

Statement of

The Honorable Patrick Leahy

United States Senator
Vermont
June 10, 2008

Statement of Senator Patrick Leahy (D-Vt.),
Chairman, Senate Judiciary Committee,
Hearing On "Coercive Interrogation Techniques: Do They Work, Are They Reliable, and What Did the FBI Know About Them?"
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I thank Senator Feinstein for chairing this important hearing. For more than six years this administration has made a mess of this nation's policies for dealing with detainees. Their treatment of detainees has been a stain on this country, and our reputation will reflect it for many years to come. The dysfunctional military commission system put on display last week is just one glaring example of those failures. Even 9/11 victims and their families have been ignored in that process, and last week, I wrote to Attorney General Mukasey after hearing reports that the victims' families were excluded from the arraignments of the 9/11 perpetrators. I urged him to ensure that the 9/11 victims are treated with respect and dignity, and are provided adequate access to the proceedings, as they would be if the government had chosen to proceed in our established court system.

The government's use of abusive interrogation practices, which is the subject of today's hearing, is another sad example of the failure of detainee policy. No one, either in the United States or in the international community, will forget the chilling images from Abu Ghraib. We have since heard of similar practices at the Guantanamo Bay Detention facility and at other facilities overseas. Inspector General Glenn Fine's report is perhaps the most thorough narrative yet of the cruel and aggressive interrogation techniques our government employed at Guantanamo Bay. The report raises alarming questions about the behavior of government agencies, including the Department of Defense.

I asked Director Mueller in March when he was before this Committee about the FBI interrogation practices in counterterrorism. He testified that the FBI follows proscriptions against coercive interrogations. The Inspector General's report appears to confirm this, finding that agents at the FBI generally have adhered to FBI policy in their treatment of detainees at Guantanamo Bay, and in Iraq and Afghanistan. Alarming, however, the report also chronicles abuses that FBI agents witnessed.

I am concerned that it took so many years for this Committee to hear about those reports of abuse. I and others on this Committee have been pursuing documents and information about abusive interrogation by our government since before the Abu Ghraib scandal. I asked Director Mueller years ago about what he knew of these techniques. I wish he had been more forthcoming then - it might have assisted the Congress in investigating allegations of abuse sooner.

One of the great tragedies of this issue is that the coercive techniques this administration was so determined to use are in fact not more effective. As we will learn today from our witness panel, rapport-building techniques are the most effective means of obtaining reliable information from radical terrorists, like members of Al Qaeda. The FBI has amassed considerable information from Al Qaeda suspects that has proven to be more accurate and reliable than the information obtained through exclusively coercive techniques.

The FBI's interrogations yielded information about Al Qaeda's finances, recruiting methods, location of training camps, and the identities of many of the operatives we are still hunting today. None of this information required torture or harsh interrogation techniques; in fact, such harsh techniques may have failed to produce such successes. As we all know, when you are in pain, you will say anything to stop that pain, whether it is true or not. The last things an interrogation should yield are false leads, which waste time and resources.

In addition, a cooperative subject is the most valuable way to obtain high value intelligence. The witnesses' written testimony for today's hearing provides vivid examples of this fact. As a former prosecutor, I know first-hand that the most valuable information you can receive from any suspect is through complete and full cooperation. That will only come through non-coercive interrogations, not through abuse.

Too often those who would have us use torture or other harsh interrogation techniques say it cannot be ruled out because in the post 9/11 world, you may need to get information quickly from a suspect to save lives, or even to prevent another catastrophic attack. But as today's witnesses will make clear, this is just not so. Experienced interrogators, like 27-year veteran FBI Special Agent Jack Cloonan will tell us that this "ticking bomb" scenario is a red herring. A committed terrorist will use those situations to his advantage either to provide interrogators false information or simply to act in defiance, hoping to become a martyr. The ticking time bomb scenario is not taken seriously by experienced interrogators, and cannot and should not be used to justify illegal acts or torture.

I am grateful to our witnesses for appearing at today's hearing. I am confident their testimony will increase our knowledge and understanding of these important issues.

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