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Set the Record Straight: Publish All Key Memos on CIA Interrogations

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On April 16, the Justice Department released documents on terrorist interrogation tactics used by the CIA after 9/11. Former Vice President Dick Cheney has called on the Administration to declassify and release additional material that describes the full scope and context of the program, including the effectiveness of the CIA interrogations.

Since the Administration initially released the documents so that Americans would be informed on what and how their government has worked to protect them from transnational terrorist attacks, they should now feel obligated to provide all relevant documents (consistent with protecting national security of the United States).

Politically Motivated? The documents released by the Justice Department included four memos dating from 2002 to 2005. The memos had few redactions (information blacked out for security purposes). While President Obama claimed that the memos were not released to create “political rancor,” media reports indicate the precisely such an effect.

According to *The Washington Post*, intelligence experts believe “the documents could ignite calls in Congress and among international courts for a fresh, independent investigation of detainee treatment.”¹ Government statements are also unclear as to whether the Administration will propose or support an investigatory commission, a special prosecutor, or prosecutions of former government officials.

What the Memos Reveal. While many media accounts portrayed the memos as evidence that interrogation practices were both illegal and ineffec-

tive and therefore an indictment of Bush policies, others disagree.

For example, after analyzing the memos, David Rivkin and Lee Casey concluded in *The Wall Street Journal*, “The four memos on CIA interrogation released by the White House last week reveal a cautious and conservative Justice Department advising a CIA that cared deeply about staying within the law. Far from ‘green lighting’ torture—or cruel, inhuman or degrading treatment of detainees—the memos detail the actual techniques used and the many measures taken to ensure that interrogations did not cause severe pain or degradation.”²

Fueling the Debate. What cannot be disputed is that the release of the memos has fueled even more debate over the interrogation policies of both the Bush and Obama Administrations. Some, for example, have argued that by providing a full description of CIA interrogation policies (as well as limiting future interrogations to the same procedures described in unclassified military interrogation manuals) the Obama Administration will aid future terrorist detainees in more effectively resisting interrogation.

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Relevant Information Still Missing. The debate over the rightness of releasing the memos will continue, but the danger of telegraphing operational practices to al-Qaeda is no longer relevant—all the facts about how the interrogators did their job are now available.

What has not been released, however, is all the other relevant information about the program that would help Americans better understand both how it worked and how effective it was. While *The Washington Post* reported that “Justice Department documents released yesterday offer the fullest account to date of Bush administration interrogation tactics, including previously unacknowledged strategies,”³ it failed to note that many key details about the program, including those that might put interrogation policies in a more favorable light, were not disclosed.

For example, former Vice President Cheney noted in an interview, “One of the things that I find a little bit disturbing about this recent disclosure is they put out the legal memos, the memos that the CIA got from the Office of Legal Counsel, but they didn’t put out the memos that showed the success of the effort.”⁴ The Vice President stated that he had previously asked for the declassification of additional memos. In recent press interviews, he renewed his request.

The Way Forward. While President Obama has stated he wants to look forward on this issue and not stir up a bitter partisan debate, he has failed to do so. In addition, it is far from clear whether compromising and limiting interrogation techniques is prudent and adequately meets all the requirements of good security policy—safeguarding national security, upholding the rule of law, and protecting

civil and human rights. The President should move quickly to address this failure by taking the following steps:

- First, the Administration should release all the memos requested by former Vice President Cheney, thereby providing Americans the fullest and most transparent accounting possible of interrogation policies and their effects;
- Second, the President should immediately convene a high-level non-partisan commission of senior intelligence and military professionals to review the efficacy of the recently announced Obama interrogation policies;
- Third, the President should dampen calls for a partisan witch hunt against former Bush Administration officials;
- Finally, the Administration should provide a comprehensive list detailing which Members of Congress were briefed about these terrorist interrogation tactics.

Resisting Political “Lawfare.” The United States should never condone torture—period. That said, U.S. government officials have a solemn obligation to resist those who want to play political “lawfare” with counterterrorism policies to advance constituent agendas at the expense of the security and freedom of Americans. Washington needs to do the “right thing”—resist efforts to play politics with national security and the practice of democracy.

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1. Carrie Johnson and Julie Tate, “New Interrogation Details Emerge,” *The Washington Post*, April 17, 2009, at <http://www.washingtonpost.com/wp-dyn/content/article/2009/04/16/AR2009041602768.html> (April 23, 2009).
2. David B. Rivkin, Jr., and Lee A. Casey, “The Memos Prove We Didn’t Torture,” *The Wall Street Journal*, April 20, 2009, at <http://online.wsj.com/article/SB124018665408933455.html> (April 23, 2009).
3. Johnson and Tate, “New Interrogation Details Emerge.”
4. “Cheney Calls for Release of Memos Showing Results of Interrogation Efforts,” FoxNews.com, April 20, 2009, at <http://www.foxnews.com/politics/2009/04/20/cheney-calls-release-memos-showing-results-interrogation-efforts> (April 23, 2009).