

Statement of

The Honorable Russ Feingold

United States Senator
Wisconsin
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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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Madam Chairman, thank you for holding this hearing.

I want to start by commending the Justice Department Office of Inspector General for its thorough, thoughtful report documenting FBI observations of and participation in the U.S. government's interrogations of detainees at Guantanamo Bay, in Iraq and in Afghanistan.

And I want to commend the FBI agents who recognized that the kinds of abusive interrogation practices they witnessed other agencies employing were wrong - and just as important, ineffective. It is a testament to the professionalism and the courage of those FBI agents that, even in the months after September 11 and when they were under great pressure to disregard their high standards of behavior, they stood their ground and stuck to the policies that they have long employed to keep Americans safe, and reported what they witnessed to their superiors.

The FBI's leadership also deserves credit for deciding unequivocally in 2002 that FBI agents would not participate in interrogations that used abusive techniques that violated longstanding FBI rules. The FBI's policy has been not to use undue coercion in its interrogations but instead to use "rapport-building" techniques, which the FBI has found are "the most effective way to obtain accurate information," according to the Inspector General.

But this report is not all good news for the FBI. For too long, FBI leadership left agents in the field with no formal guidance on what to do when they witnessed other agencies conducting abusive interrogations. It took more than two years for the FBI to provide its agents with a specific policy on how to work in military zones. And the Inspector General concluded that the FBI still has not provided agents in the field with adequate guidance about when the FBI can interview detainees who have been subjected to more aggressive techniques by other agencies, and when FBI agents must report incidents of abusive interrogations that they witness.

While I understand that the deployment of FBI agents to military zones is a relatively recent development, that is not an adequate excuse to leave FBI agents without the training and guidance necessary to help ensure humane treatment and effective questioning of detainees in U.S. custody. The FBI should remedy this situation immediately.

I was also disappointed that senior officials at the FBI and Justice Department who learned what military and CIA interrogators were doing did not - or could not - do more to stop it. What this IG report documents about military, and in some instances CIA, interrogation techniques is no longer surprising. But it remains profoundly disturbing. I have consistently opposed the use of these types of abusive techniques on moral, legal and national security grounds. They do not represent who we are as a nation and they do not make America safer. We need to ensure that all government agencies conduct themselves in accordance with our values and the rule of law.

Fortunately, since 2006, all elements of the Department of Defense have followed the interrogation policies laid out in the Army Field Manual. I have strongly supported proposals to require all government agencies - including the CIA - to do the same. We fought World War II and the battles of the Cold War without resorting to legally sanctioned government torture. We can surely defend America now without sacrificing our principles.

