

JOHN D. ROCKEFELLER IV, WEST VIRGINIA, CHAIRMAN  
CHRISTOPHER S. BOND, MISSOURI, VICE CHAIRMAN

DIANNE FEINSTEIN, CALIFORNIA  
RON WYDEN, OREGON  
EVAN BAYH, INDIANA  
BARBARA A. MIKULSKI, MARYLAND  
RUSSELL D. FEINGOLD, WISCONSIN  
BILL NELSON, FLORIDA  
SHELDON WHITEHOUSE, RHODE ISLAND

JOHN WARNER, VIRGINIA  
CHUCK HAGEL, NEBRASKA  
SAXBY CHAMBLISS, GEORGIA  
ORRIN HATCH, UTAH  
OLYMPIA J. SNOWE, MAINE  
RICHARD BURR, NORTH CAROLINA

HARRY REID, NEVADA, EX OFFICIO  
MITCH MCCONNELL, KENTUCKY, EX OFFICIO  
CARL LEVIN, MICHIGAN, EX OFFICIO  
JOHN McCAIN, ARIZONA, EX OFFICIO

ANDREW W. JOHNSON, STAFF DIRECTOR  
LOUIS B. TUCKER, MINORITY STAFF DIRECTOR  
KATHLEEN P. McGHEE, CHIEF CLERK

# United States Senate

SELECT COMMITTEE ON INTELLIGENCE

WASHINGTON, DC 20510-6475

May 7, 2008

Dear Colleagues:

The interrogation of high-value detainees since 9/11 has been the subject of much controversy. It has also been one of the most valuable sources of intelligence in protecting America and in disrupting terrorist plots, according to CIA Director Michael Hayden and the Director of National Intelligence (DNI) Michael McConnell. Congress has yet to find a solution that bans harsh techniques in a manner that does not prevent our intelligence officials from using otherwise lawful means to obtain the information they need to keep America safe.

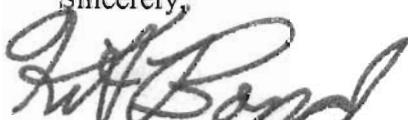
One proposal has been to require our intelligence agencies, when conducting interrogations of individuals in their custody, to use only the nineteen techniques explicitly authorized by the Army Field Manual (AFM). This has received immediate objection by the DNI and CIA Director who expressed concern that the AFM fails to exhaust the universe of techniques that could be authorized consistent with the Geneva Conventions. I believe there is a better legislative alternative that, unlike current proposals, satisfies two key objectives: (1) to forbid the use of harsh interrogation techniques that may run afoul of the Geneva Conventions; and (2) to give our intelligence agencies the tools and flexibility they need to conduct full and timely interrogations of terrorists and other detainees.

Rather than authorizing intelligence agencies to use only those techniques that are *allowed* under the AFM, I believe the more prudent approach is to preclude the use of specific techniques that are *prohibited* under the AFM. In this way, the Congress can state clearly that certain harsh interrogation techniques will not be permissible. At the same time, this approach allows for the possibility that new techniques that are not explicitly authorized in the AFM, but nevertheless comply with the law, may be developed in the future. This alternative ensures that our intelligence operators know the exact parameters of what is lawful, rather than forcing them to rely on and interpret a Manual that was written solely for military intelligence operations.

Specified prohibitions in conjunction with intelligence interrogations would include: forcing the detainee to be naked, perform sexual acts, or pose in a sexual manner; placing hoods or sacks over the head of a detainee and using duct tape over the eyes; applying beatings, electric shock, burns, or similar forms of physical pain; "waterboarding"; using military working dogs; inducing hypothermia or heat injury; conducting mock executions; and depriving the detainee of adequate food, water or medical care.

As we continue debate on these issues, I urge you to consider my proposal to ban the use of certain harsh interrogation techniques expressly prohibited by the Army Field Manual.

Sincerely,

  
Christopher S. Bond  
Vice Chairman