

**Statement of Senator Patrick Leahy (D-Vt.),  
Chairman, Senate Judiciary Committee  
On the Release of the Senate Intelligence Committee Report on the CIA's Torture Program  
December 9, 2014**

More than a decade ago, the Central Intelligence Agency began detaining and torturing human beings in the name of the war on terrorism. Employees and contractors of the United States government – paid by taxpayer dollars – abused, degraded, and dehumanized people. They stripped them of their basic humanity. And they stripped America of its standing in the world as a leader in promoting and protecting human rights.

President Obama banned torture and cruel treatment when he took office. But only now, as a result of the courage and conviction of Senator Feinstein and other members of the Intelligence Committee, and their staffs, do we have the full and public accounting of the CIA's actions that the American people deserve.

The decision to release this historic report has been difficult. But it was the right and moral thing to do. Releasing this report demonstrates that America is different. As Americans, we cannot sweep our mistakes under the rug and pretend they did not happen. We must acknowledge our mistakes. We must learn from our mistakes. And in this case, we as Americans must and will do everything we can to ensure that our government never tortures again.

In 2009, I called for a Commission of Inquiry to review the Bush administration's detention and interrogation program and other sweeping claims of executive power. I believed that, in order to restore America's moral leadership, we must acknowledge what was done in our name. Our nation needed a full accounting of the CIA's treatment of detainees. With this report, at last we have it.

This is not the first report to record and condemn the detention and interrogation policies and practices that were used during the Bush administration. But it is the first to fully chronicle the actions of the most secretive of government agencies: the Central Intelligence Agency.

This report finally lays bare the dark truth about the CIA's program. And that truth is far worse, far more brutal, than most Americans ever imagined. We all have seen the shocking pictures from Abu Ghraib, and we have read the cold, clinical descriptions of "harsh" or "enhanced" techniques written by Department of Justice attorneys to justify such treatment. This report makes clear one fundamental truth: the CIA tortured people – plain and simple. And no euphemistic description or legal obfuscation can hide that fact any longer.

The Intelligence Committee report shows that techniques like waterboarding and sleep deprivation were used in ways far more frequent, cruel, and physically harmful than previously known. It also shows that gross mismanagement at the CIA and a shocking indifference to human dignity led to horrendous treatment and conditions of confinement that went far beyond what had been approved. Senior CIA leadership did not even know that enhanced techniques were being used at one CIA detention facility. In one instance, a CIA prisoner died as a result – left shackled on a concrete floor in a dungeon room to die, likely of hypothermia.

So-called “enhanced” interrogation techniques were not just used on the “worst of the worst,” either. In some instances, the CIA did not even know who it was holding. CIA records show that at least 26 of the people detained by the CIA did not meet the CIA’s own standard for detention. And some individuals subjected to “enhanced” techniques were determined not even to be members of Al Qaeda.

Moreover, the CIA relied on contractors who had no experience as interrogators to develop this program. The CIA eventually outsourced all aspects of the program to the company these contractors set up – to the tune of 80 million taxpayer dollars. This was a program out of control, and this is yet another reason why Congress must exercise its oversight responsibilities.

This report also disproves CIA claims that the torture program was necessary to protect our nation and that it thwarted attacks. This program did not make us safer. As is laid out in meticulous detail in the report, the use of these techniques did not generate uniquely valuable intelligence. This report thoroughly repudiates each of the most commonly cited examples of plots thwarted and terrorists captured.

This should not come as a surprise. The Senate Judiciary Committee held numerous hearings on the Bush administration’s interrogation policies and practices. What we heard time and again, from witness after witness, is that torture and other cruel treatment do not work.

Still there are those who continue to argue, even in the face of overwhelming testimony and now hard evidence to the contrary, that this program thwarted attacks and saved lives. They defend the CIA’s actions and argue that the report does not tell the full story.

But these are often the same people who participated in the rampant misrepresentations detailed in this report. The report shows that CIA officials consistently misled virtually everyone outside the Agency about what was actually going on, and about the results of CIA interrogations. That includes members of Congress, White House officials, and even Justice Department lawyers being asked to review the legality of CIA techniques.

In the coming weeks, as we head into a new Congress with new leadership, we will hear a lot about the need for oversight. This report and its revelations should be at the top of the list. So too should the unprecedented spying by the CIA on the congressional staff investigating this program, and the troubling pattern of intimidation that included the CIA referring its own congressional overseers to the Justice Department for criminal prosecution. This report and those actions show a CIA out of control, and it is incumbent upon Congress to hold the agency accountable.

The Judiciary Committee in particular needs to take a hard look at the role of the Department of Justice and its legal justifications for this program. Much ink has been spilled criticizing the OLC opinions written during the Bush administration by John Yoo, Jay Bybee, and Steven Bradbury. Those opinions sullied the reputation of that office and have been rightly repudiated. But this report also demonstrates that even those opinions were the result of key misrepresentations by the CIA about the seniority of the people subjected to these techniques, the implementation of the techniques, and the intelligence resulting from them. As an institution, we

have a responsibility to examine the systemic failure that allowed this to happen – and to ensure that it does not happen again.

Those who attack the credibility of this report are wrong. This report is not based on conjecture or theory or insinuation. Anyone who reads it can see that this careful, thorough report was meticulously researched and written. It is based on more than 6 million pages of CIA cables, emails, and other documents containing descriptions that CIA employees and contractors themselves recorded. Senator Feinstein and the other members of the Intelligence Committee who worked on this deserve our respect and appreciation.

Intelligence Committee staffers, too, have dedicated years of their lives to this report. They have demonstrated courage and dedication in the face of enormous challenges. This past year, they were even threatened with criminal prosecution – simply for doing their jobs. But they would not be intimidated. They have served their country well. They have my deepest appreciation for bringing us this truly historic study. Their families, too, deserve our thanks.

I am disappointed that those same honorable staffers had to spend so many months arguing with this White House about redactions to this report – a White House that is supposed to be dedicated to transparency. This report should have been issued months ago, and it still contains more redactions than it should. But I am gratified that we are finally able to shine light on this dark chapter. Among the many lessons we can take from this report is that Americans deserve more government transparency, and that it is essential to a strong democracy. Just yesterday, the Senate unanimously passed a bipartisan bill that significantly improves the Freedom of Information Act. Today's release of this report is another important victory for greater government transparency.

To those who argue that this report should not come out and who have tried to pressure and silence Senator Feinstein, let me be clear. The blame should be placed squarely where it belongs: on those who authorized and carried out a systematic program of torture and secret detention, in violation of domestic law, in violation of international law, and in violation of the principles on which this nation was founded.

In trying times, like those we faced after September 11, and those we face now, we look to our intelligence, military and law enforcement professionals to keep us safe. We are lucky to have so many talented individuals willing to take on that responsibility. But one of the lessons of this report is that we cannot become so blinded by fear that we are willing to sacrifice our own principles, laws, and humanity. No matter what, our enemies are human beings. And no matter how hardened and evil they are, no matter how repulsive their actions, no matter how horribly they have treated their own victims, we do not torture them. We do not join them on the dark side of history.

Generations of men and women have given their lives, and even endured torture themselves, in order to protect this nation. They did so not to protect our way of life, but to protect our principles. Our understanding of right and wrong. Of humanity and of evil. The shameful actions uncovered by this report dishonored those men and women, as well as the men and women who continue to put their lives at risk for this country.

Americans know that we are better than this and that we will never let this happen again. The world must know that too.

I yield the floor.

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