

12 September 2008

Responses of Condoleezza Rice

The following answers are based on my best recollection.

QUESTION:

1. **Have you ever seen a list of physical and/or psychological pressures used in military Survival Evasion Resistance and Escape (SERE) training? If so:**
 - a. **When did you first see the list(s)?**
 - b. **Who compiled the list(s)?**
 - c. **Who provided the list(s) to you?**

RESPONSE:

I have never seen a list of SERE training techniques.

QUESTION:

2. **Please indicate whether, in 2002 or 2003, you were present when the interrogation of detainees in U.S custody was discussed by or with any of the following individuals:**
 - a. **Secretary of Defense Donald Rumsfeld**
 - b. **Attorney General John Ashcroft**
 - c. **Secretary of State Colin Powell**
 - d. **CIA Director George Tenet**
 - e. **Deputy Secretary of Defense Paul Wolfowitz**
 - f. **Counsel to the President Alberto Gonzales**
 - g. **Counsel to the Vice President David Addington**
 - h. **National Security Council Legal Adviser John Bellinger**
 - i. **Department of Defense General Counsel Jim Haynes**
 - j. **Acting-CIA General Counsel John Rizzo**
 - k. **CIA General Counsel Scott Muller**
 - l. **Deputy Assistant Attorney General at the Department of Justice's Office of Legal Counsel John Yoo**
 - m. **Assistant Attorney General at the Department of Justice's Office of Legal Counsel (OLC) Jay Bybee.**

RESPONSE:

I participated in a number of meetings in 2002 and 2003 with one or more of the listed individuals (with the exception of Jay Bybee) at which issues relating to detainees in U.S.

custody, including interrogation issues, were discussed. I do not recall ever meeting Mr. Bybee or being in a meeting with him.

QUESTION:

3. For each discussion noted in response to Question 2 above, please answer the following:
- a. When did that discussion(s) take place?
 - b. Where did it take place (e.g., meeting at the Pentagon, etc.)?
 - c. Who was present for that discussion(s)? Please list the individuals and the offices they represented.
 - d. Was there any discussion(s) of specific interrogation techniques used or proposed for use in detainee interrogations?
 - e. Was there any discussion(s) about physical and/or psychological pressures used in SERE training?
 - f. Was there a discussion on legal issues associated with detainee interrogations?
 - g. Did anyone express concern with any of the interrogation techniques or legal guidance discussed? If so, please identify the person(s) who raised the concern(s) and describe the concern(s).

RESPONSE:

- a. I do not recall specifically when any of these meetings took place.
- b. All of the meetings I attended on these matters occurred inside the White House.
- c. I do not recall who specifically was present at each meeting.
- d. I participated in a number of discussions of specific interrogation techniques proposed for use by the CIA. I do not recall being present during any discussion of interrogation techniques used by or proposed for use by the Department of Defense.
- e. I recall being told that U.S. military personnel were subjected in training to certain physical and psychological interrogation techniques and that these techniques had been deemed not to cause significant physical or psychological harm.
- f. I participated in a number of meetings at which legal aspects of CIA's proposed interrogation program were discussed. The purpose of these meetings was to ensure that CIA's proposed interrogation program complied fully with U.S. legal obligations. I asked Attorney General Ashcroft personally to review and confirm the legal advice prepared by the Office of Legal Counsel.
- g. Participants in these meetings were concerned to make certain the DCI considered the techniques to be effective and necessary and that the Attorney General considered them to be lawful.

QUESTION:

4. On July 25, 2002 the Chief of Staff to the Joint Personnel Recovery Agency (JPRA) informed the DoD Office of General Counsel that "JPRA will

continue to offer exploitation assistance to those governmental organizations charged with the mission of gleaning intelligence from enemy detainees.”

- a. **Were you aware that JPRA was offering such assistance?**
- b. **If so, please indicate how and when you became aware of that and describe your understanding of that assistance.**

RESPONSE:

I am unfamiliar with the JPRA and am unaware of whether it offered any assistance with interrogations.

QUESTION:

5. **On June 26, 2008 John Yoo testified to the House Judiciary Committee that “the offices of the CIA General Counsel and of the NSC legal advisor asked OLC for an opinion on the meaning of the anti-torture statute.” Please describe the role your office played in requesting legal advice from the Department of Justice’s Office of Legal Counsel (OLC) on standards of conduct in interrogation required under federal anti-torture statutes.**

RESPONSE:

In the spring of 2002, CIA sought policy approval from the National Security Council to begin an interrogation program for high-level al-Qaida terrorists. NSC Legal Adviser John Bellinger asked CIA to have the proposed program reviewed by the Department of Justice. When CIA’s proposed program was later reviewed by the NSC Principals, I asked that Attorney General Ashcroft personally advise NSC Principals whether the program was lawful.

QUESTION:

6. **According to page 73 of the Department of Justice Inspector General’s May 2008 report, Daniel Levin recalled that in 2002, “in the context of the Zubaydah interrogation, he attended a meeting at the National Security Council (NSC) at which CIA techniques were discussed. Levin stated that a DOJ Office of Legal Counsel (OLC) attorney gave advice at the meeting about the legality of CIA interrogation techniques. Levin stated that in connection with this meeting, or immediately after it, FBI Director Mueller decided that FBI agents would not participate in interrogations involving techniques the FBI did not normally use in the United States, even though OLC had determined such techniques were legal.”**
 - a. **Were you present at a meeting at which the OLC gave oral advice about the legality of interrogation techniques proposed for use or in use by the CIA?**

- b. When and where did that meeting(s) take place?
- c. Who else was present?
- d. Who from the OLC provided that advice?
- e. Did the oral advice provided by the OLC attorney(s) differ from the written advice provided on August 1, 2002?

RESPONSE:

I was present in meetings at which DoJ lawyers provided legal advice about the CIA program. I recall that John Yoo provided advice at several of these meetings. I do not recall if other members of OLC were also present. As noted above, I asked the Attorney General personally to review the legal guidance prepared by OLC and to provide advice on behalf of the Department of Justice. I do not know whether any oral advice provided by OLC attorneys differed from OLC's written advice.

QUESTION:

7. Were you aware that FBI personnel objected to techniques used or proposed for use with Zubaydah? If so:
 - a. Who made you aware of those concerns and when?
 - b. Describe your understanding of those concerns.

RESPONSE:

I was not aware that FBI personnel objected to interrogation techniques used or proposed for use with Abu Zubaydah.

QUESTION:

8. Were you aware of discussions about withdrawing FBI personnel from the Zubaydah interrogation? If so, please describe:
 - a. The substance of those discussions.
 - b. NSC's role in the decision to withdraw FBI personnel from the Zubaydah interrogation.

RESPONSE:

I have a general recollection that FBI had decided not to participate in the CIA interrogations but I do not recall any specific discussions about withdrawing FBI personnel from the Abu Zubaydah interrogation.

QUESTION:

9. Other than the August 1, 2002 OLC legal memos, are you aware of any other legal advice provided to CIA relative to the interrogation of Zubaydah?

a. If so, please indicate who provided that advice and when it was provided.

RESPONSE:

I was aware of the existence of, but I did not read, the August 1, 2002 OLC memorandum, which was addressed to the Counsel to the President. NSC Legal Adviser John Bellinger briefed me on its conclusions. It was my general understanding that OLC had prepared a written opinion regarding the legality of the CIA program, and I understood that the Department of Justice was providing advice to CIA, and that this advice was being coordinated by Counsel to the President Alberto Gonzales.

QUESTION:

10. Were you briefed or did you review Joint Task Force Guantanamo Bay's (JTF-GTMO) November 2002 plan for interrogating Mohammed al Khatani? If so, please indicate who provided the plan or conducted the briefing and whether or not you or your staff expressed any view as to whether or not the plan should be implemented.

RESPONSE:

I was not briefed on nor did I review JTF-GTMO's interrogation plan for Mohammad al Khatani.

QUESTION:

11. The DOJ IG report stated that David Nahmias, an attorney with the DOJ Criminal Division said that Attorney General Ashcroft "spoke with someone at the NSC, most likely National Security Advisor Condoleezza Rice, about DOJ's concerns" about the DoD's interrogations of Khatani. Did you ever speak with Attorney General Ashcroft about DoD's interrogation of Khatani? If so, please indicate when and where that discussion(s) took place and describe the substance of that discussion(s).

RESPONSE:

I do not recall Attorney General Ashcroft's having raised concerns with me regarding DoD's interrogation of al Khatani.

QUESTION:

12. On page 241 of his book, *At the Center of the Storm*, former Director of Central Intelligence George Tenet wrote that after Abu Zubaydah's capture, CIA "opened discussions within the National Security Council as to how to handle him."

- a. When and where did those discussions occur?
- b. Who at the NSC was party to those discussions?
- c. Please describe the substance of those discussions.
- d. Was anyone from the Department of Defense involved in those discussions?
- e. If so, who?

RESPONSE:

In the spring of 2002, CIA sought policy approval from the National Security Council to begin an interrogation program for high-level al-Qaida terrorists. I asked DCI Tenet to brief NSC Principals on the proposed CIA program. I asked Attorney General Ashcroft personally to review the legality of the proposed program. Secretary of Defense Rumsfeld participated in the NSC review of CIA's program.

QUESTION:

13. The May 2008 DoJ JG report stated that David Nahmias, a senior attorney in the Department of Justice's Criminal Division, said that in 2003 he shared concerns about interrogation techniques being used at GTMO with the NSC legal advisor. Did anyone at NSC ever discuss Mr. Nahmias's concerns with you? If so:

- a. When and where did those discussions take place?
- b. Who was party to those discussions?
- c. Describe Mr. Nahmias's concerns.

RESPONSE:

I do not know Mr. Nahmias, and I do not recall anyone discussing with me any concerns he may have had.

QUESTION:

14. According to that same DoJ IG report, Bruce Swartz, Deputy Attorney General for the Criminal Division, recalled discussing interrogation issues in meetings at the NSC-chaired Policy Coordinating Committee (PCC) meetings. According to the DoJ IG, Mr. Swartz said that he "raised the ineffective and wrongheaded practice of the military interrogations at GTMO as a continuing theme of these PCC meetings." Did anyone at NSC ever discuss Mr. Nahmias's concerns with you? If so:

- a. With whom and when did those discussions take place?
- b. Describe Mr. Swartz's concerns.

RESPONSE:

I do not know Mr. Swartz, and I do not recall anyone discussing with me any concerns he may have had. NSC Legal Adviser John Bellinger advised me on a regular basis regarding concerns and issues relating to DoD detention policies and practices at Guantanamo. As a result, I convened a series of meetings of NSC Principals in 2002 and 2003 to discuss various issues and concerns relating to detainees in the custody of the Department of Defense, but I do not recall that specific interrogation techniques used by DoD were ever discussed.

QUESTION:

15. Please describe any actions taken by you or the NSC in response to concerns raised by Department of Justice officials about interrogations at GTMO.

RESPONSE:

I do not recall that any DoJ official raised with me any concerns about interrogations at Guantanamo. I was aware that NSC Legal Adviser John Bellinger was attempting to deconflict and respond to various interagency issues and concerns relating to detainee matters on an ongoing basis.

12 September 2008

Responses of John B. Bellinger, III

The Committee's questions relate to events that occurred five and six years ago while I served as NSC Legal Adviser during an extraordinarily busy and taxing period. In many cases, I simply do not recall the specific details the Committee has requested. I do not have access to any records for this period and have therefore not had a chance to refresh my recollection regarding any of these events. I have attempted to answer the Committee's questions to the best of my recollection and in an unclassified format.

QUESTION:

1. **Have you ever seen a list of physical and/or psychological pressures used in military Survival Evasion Resistance and Escape (SERE) training? If so:**
 - a. **When did you first see the list(s)?**
 - b. **Who compiled the list(s)?**
 - c. **Who provided the list(s) to you?**

RESPONSE:

To the best of my recollection, I have never seen a list of interrogation techniques used in SERE training.

QUESTION:

2. **Have you ever seen an assessment of the psychological effects of military resistance training? If so:**
 - a. **When did you first see that assessment?**
 - b. **Who conducted that assessment?**
 - c. **Who provided that assessment to you?**

RESPONSE:

To the best of my recollection, I have never seen a written assessment of the psychological effects of military resistance training. Some of the legal analyses of proposed interrogation techniques that were prepared by the Department of Justice and that I have seen did refer to the psychological effects of military resistance training.

QUESTION:

4. **Please indicate whether, in 2002 or 2003, you were present when the interrogation of detainees in U.S. custody was discussed by or with any of the following individuals:**

- a. Secretary of Defense Donald Rumsfeld
- b. Secretary of State Colin Powell
- c. Attorney General John Ashcroft
- d. CIA Director George Tenet
- e. National Security Advisor Condoleezza Rice
- f. Deputy Secretary of Defense Paul Wolfowitz
- g. Counsel to the President Alberto Gonzales
- h. Counsel to the Vice President David Addington
- i. Department of Defense General Counsel Jim Haynes
- j. Acting-CIA General Counsel John Rizzo
- k. CIA General Counsel Scott Muller
- l. Assistant Attorney General at the Department of Justice's Office of the Legal Counsel (OLC) Jay Bybee
- m. Deputy Assistant Attorney General at the Department of Justice's OLC John Yoo
- n. Department of State Legal Adviser William Taft

RESPONSE:

I was present at a number of meetings in 2002 and 2003 at which numerous issues relating to detainees in U.S. custody, including at times interrogation issues, were discussed by or with some or all of the individuals listed in the Committee's question, except for Assistant Attorney General Jay Bybee. I do not recall ever being present in a meeting with Jay Bybee.

QUESTION:

4. For each discussion noted in response to Question 3 above, please answer the following:
 - a. When did that discussion(s) take place?
 - b. Where did it take place (e.g., meeting at the Pentagon, etc.)?
 - c. Who was present for that discussion(s)? Please list the individuals and the offices they represented.
 - d. Was there any discussion(s) of specific interrogation techniques used or proposed for use in detainee interrogations?
 - e. Was there any discussion(s) about physical and/or psychological pressures used in SERE training?
 - f. Was there a discussion on legal issues associated with detainee interrogations?
 - g. Did anyone express concern with any of the interrogation techniques or legal guidance discussed? If so, please identify the person(s) who raised the concern(s) and describe the concern(s).

RESPONSE:

- a. I do not recall the dates of specific meetings.
- b. To the best of my recollection, all of the meetings I attended with the individuals listed took place at the White House or in the Eisenhower Executive Office Building, except that I also recall visiting Guantanamo Bay together with DoD General Counsel Jim Haynes on at least one occasion in 2002 or 2003. To the best of my recollection, I was not present if any specific detainee interrogation techniques were discussed.
- c. I do not recall specifically who attended which meeting.
- d. I was present at meetings in 2002 and 2003 with some or most of the listed individuals at which specific techniques used or proposed for use in detainee interrogations by the CIA were discussed. However, I do not recall being present in any meeting in 2002 or 2003 at which specific interrogation techniques used or proposed for use by the Department of Defense were discussed.
- e. I was present in meetings at which SERE training was discussed. I recall being told that numerous U.S. military personnel had undergone SERE training without significant ill-effect.
- f. I was present at a number of meetings with some or most of the individuals listed at which the legal issues associated with detainee interrogations were discussed.
- g. A number of individuals who were present at meetings I attended on the CIA program, or the legal guidance thereon, asked questions or expressed concerns about these issues. During the 2002-2003 timeframe, based on the information available to me at that time, I expressed concern that the proposed CIA interrogation techniques comply with applicable U.S. law, including our international obligations.

QUESTION:

5. **On June 26, 2008 John Yoo testified to the House Judiciary Committee “the offices of the CIA General Counsel and of the NSC legal advisor asked OLC for an opinion on the meaning of the anti-torture statute.” Please describe the role the National Security Council (NSC) and/or your office played in requesting legal advice from the Department of Justice’s Office of Legal Counsel (OLC) on standards of conduct in interrogation required under federal anti-torture statutes.**

RESPONSE:

In the spring of 2002, I asked CIA lawyers to seek advice not only from the Office of Legal Counsel but also from the Criminal Division of the Department of Justice to ensure that any proposed CIA interrogation program was consistent with applicable U.S. law, including applicable criminal statutes, and our international obligations. I was not involved in requesting legal advice from the Department of Justice concerning techniques used or proposed for use with detainees in the custody of the Department of Defense.

QUESTION:

6. According to page 73 of the Department of Justice Inspector General's May 2008 report, Daniel Levin recalled that in 2002, "in the context of the Zubaydah interrogation, he attended a meeting at the National Security Council NSC) at which CIA techniques were discussed. Levin stated that a DOJ Office of Legal Counsel (OLC) attorney gave advice at the meeting about the legality of CIA interrogation techniques. Levin stated that in connection with this meeting, or immediately after it, FBI Director Mueller decided that FBI agents would not participate in interrogations involving techniques the FBI did not normally use in the United States, even though OLC had determined such techniques were legal."

- a. Were you present at a meeting at which the OLC gave oral advice about the legality of interrogation techniques proposed for use or in use by the CIA?
- b. When did that meeting(s) take place?
- c. Who else was present?
- d. Who from the OLC provided that advice?
- e. Did the oral advice provided by the OLC attorney(s) differ from the written advice provided on August 1, 2002?

RESPONSE:

- a. I was present at several meetings at which OLC attorneys provided oral advice regarding interrogation techniques proposed to be used by CIA.
- b. I do not recall the dates of such meetings.
- c. I do not recall specifically who was present at which meeting.
- d. I recall that Deputy Assistant Attorney General John Yoo provided legal guidance in some of the meetings; other OLC attorneys may also have provided advice.
- e. I do not recall whether the oral guidance differed materially from the written advice. To the best of my recollection, the oral advice was a summary of OLC's written analysis.

QUESTION:

7. Were you aware that FBI personnel objected to techniques used or proposed for use with Zubaydah?
 - a. Who made you aware of those concerns and when?
 - b. Describe your understanding of those concerns.

RESPONSE:

To the best of my recollection, I was never told that FBI personnel objected to interrogation techniques used or proposed to be used with Abu Zubaydah.

QUESTION:

8. Where you aware of discussions about withdrawing FBI personnel from the Zubaydah interrogation? If so, please describe:

- a. The substance of those discussions.
- b. NSC's role in the decision to withdraw FBI personnel from the Zubaydah interrogation.

RESPONSE:

I recall being told at some point that FBI Director Mueller had directed that FBI officials not participate in at least some interrogations conducted by CIA officials. I do not recall who told me about these concerns or when I learned of them. I do not recall the substance of Director Mueller's concerns, whether they involved the Abu Zubaydah interrogation, or whether these concerns related to specific techniques, the absence of Miranda warnings, or to bureaucratic differences between CIA and FBI. If the NSC played a role in any decision to withdraw FBI personnel from the interrogation of Abu Zubaydah, I was not aware of it.

QUESTION:

9. The May 2008 DoJ IG report stated that David Nahmias, a senior attorney in the Department of Justice's Criminal Division, said that in 2003 he shared concerns about interrogation techniques being used at GTMO with the NSC legal adviser. Did Mr. Nahmias discuss concerns with you about GTMO interrogations: If so:

- a. When and where did those discussions take place?
- b. Describe Mr. Nahmia's concerns and indicate whether you discussed them with National Security Advisor Condoleezza Rice.

RESPONSE:

I recall that Deputy Assistant Attorney General Bruce Swartz raised concerns with me about allegations of abuse of detainees at Guantanamo. My recollection is that he called me on several occasions by telephone to express such concerns, but I do not recall the dates or time frame. It is possible that Mr. Nahmias may have participated in one or more of these phone calls. In response, I raised these concerns on several occasions with DoD officials and was told that the allegations were being investigated by the Naval Criminal Investigative Service. I do not recall whether I raised these concerns with Dr. Rice.

QUESTION:

10. According to that same DoJ IG report, Bruce Swartz, Deputy Attorney General for the Criminal Division, recalled discussing interrogation issues in meetings at the NSC-chaired Policy Coordinating Committee (PCC) meetings. According to the DoJ IG Mr. Swartz said that he "raised the ineffective and wrongheaded practice of the military interrogations at GTMO as a continuing theme of these PCC meetings." Were you present at NSC PCC meetings where Mr. Swartz raised concerns about GTMO interrogations? If so:

- a. When and where did those meetings take place?
- b. Describe Mr. Swartz's concerns and indicate whether you discussed them with National Security Advisor Condoleezza Rice.

RESPONSE:

During 2002 and 2003, I chaired or co-chaired a biweekly interagency meeting (which came to be known as a Policy Coordinating Committee or "PCC") that addressed certain detainee policies, and Mr. Swartz represented the Department of Justice at many of these meetings. The meetings were held in the White House or Eisenhower Executive Office Building. To the best of my recollection, the PCC never discussed specific interrogation techniques or practices, and I do not recall that Mr. Swartz ever raised concerns about the legality or propriety of specific interrogation techniques or practices in these meetings. However, individuals representing various agencies, including Mr. Swartz, regularly raised concerns about whether interrogations conducted by DoD interrogators at Guantanamo were effective and professional and were being resourced in the most effective way. I do not specifically recall whether I raised any of these concerns with Dr. Rice but I may have done so.

QUESTION:

11. Please describe any actions taken by you or the NSC in response to concerns raised by Department of Justice officials about interrogations at GTMO.

RESPONSE:

In response to concerns raised by Mr. Swartz about allegations of abuse of detainees at Guantanamo, I raised these concerns on several occasions with DoD officials and was told that the allegations were being investigated by the Naval Criminal Investigative Service (NCIS). See attached June 9, 2008 letter I sent to DoJ Inspector General Glenn Fine.

QUESTION:

12. Were you briefed or did you review Joint Task Force Guantanamo Bay's (JTF-GTMO) November 2002 plan for interrogating Mohammed al Khatani? If so, please indicate who provided the plan or conducted the

briefing and whether you or anyone on your staff expressed any view as to whether or not the plan should be implemented.

RESPONSE:

To the best of my recollection, I was never briefed on, nor did I review, JTF-GTMO's November 2002 plan for interrogation of Mohammed al Khatani.

QUESTION:

13. On page 241 of his book, *At the Center of the Storm*, former Director of Central Intelligence George Tenet wrote that after Abu Zubaydah's capture, CIA "opened discussions within the National Security Council as to how to handle him."

- a. When and where did those discussions occur?
- b. Who at NSC was involved in those discussions?
- c. Please describe the substance of those discussions.
- d. Was anyone from the Department of Defense involved in those discussions?
- e. If so, who?

RESPONSE:

I do not know specifically to what "discussions within the National Security Council" Director Tenet was referring in his book. In the spring of 2002, CIA lawyers approached me about obtaining a legal and policy review for a proposed CIA program to interrogate certain high-level al Qaida terrorists. I asked the CIA lawyers to seek the advice of both the Criminal Division and the Office of Legal Counsel of the Department of Justice to ensure that any proposed interrogation program was consistent with applicable U.S. law, including international obligations. Subsequently, National Security Council Principals reviewed CIA's proposed program on several occasions in 2002 and 2003. I do not recall specifically which NSC Principals or other officials participated in which meeting. I recall that Secretary Rumsfeld participated in one or more of these meetings, and he may have been accompanied by other DoD officials.

QUESTION:

14. Other than the August 1, 2002 OLC legal memos, are you aware of any other legal advice provided to CIA relative to the interrogation of Zubaydah?

- a. If so, please indicate who provided that advice and when it was provided.

RESPONSE:

I was present at several meetings at which OLC attorneys provided oral advice regarding interrogation techniques proposed to be used by CIA. Deputy Assistant Attorney General John Yoo provided legal guidance in some of the meetings; other OLC attorneys may also have provided advice. I do not recall whether this advice related specifically to the interrogation of Abu Zubaydah. It was my understanding that during 2002 and 2003 the Office of Legal Counsel provided ongoing advice to CIA regarding CIA's interrogation program, although I was not involved in these exchanges.