

United States Senate

WASHINGTON, DC 20510

January 6, 2014

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

We write to urge that you direct all appropriate action to address the ongoing delay in the military commission trial of Khalid Shaykh Mohammad (KSM) and four other detainees¹ being prosecuted at Guantanamo in connection with the 9/11 terrorist attacks. Much of the delay is related to the continued classification of information concerning the now defunct CIA Detention and Interrogation Program. This situation needs to be resolved, or the trial should be shifted to an Article III federal criminal court.

The delay is further undermining the reputation of the military commissions with the American public and our friends and allies overseas. The continued classification of information also interferes with our country's long-delayed, but important efforts to publicly shine a light on a misguided CIA program that you rightfully ended almost five years ago.

Extensive information about the interrogation techniques and conditions of confinement that were part of the CIA program has already been declassified, such as the fact that KSM and other detainees were held by the CIA at clandestine detention facilities, where some were subjected to brutal interrogation techniques, such as waterboarding. Additionally, the memoranda of the Department of Justice's Office of Legal Counsel (OLC), which you declassified in 2009, include details about the interrogation techniques and how they were applied, the interrogation process, and the conditions of confinement to which CIA detainees were subjected.

¹ The four other detainees being prosecuted in connection with 9/11 are Ahmad al-Hawsawi, Ramzi Binalshibh, Walid bin Attash, and Ali Abd al-Aziz Ali.

The OLC memoranda also describe the interrogations of, and use of the techniques on, several named CIA detainees. Further detail is provided in the publicly-released 2004 “Special Review” on CIA detention and interrogation by the CIA Inspector General. Lastly, in December 2008, the Senate Armed Services Committee, led by Senators Levin and McCain, published significant declassified information on related issues in its “Inquiry into the Treatment of Detainees in U.S. Custody.”

The continued classification of information related to the CIA’s Detention and Interrogation Program is also an impediment to the public release of the Senate Select Committee on Intelligence’s review of the program, which was approved by a bipartisan majority of the Committee in December 2012. With the declassification of all information related to the CIA’s coercive interrogation techniques and conditions of confinement, we will have taken a step closer toward the public disclosures that are necessary if we are to ensure that we never repeat these mistakes of the past.

On April 16, 2009, in releasing the OLC memoranda, you stated:

“First, the interrogation techniques described in these memos have already been widely reported. Second, the previous Administration publicly acknowledged portions of the program – and some of the practices – associated with these memos. Third, I have already ended the techniques described in the memos through an Executive Order. Therefore, withholding these memos would only serve to deny facts that have been in the public domain for some time.”

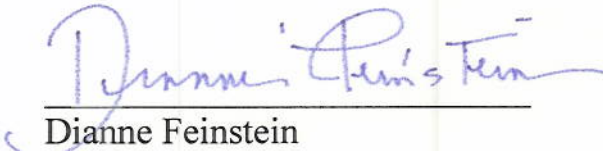
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“The United States is a nation of laws. My Administration will always act in accordance with those laws, and with an unshakeable commitment to our ideals. That is why we have released these memos, and that is why we have taken steps to ensure that the actions described within them never take place again.”

In this spirit, we urge you to declassify the remaining information related to the CIA’s coercive interrogation techniques and conditions of confinement as soon as possible to move forward with the military commissions process.

We very much appreciate your consideration of this matter.

Sincerely,



Dianne Feinstein
Chairman
Senate Select Committee on Intelligence



Carl Levin
Chairman
Senate Armed Services Committee

cc: The Honorable Eric H. Holder, Attorney General
The Honorable Chuck Hagel, Secretary of Defense
The Honorable James R. Clapper, Director of National Intelligence
The Honorable John O. Brennan, Director, Central Intelligence Agency