees?

(U) Alexander: No, we do not use it.

(U) Hastings: Do the Geneva Conventions speak to it?

(U) Alexander: I believe it would be considered coercive.

(U) Hastings: What is going on with the Saudi returnee?

(S) I'm not sure but

(S) Jacoby: We would feed questions to feed to the Saudis.

(U) Hastings: I'm tired of the Saudis. We should be on the ground there. If I were President I would call the King and the Crown Prince and tell them so.

(U) Boswell: Do you each think the path we have taken on interrogations is good?

(U) Alexander: The path is good. We need to evolve the FM and make procedures clearer. We are in the process of taking the FM and reviewing it. This will take time but we will do it right.

(U) Jacoby: We're not where we need to be. We need to refine policies to meet new realities.

(U) Boykin: We relied too much on our experiences in the first Gulf War. We have too many detainees and not enough interrogators. We have rapidly made up for the errors at Abu Ghraib.

(U) Ruppertsburger: As a result of Abu Ghraib how has the mission effort been hurt?

(U) Jacoby: We did a paper on the damage done by public revelation of our techniques. The conclusion was that there hasn't been much impact.

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(U) Ruppertsburger: Are there procedures that we have stopped that should be resumed?

(S) Alexander: Yes. Diet and sleep management. Those, plus segregation which is still employed, are key. The guys in the pictures, none of them were of intel value except the guy who was bitten by the dog. None of the pictures were taken in the context of an interrogation.

(U) Ruppertsburger: How much longer will we derive benefit from the 600 detainees at Guantanamo?

(S) Jacoby: There are still some detainees at Guantanamo who we think are al-Qaida who have done nothing but recite the Quran. Continued detention should be decided on a case-by-case basis.

(S) Boykin: We know the detainees are now being told, if you can hold out for 96 hours, you'll be ok.

(U) Reyes: How do you determine who is al-Qaida and who is not?

(S) We look at a lot of people, make connections, and can often determine their roles. Not all are sworn members of al-Qaida. We target people as to how significant they are. During raids we quickly separate out the wheat from the chaff. It is an amorphous movement and we cannot always clearly say who is and who is not.

(S) Jacoby: There is a lot of pressure on individual interrogators to determine who is important and who is not. On detainee who was released was later identified as an al-Qaida trainer. It is not a science.

(U) Alexander: Some we thought were low level actors are now back in the fight.

(U) Reyes: What about the 1500 additional interrogators. Are they going to receive training in the Quran?

(U) Jacoby: One important piece is having Arab speakers teamed up with analysts.

(U) Reyes: Are the KSM and Saddam interviews being videoed?

(U) Pistole: I'm not sure.

(U) Collins: I came prepared to do battle. In the past some on the Committee were here to do damage to the White House. I haven't seen that today. I'm proud of the Committee today. I wish though that every member of the committee had to go through SEER training, as I did when I was in the military. That training is tougher than anything the detainees see. I would also like to point out that the Committee has received all of the documents that it has requested. Some on the Committee are engaging in partisan attacks, like Representative Eshoo, which I greatly resent.

(U) Eshoo: Can you divide up your efforts?

(U) Alexander: We in the Army primarily do Iraq and Afghanistan. There are some reservists at Guantanamo.

(U) Jacoby: I need to check the numbers on that.

(U) Eshoo: What is CIA's involvement in interrogation?

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(U) Eshoo: Was CIA involved in the Abu Ghraib abuses?

(S)

We know of none with the exception of what the IG has briefed.

(U) Eshoo: So your investigation centered on what you just said and nothing more?

(S)

Right.

(S)

That's it. If the

IG turns up more we will let you know.

(U) Holt: I have two examples of what the Committee has not received: the SOP for Guantanamo and the Afghanistan-interrogation guidelines. What happened as a result of the Miller visit?

(S) Alexander: In early July 2003 the 589th asked what is our SOP, and developed an SOP based on the Guantanamo model, but using Afghanistan procedures. There were 29 versus 24 procedures.

(U) Holt: Are interrogation and field interrogation different?

(S) Jacoby: We have debriefing and interrogation. Debriefing is used with cooperative detainees, interrogation with uncooperative. The two populations are worked differently.

(S) Holt: The guy who gave us Saddam, he was a cooperative source, right?

(S) Jacoby: It was a combination of sources and techniques.

(U) Holt: Is there another set of procedures we haven't asked about?

(U) Jacoby: No.

(U) Holt: Is there an appropriate situation for ghosting detainees?

(U) Boykin: I think there is an appropriate place for delay of registration.

(S) Jacoby: Sometimes, it can be of extreme value if terrorists don't know that someone has been captured.

(U) Gibbons: I will note that the three open items are in process. Finally, I would note that today is HPSCI's 27th birthday.

Liaison Officer  
Office of Congressional Affairs

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Follow-up Action Items:

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Additional Information:

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