

**QUESTIONS FOR THE RECORD
GENERAL DAVID PETRAEUS**

“Ticking Time Bomb” Scenario

At your confirmation hearing, you stated your view that the interrogation techniques in the Army Field Manual for Human Intelligence Collector Operations were sufficient and effective, but suggested that there should be discussion among policy-makers about authorizing additional interrogation techniques for extraordinary “ticking time bomb” scenarios.

General Charles Krulak and General Joseph Hoar referenced this option in a 2007 Washington Post op-ed column, writing “As has happened with every other nation that has tried to engage in a little bit of torture -- only for the toughest cases, only when nothing else works -- the abuse spread like wildfire, and every captured prisoner became the key to defusing a potential ticking time bomb. Our soldiers in Iraq confront real “ticking time bomb” situations every day, in the form of improvised explosive devices, and any degree of “flexibility” about torture at the top drops down the chain of command like a stone -- the rare exception fast becoming the rule.” (<http://www.washingtonpost.com/wp-dyn/content/article/2007/05/16/AR2007051602395.html>)

- *Do you believe that techniques beyond those in the Army Field Manual would be more effective or less likely to produce information of questionable value in the “ticking time bomb” scenarios than they would be in other circumstances?*

ANSWER: As I mentioned in testimony, approved interrogation techniques outlined in the Army Field Manual and the Counterinsurgency Field Manual remain effective in the field. However, the “ticking time bomb” scenario does pose a unique set of challenges that must be discussed at length before such a situation arises. We may face situations where large numbers of US citizens face an imminent threat. In such a time-constrained scenario, policy-makers may not have the luxury to allow interrogators to take the time to establish the type of relationship that will provide valuable intelligence.

It is unclear at this point whether additional techniques beyond the Army Field Manual would conclusively shorten the time required to elicit credible information from a detainee. That is why I believe research is required now – rather than working through policy and legal issues when the clock is working against us – so we are best prepared to handle this type of situation, should it arise. Clearly, we must continue to live our values, and by structuring the discussion and doing research beforehand, we can prevent a situation where the urgency to act could compromise those values.

If confirmed, I will work with the Attorney General and members of the Intelligence Community to prevent such a situation, but also to develop informed options for the President that will mitigate the inherent risks for such an event.

QUESTIONS FOR THE RECORD FROM SENATOR ROCKEFELLER

Review of CIA Detention and Interrogation Program

As you know, the Committee has undertaken a multi-year review of the CIA's past detention and interrogation policies. This review began over three years ago, in early 2008, when the Committee under then-Chairman Rockefeller and then-Vice Chairman Bond undertook an examination of the enhanced interrogations of Abu Zubaydah and Abd al-Rahim al-Nashiri after learning that the CIA had destroyed videotapes of these interrogations. Upon presentation to the Committee of the preliminary staff findings of this examination in early 2009, the Committee under the leadership of Chairman Feinstein and Vice Chairman Bond approved a comprehensive review of the CIA's detention and interrogation program with a bipartisan vote on March 5, 2009.

Since that time, Committee staff have reviewed millions of pages of documents pertaining to the program and are nearing completion of a report. This review is the only comprehensive in-depth look at the facts and documents pertaining to the creation, management, and effectiveness of the CIA detention and interrogation program. This effort is aimed at informing policymakers and CIA leaders in the future; it is intended to impart constructive lessons-learned from the program. It is an effort to find out what went wrong, what went right, and to learn from it all. It is what you as a Commanding General would call an After-Action Review.

If confirmed, you will be the CIA Director at the time the Committee finishes this review and completes the report.

- Is it your understanding that this effort is intended to arrive at constructive lessons-learned to inform future policy discussions?
- We saw in the days after the killing of Osama bin Laden that policymakers and the public do not yet possess a common set of facts about the CIA's detention and interrogation program, especially regarding the intelligence it produced. Do you agree that it is important to have a comprehensive and informed set of verified facts on which to base future detention and interrogation policies?

- If you are confirmed as the next CIA Director, will you endeavor to work with the Committee to transcend the political fights of the past on these issues?

ANSWER: As stated in my testimony, I believe that a holistic and comprehensive review of the United States Government's detention and interrogation programs can lead to valuable lessons that might inform future policies.

The best way to gain a common set of facts would be to reach-out to the intelligence and military communities responsible for detentions and interrogations and for implementing future policies. As we have learned after countless iterations in the military, after-action reports prove invaluable for guiding future decision-making. At the same time, to gain the proper insights from a series of actions or decisions, we cannot separate the review process from the public servants undertaking the actions. I believe that a series of recommendations divorced from a proper understanding of the circumstances in question—which can only be gained by including the participants—can only result in a partial answer.

If confirmed, my staff will stand ready to work with the Committee, in order to ensure that a complete review yields the best policies necessary to the nation's future detention and interrogation policies.

QUESTIONS FOR THE RECORD FROM SENATOR WYDEN

Syria

You noted that you have maintained an interest in your former CENTCOM area of responsibility. What is your assessment of the recent upheaval in Syria, and the stability of the current regime?

ANSWER: Syrian President Bashar al-Asad continues to battle anti-regime protests, many of which have turned violent. Major cities in the south and along the coast that saw unrest in April and May have returned to a tense calm after earlier military and internal security service operations in those areas, but unrest has flared in new locations in the north and east of the country and, since basic grievances are not being addressed, continued unrest is likely. At least 12,000 refugees who fled violence in northern Syria are currently being hosted in camps in Turkey. Protests have not yet coalesced around a single group of leaders, and key minority groups, including Christians and Kurds, have not joined demonstrations in large numbers. If confirmed, this is clearly a situation that I will monitor closely.

Critical Language Capabilities

Under Director Panetta's leadership the CIA has made new efforts to increase the critical language capabilities of its workforce. What role do you believe improved diagnostic assessments should play in these efforts?

ANSWER: I wholeheartedly agree with Director Panetta's emphasis on the workforce's language capability. If confirmed, I will endeavor to keep the Agency on-track to reach its established goals regarding language training. Diagnostic assessments are certainly one set of useful tools for determining which employees should be selected for language training. However, we should also consider an employee's prior experience with foreign languages and his/her level of commitment to learning a new language. As my experience with the Afghan hands program has taught us, having people with the right language and culture training can be invaluable to the collecting and analysis of credible and timely intelligence.

Counterterrorism

The State Department's top lawyer, Harold Koh, gave a speech last year in March where he laid out the administration's official views regarding counterterrorism and the use of force. Did all the statements made in that speech regarding the use of force against terrorists apply to the CIA? Please provide an unclassified answer.

ANSWER: My understanding is that Mr. Koh's speech discussed the lawfulness of United States operations against al-Qa'ida, with particular reference to lethal operations using unmanned aerial vehicles, under applicable U.S. and international law. Mr. Koh spoke in public and did not name CIA at any point in the speech. I cannot provide an unclassified answer regarding the existence of any CIA program involving such operations. Accordingly, I cannot confirm that any or all of the statements made in Mr. Koh's speech regarding the use of force against terrorists apply to CIA.

QUESTIONS FOR THE RECORD FROM SENATOR UDALL

Afghanistan

As I am also a member of the Senate Armed Services Committee, I have a question about President Obama's announcement regarding the drawdown of U.S. forces in Afghanistan. He talked about bringing home the remainder of the surge forces by the "summer" of 2012.

- Is it your understanding that redeploying those remaining 23,000 forces on that timetable would mean that all those forces WILL or WILL NOT be part of U.S. military efforts during next year's "fighting season" in Afghanistan?
- If all 23,000 remaining surge forces will not be part of those efforts, does that concern you? If so, why? If not, why not?

ANSWER: The remaining 23,000 US forces associated with the surge will be redeployed by the end of September 2012. Since the Taliban's campaign season usually lasts into the autumn, we will be withdrawing troops while at the tail end of the historical fighting season. I am comfortable with this decision, because we are undertaking a number of measures to reduce the risk associated with the troop withdrawal:

- First, coalition and Afghan forces are undertaking a relentless campaign against our adversaries that has achieved significant gains against the insurgents since the December 2009 speech by the President. This campaign will continue through the winter of this year and the spring of 2012, making maximum use of the troops for as long as possible. Because of this pace, we expect the insurgency to be even further degraded.
- Second, the growth of the Afghan National Security Forces (ANSF) will mitigate risks associated with the departure of the surge forces. Between now and September 2012, our Afghan allies will add an additional 70,000 security personnel. Furthermore, the ANSF is maturing rapidly as an independent fighting force. We are seeing the ANSF increasingly take the lead during partnered operations. We will use this time to continue to develop Afghan sustainment capabilities that will make the force more self-sufficient over the long-term. Finally, in a number of recent cases, individual ANSF units and commanders have demonstrated the initiative, drive, and commitment that are essential for their ability to ultimately defeat the insurgency, secure their country, and help us achieve our objectives in the region.

QUESTIONS FOR THE RECORD FROM SENATOR LEVIN

Army Field Manual

Executive Order 13491 of January 22, 2009, requires that:

“Effective immediately, an individual in the custody or under the effective control of an officer, employee, or other agent of the United States Government, or detained within a facility owned, operated, or controlled by a department or agency of the United States, in any armed conflict, shall not be subjected to any interrogation technique or approach, or any treatment related to interrogation, that is not authorized by and listed in Army Field Manual 2-22.3.”

- Is the Army Field Manual 2-22.3 binding on the Central Intelligence Agency and all of its employees?
- Is the Army Field Manual 2-22.3 binding on contractors of the Central Intelligence Agency and their employees?

ANSWER: Yes. The Central Intelligence Agency, including all of its employees and contractors, are bound by and will follow the President's directive in Executive Order 13941 not to use any interrogation technique, approach, or treatment related to interrogation that is not authorized by and listed in Army Field Manual 2-22.3.

Professor Juan Cole

There are media reports alleging that the CIA sought to obtain sensitive derogatory information on Professor Juan Cole, a University of Michigan professor.

- Did the CIA provide any derogatory information to anyone about Professor Cole?
- Will you investigate these allegations?

ANSWER: It is my understanding that the CIA has looked into this allegation, and they did not provide any derogatory information to anyone on Professor Cole.