

112TH CONGRESS
1ST SESSION

S. RES. 213

Commending and expressing thanks to professionals of the intelligence community.

IN THE SENATE OF THE UNITED STATES

JUNE 21 (legislative day, JUNE 16), 2011

Mr. DEMINT (for himself, Mr. CORNYN, Mr. VITTER, Ms. AYOTTE, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. BURR, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Mr. CRAPO, Mr. ENZI, Mr. GRASSLEY, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. KIRK, Mr. LEE, Mr. MCCONNELL, Mr. PORTMAN, Mr. RISCH, Mr. RUBIO, Mr. SESSIONS, Mr. SHELBY, Mr. THUNE, Mr. WICKER, Mr. ROBERTS, Mr. LIEBERMAN, Mr. GRAHAM, and Mr. ALEXANDER) submitted the following resolution; which was referred to the Select Committee on Intelligence

RESOLUTION

Commending and expressing thanks to professionals of the intelligence community.

Whereas since the attacks on September 11, 2001, the United States intelligence community has gathered critical information that has helped to prevent additional attacks on United States soil;

Whereas the Central Intelligence Agency (hereinafter referred to as the “CIA”) plays a vital role in United States intelligence collection;

Whereas the importance of the CIA's work was exemplified by the successful operation against Usama bin Laden;

Whereas, as authorized by the President and in accordance with specific legal guidance provided by the Department of Justice, the CIA lawfully detained and interrogated certain high-value suspected terrorists;

Whereas information obtained from high-value detainees who had been detained and interrogated by the CIA was essential in determining the organizational structure, key operatives, modus operandi, and other relevant information on al-Qaeda operations;

Whereas information obtained from high-value detainees who had been detained and interrogated by the CIA was crucial to tracking down Usama bin Laden;

Whereas Michael Hayden, a former Director of the CIA, wrote, "Let the record show that when I was first briefed in 2007 about the brightening prospect of pursuing bin Laden through his courier network, a crucial component of the briefing was information provided by three CIA detainees, all of whom had been subjected to some form of enhanced interrogation. One of the most alerting pieces of evidence was that two of the detainees who had routinely been cooperative and truthful (after they had undergone enhanced techniques) were atypically denying apparent factual data—a maneuver taken as a good sign that the CIA was on to something important. So that there is no ambiguity, let me be doubly clear: It is nearly impossible for me to imagine any operation like the May 2 assault on bin Laden's compound in Abbottabad, Pakistan, that would not have made substantial use of the trove of information derived from CIA detainees, including those on whom enhanced techniques had been used.";

Whereas a May 30, 2005, Department of Justice memo stated, “In particular, the CIA believes that it would have been unable to obtain critical information from numerous detainees, including KSM [Khalid Sheikh Mohammed] and Abu Zubaydah, without these enhanced techniques. . . . Indeed, before the CIA used enhanced techniques in its interrogation of KSM, KSM resisted giving any answers to questions about future attacks, simply noting, ‘Soon, you will know.’”;

Whereas according to such May 30, 2005, memo, Abu Zubaydah explained the effect of enhanced techniques as, “Brothers who are captured and interrogated are permitted by Allah to provide information when they believe they have reached the limit of their ability to withhold it in the face of psychological and physical hardships.”;

Whereas such May 30, 2005, memo further indicates that after using enhanced interrogation techniques, high-value detainees became cooperative stating, “since the use of enhanced techniques, ‘KSM and Abu Zubaydah have been pivotal sources because of their ability and willingness to provide their analysis and speculation about the capabilities, methodologies, and mindsets of terrorists.’”;

Whereas mastermind of the attacks of September 11, 2001, Khalid Sheikh Mohammed disclosed to CIA interrogators information about a “second wave” plot using an East Asian al-Qaeda group known as Jemmah Islamiyah to hijack and crash an airliner into the Library Tower in Los Angeles;

Whereas Khalid Sheikh Mohammed gave CIA interrogators information that led to the capture of Riduan bin Isomuddin, known as Hambali, the leader of the Indonesian terrorist organization Jemaah Islamiyah;

Whereas al-Qaeda senior operational planner Abu Zubaydah and Khalid Sheikh Mohammed supplied important intelligence about Abu Musab al-Zarqawi and his terrorist network, aiding United States operations against al-Qaeda in Iraq;

Whereas in a May 2011 interview, Leon Panetta, the Director of the CIA, in response to a direct question about enhanced interrogation and the successful bin Laden operation, stated that, “Obviously there was some valuable information that was derived through those kind of interrogations.”;

Whereas, although the President issued an Executive Order in January 2009 that effectively ended the CIA’s interrogation and detention program, the Administration has yet to establish clear policies for the detention and interrogation of suspected high-value detainees, particularly those captured overseas by foreign governments;

Whereas in 2009, the Attorney General launched a preliminary review into whether Federal laws were violated in connection with the interrogation of specific detainees, even though career prosecutors had previously considered and rejected filing criminal charges in those cases; and

Whereas the preliminary review initiated by the Attorney General will determine whether CIA employees involved in the detention and interrogation of terrorists should be prosecuted for alleged violations of Federal law: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) commends the professionals of the United

3 States intelligence community for their dedication;

1 (2) expresses thanks to the employees of the
2 Central Intelligence Agency for their selfless service;

3 (3) recognizes that continued investigation of
4 employees of the Central Intelligence Agency for
5 their involvement in a detention and interrogation
6 program that helped to save lives by averting ter-
7 rorist attacks on the United States is unwarranted
8 and will likely have a chilling effect on the critical
9 work of their colleagues and other United States na-
10 tional security professionals;

11 (4) urges the President and the Attorney Gen-
12 eral to immediately close the Department of Jus-
13 tice's ongoing investigation, and decline future pros-
14 ecution, of Central Intelligence Agency employees for
15 actions related to the interrogation of detainees at
16 overseas locations, including the use of enhanced in-
17 terrogation techniques on detained terrorists at such
18 locations; and

19 (5) urges the President to develop and imple-
20 ment policies allowing for the long-term detention
21 and interrogation by the intelligence community of
22 high-value detainees, including detainees who are
23 captured overseas or are in the custody of foreign
24 countries.

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