

Senate Intelligence Committee and Head CIA Lawyer Admit Torture Was Unnecessary

By [Washington's Blog](#)

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A Devastating and Secret Report By The Senate Intelligence Committee Documents In Detail How The C.I.A.'s Brutalization of Terror Suspects During The Bush Years Was Unnecessary, Ineffective, and Deceptively Sold To Congress, The White House, The Justice Department, and The Public

We've [extensively documented](#) that:

1. Torture harms our national security
2. Torture is unnecessary to break hardened terrorists
3. Torture is unnecessary even in a "ticking time bomb" situation
4. The "enhanced" interrogation techniques were aimed at producing false confessions
5. Torture did not provide valuable details regarding 9/11
6. Many innocent people were tortured

The Senate Intelligence Committee and the CIA's top lawyer, Stephen W. Preston (who has just been confirmed to act as the Pentagon's top lawyer) seem to agree with substantial portions of what critics of the torture program have been saying for years.

As the New Yorker [reports](#):

[There apparently is a] devastating, and still secret, report by the Senate Intelligence Committee documenting in detail how the C.I.A.'s brutalization of terror suspects during the Bush years was unnecessary, ineffective, and deceptively sold to Congress, the White House, the Justice Department, and the public. The report threatens to definitively refute former C.I.A. personnel who have defended the program's integrity. But so far, to the consternation of several members of the Intelligence Committee, the Obama Administration, like Bush's before it, is keeping the damning details from public view.

Preston, in his answers to Udall, concedes that, during the Bush years, the C.I.A. "fell well short" of current standards for keeping the congressional oversight committees informed of covert actions, as is required under the 1947 National Security Act.

In fact, Preston admits outright that, contrary to the C.I.A.'s insistence that it did not actively impede congressional oversight of its detention and interrogation program, "briefings to the Committees included inaccurate information related to aspects of the program of express interest to Members."

The contention that the C.I.A. provided inaccurate information to the congressional oversight committees is apparently extensively documented by the report. Udall notes that the report contains a two-hundred-ninety-eight-page section on "C.I.A. Representations on the C.I.A. Interrogation Program and the Effectiveness of the C.I.A.'s Enhanced Interrogation Techniques to Congress."

Preston ... states:

Had the Executive understood and discharged its congressional reporting obligations as we have in my experience since 2009, I do not believe that the briefings on a program of this nature, magnitude, and duration would have continued on a limited, leadership only basis.

In addition, Preston acknowledges that, in the past, the C.I.A. inadequately informed the Justice Department about the full nature of its interrogation and detention program. "C.I.A.'s efforts fell well short of our current practices when it comes to providing information relevant to [the Office of Legal Counsel]'s legal analysis," Preston writes.

Preston also distances himself from the C.I.A.'s argument that it is impossible to know whether alternatives to brutal interrogations would have produced information that was as good, if not better. According to the Udall document, the C.I.A. has argued in its rebuttal to the Senate report that it is "unknowable whether, without enhanced techniques, C.I.A. or non-C.I.A. interrogators could have acquired the same information from those detainees."

However, Preston, in his answers to Udall, agrees with the Senate report's finding that it is sometimes possible to determine that there were other ways that the C.I.A. could have obtained the same information, without tormenting detainees. Evidently, the report recounts numerous instances in which ordinary legal methods would have produced the same intelligence that was gained through brutalization. Preston, in his answers to Udall, acknowledges that:

I agree that it may be possible to make a determination as to whether information... was "otherwise unavailable."

The argument is important because the Senate report evidently asserts that there were instances when the C.I.A. claimed to have gotten information because of torture when, in fact, it got it years after the fact, or could have obtained it through other means.

We've also shown that:

- "Looking forward, not backwards" regarding torture [harms our national interest ... and is illegal](#). And [see this](#)

- Torture [misled the 9/11 Commission](#)

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