

EXHIBIT

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THE WHITE HOUSE
PRESIDENT
GEORGE W. BUSH

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For Immediate Release
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President Discusses Creation of Military Commissions to Try Suspected Terrorists

The East Room

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THE PRESIDENT: Thank you. Thanks for the warm welcome. Welcome to the White House. Mr. Vice President, Secretary Rice, Attorney General Gonzales, Ambassador Negroponte, General Hayden, members of the United States Congress, families who lost loved ones in the terrorist attacks on our nation, and my fellow citizens: Thanks for coming.

On the morning of September the 11th, 2001, our nation awoke to a nightmare attack. Nineteen men, armed with box cutters, took control of airplanes and turned them into missiles. They used them to kill nearly 3,000 innocent people. We watched the Twin Towers collapse before our eyes -- and it became instantly clear that we'd entered a new world, and a dangerous new war.



The attacks of September the 11th horrified our nation. And amid the grief came new fears and urgent questions: Who had attacked us? What did they want? And what else were they planning? Americans saw the destruction the terrorists had caused in New York, and Washington, and Pennsylvania, and they wondered if there were other terrorist cells in our midst poised to strike; they wondered if there was a second wave of attacks still to come.

With the Twin Towers and the Pentagon still smoldering, our country on edge, and a stream of intelligence coming in about potential new attacks, my administration faced immediate challenges: We had to respond to the attack on our country. We had to wage an unprecedented war against an enemy unlike any we had fought before. We had to find the terrorists hiding in America and across the world, before they were able to strike our country again. So in the early days and weeks after 9/11, I directed our government's senior national security officials to do everything in their power, within our laws, to prevent another attack.

Nearly five years have passed since these -- those initial days of shock and sadness -- and we are thankful that the terrorists have not succeeded in launching another attack on our soil. This is not for the lack of desire or determination on the part of the enemy. As the recently foiled plot in London shows, the terrorists are still active, and they're still trying to strike America, and they're still trying to kill our people. One reason the terrorists have not succeeded is because of the hard work of thousands of dedicated men and women in our government, who have toiled day and night, along with our allies, to stop the enemy from carrying out their plans. And we are grateful for these hardworking citizens of ours.

Another reason the terrorists have not succeeded is because our government has changed its policies -- and given our military, intelligence, and law enforcement personnel the tools they need to fight this enemy and protect

our people and preserve our freedoms.

The terrorists who declared war on America represent no nation, they defend no territory, and they wear no uniform. They do not mass armies on borders, or flotillas of warships on the high seas. They operate in the shadows of society; they send small teams of operatives to infiltrate free nations; they live quietly among their victims; they conspire in secret, and then they strike without warning. In this new war, the most important source of information on where the terrorists are hiding and what they are planning is the terrorists, themselves. Captured terrorists have unique knowledge about how terrorist networks operate. They have knowledge of where their operatives are deployed, and knowledge about what plots are underway. This intelligence -- this is intelligence that cannot be found any other place. And our security depends on getting this kind of information. To win the war on terror, we must be able to detain, question, and, when appropriate, prosecute terrorists captured here in America, and on the battlefields around the world.



After the 9/11 attacks, our coalition launched operations across the world to remove terrorist safe havens, and capture or kill terrorist operatives and leaders. Working with our allies, we've captured and detained thousands of terrorists and enemy fighters in Afghanistan, in Iraq, and other fronts of this war on terror. These enemy -- these are enemy combatants, who were waging war on our nation. We have a right under the laws of war, and we have an obligation to the American people, to detain these enemies and stop them from rejoining the battle.

Most of the enemy combatants we capture are held in Afghanistan or in Iraq, where they're questioned by our military personnel. Many are released after questioning, or turned over to local authorities -- if we determine that they do not pose a continuing threat and no longer have significant intelligence value. Others remain in American custody near the battlefield, to ensure that they don't return to the fight.

In some cases, we determine that individuals we have captured pose a significant threat, or may have intelligence that we and our allies need to have to prevent new attacks. Many are al Qaeda operatives or Taliban fighters trying to conceal their identities, and they withhold information that could save American lives. In these cases, it has been necessary to move these individuals to an environment where they can be held secretly [sic], questioned by experts, and -- when appropriate -- prosecuted for terrorist acts.

Some of these individuals are taken to the United States Naval Base at Guantanamo Bay, Cuba. It's important for Americans and others across the world to understand the kind of people held at Guantanamo. These aren't common criminals, or bystanders accidentally swept up on the battlefield -- we have in place a rigorous process to ensure those held at Guantanamo Bay belong at Guantanamo. Those held at Guantanamo include suspected bomb makers, terrorist trainers, recruiters and facilitators, and potential suicide bombers. They are in our custody so they cannot murder our people. One detainee held at Guantanamo told a questioner questioning him -- he said this: "I'll never forget your face. I will kill you, your brothers, your mother, and sisters."



In addition to the terrorists held at Guantanamo, a small number of suspected terrorist leaders and operatives captured during the war have been held and questioned outside the United States, in a separate program operated by the Central Intelligence Agency. This group includes individuals believed to be the key architects of the September the 11th attacks, and attacks on the USS Cole, an operative involved in the bombings of our embassies in Kenya and Tanzania, and individuals involved in other attacks that have taken the lives of innocent civilians across the world. These are dangerous men with unparalleled knowledge about terrorist networks and their plans for new attacks. The security of our nation and the lives of our citizens depend on our ability to learn what these terrorists know.

Many specifics of this program, including where these detainees have been held and the details of their confinement, cannot be divulged. Doing so would provide our enemies with information they could use to take retribution against our allies and harm our country. I can say that questioning the detainees in this program has

given us information that has saved innocent lives by helping us stop new attacks -- here in the United States and across the world. Today, I'm going to share with you some of the examples provided by our intelligence community of how this program has saved lives; why it remains vital to the security of the United States, and our friends and allies; and why it deserves the support of the United States Congress and the American people.

Within months of September the 11th, 2001, we captured a man known as Abu Zubaydah. We believe that Zubaydah was a senior terrorist leader and a trusted associate of Osama bin Laden. Our intelligence community believes he had run a terrorist camp in Afghanistan where some of the 9/11 hijackers trained, and that he helped smuggle al Qaeda leaders out of Afghanistan after coalition forces arrived to liberate that country. Zubaydah was severely wounded during the firefight that brought him into custody -- and he survived only because of the medical care arranged by the CIA.

After he recovered, Zubaydah was defiant and evasive. He declared his hatred of America. During questioning, he at first disclosed what he thought was nominal information -- and then stopped all cooperation. Well, in fact, the "nominal" information he gave us turned out to be quite important. For example, Zubaydah disclosed Khalid Sheikh Mohammed -- or KSM -- was the mastermind behind the 9/11 attacks, and used the alias "Muktar." This was a vital piece of the puzzle that helped our intelligence community pursue KSM. Abu Zubaydah also provided information that helped stop a terrorist attack being planned for inside the United States -- an attack about which we had no previous information. Zubaydah told us that al Qaeda operatives were planning to launch an attack in the U.S., and provided physical descriptions of the operatives and information on their general location. Based on the information he provided, the operatives were detained -- one while traveling to the United States.

We knew that Zubaydah had more information that could save innocent lives, but he stopped talking. As his questioning proceeded, it became clear that he had received training on how to resist interrogation. And so the CIA used an alternative set of procedures. These procedures were designed to be safe, to comply with our laws, our Constitution, and our treaty obligations. The Department of Justice reviewed the authorized methods extensively and determined them to be lawful. I cannot describe the specific methods used -- I think you understand why -- if I did, it would help the terrorists learn how to resist questioning, and to keep information from us that we need to prevent new attacks on our country. But I can say the procedures were tough, and they were safe, and lawful, and necessary.

Zubaydah was questioned using these procedures, and soon he began to provide information on key al Qaeda operatives, including information that helped us find and capture more of those responsible for the attacks on September the 11th. For example, Zubaydah identified one of KSM's accomplices in the 9/11 attacks -- a terrorist named Ramzi bin al Shibh. The information Zubaydah provided helped lead to the capture of bin al Shibh. And together these two terrorists provided information that helped in the planning and execution of the operation that captured Khalid Sheikh Mohammed.

Once in our custody, KSM was questioned by the CIA using these procedures, and he soon provided information that helped us stop another planned attack on the United States. During questioning, KSM told us about another al Qaeda operative he knew was in CIA custody -- a terrorist named Majid Khan. KSM revealed that Khan had been told to deliver \$50,000 to individuals working for a suspected terrorist leader named Hambali, the leader of al Qaeda's Southeast Asian affiliate known as "J-1". CIA officers confronted Khan with this information. Khan confirmed that the money had been delivered to an operative named Zubair, and provided both a physical description and contact number for this operative.

Based on that information, Zubair was captured in June of 2003, and he soon provided information that helped lead to the capture of Hambali. After Hambali's arrest, KSM was questioned again. He identified Hambali's brother as the leader of a "J-1" cell, and Hambali's conduit for communications with al Qaeda. Hambali's brother was soon captured in Pakistan, and, in turn, led us to a cell of 17 Southeast Asian "J-1" operatives. When confronted with the news that his terror cell had been broken up, Hambali admitted that the operatives were being groomed at KSM's request for attacks inside the United States -- probably [sic] using airplanes.

During questioning, KSM also provided many details of other plots to kill innocent Americans. For example, he described the design of planned attacks on buildings inside the United States, and how operatives were directed to carry them out. He told us the operatives had been instructed to ensure that the explosives went off at a point that was high enough to prevent the people trapped above from escaping out the windows.

KSM also provided vital information on al Qaeda's efforts to obtain biological weapons. During questioning, KSM

admitted that he had met three individuals involved in al Qaeda's efforts to produce anthrax, a deadly biological agent -- and he identified one of the individuals as a terrorist named Yazid. KSM apparently believed we already had this information, because Yazid had been captured and taken into foreign custody before KSM's arrest. In fact, we did not know about Yazid's role in al Qaeda's anthrax program. Information from Yazid then helped lead to the capture of his two principal assistants in the anthrax program. Without the information provided by KSM and Yazid, we might not have uncovered this al Qaeda biological weapons program, or stopped this al Qaeda cell from developing anthrax for attacks against the United States.

These are some of the plots that have been stopped because of the information of this vital program. Terrorists held in CIA custody have also provided information that helped stop a planned strike on U.S. Marines at Camp Lemonier in Djibouti -- they were going to use an explosive laden water tanker. They helped stop a planned attack on the U.S. consulate in Karachi using car bombs and motorcycle bombs, and they helped stop a plot to hijack passenger planes and fly them into Heathrow or the Canary Wharf in London.

We're getting vital information necessary to do our jobs, and that's to protect the American people and our allies.

Information from the terrorists in this program has helped us to identify individuals that al Qaeda deemed suitable for Western operations, many of whom we had never heard about before. They include terrorists who were set to case targets inside the United States, including financial buildings in major cities on the East Coast. Information from terrorists in CIA custody has played a role in the capture or questioning of nearly every senior al Qaeda member or associate detained by the U.S. and its allies since this program began. By providing everything from initial leads to photo identifications, to precise locations of where terrorists were hiding, this program has helped us to take potential mass murderers off the streets before they were able to kill.

This program has also played a critical role in helping us understand the enemy we face in this war. Terrorists in this program have painted a picture of al Qaeda's structure and financing, and communications and logistics. They identified al Qaeda's travel routes and safe havens, and explained how al Qaeda's senior leadership communicates with its operatives in places like Iraq. They provided information that allows us -- that has allowed us to make sense of documents and computer records that we have seized in terrorist raids. They've identified voices in recordings of intercepted calls, and helped us understand the meaning of potentially critical terrorist communications.

The information we get from these detainees is corroborated by intelligence, and we've received -- that we've received from other sources -- and together this intelligence has helped us connect the dots and stop attacks before they occur. Information from the terrorists questioned in this program helped unravel plots and terrorist cells in Europe and in other places. It's helped our allies protect their people from deadly enemies. This program has been, and remains, one of the most vital tools in our war against the terrorists. It is invaluable to America and to our allies. Were it not for this program, our intelligence community believes that al Qaeda and its allies would have succeeded in launching another attack against the American homeland. By giving us information about terrorist plans we could not get anywhere else, this program has saved innocent lives.

This program has been subject to multiple legal reviews by the Department of Justice and CIA lawyers; they've determined it complied with our laws. This program has received strict oversight by the CIA's Inspector General. A small number of key leaders from both political parties on Capitol Hill were briefed about this program. All those involved in the questioning of the terrorists are carefully chosen and they're screened from a pool of experienced CIA officers. Those selected to conduct the most sensitive questioning had to complete more than 250 additional hours of specialized training before they are allowed to have contact with a captured terrorist.

I want to be absolutely clear with our people, and the world: The United States does not torture. It's against our laws, and it's against our values. I have not authorized it -- and I will not authorize it. Last year, my administration worked with Senator John McCain, and I signed into law the Detainee Treatment Act, which established the legal standard for treatment of detainees wherever they are held. I support this act. And as we implement this law, our government will continue to use every lawful method to obtain intelligence that can protect innocent people, and stop another attack like the one we experienced on September the 11th, 2001.

The CIA program has detained only a limited number of terrorists at any given time -- and once we've determined that the terrorists held by the CIA have little or no additional intelligence value, many of them have been returned to their home countries for prosecution or detention by their governments. Others have been accused of terrible crimes against the American people, and we have a duty to bring those responsible for these crimes to justice. So

we intend to prosecute these men, as appropriate, for their crimes.

Soon after the war on terror began, I authorized a system of military commissions to try foreign terrorists accused of war crimes. Military commissions have been used by Presidents from George Washington to Franklin Roosevelt to prosecute war criminals, because the rules for trying enemy combatants in a time of conflict must be different from those for trying common criminals or members of our own military. One of the first suspected terrorists to be put on trial by military commission was one of Osama bin Laden's bodyguards -- a man named Hamdan. His lawyers challenged the legality of the military commission system. It took more than two years for this case to make its way through the courts. The Court of Appeals for the District of Columbia Circuit upheld the military commissions we had designed, but this past June, the Supreme Court overturned that decision. The Supreme Court determined that military commissions are an appropriate venue for trying terrorists, but ruled that military commissions needed to be explicitly authorized by the United States Congress.

So today, I'm sending Congress legislation to specifically authorize the creation of military commissions to try terrorists for war crimes. My administration has been working with members of both parties in the House and Senate on this legislation. We put forward a bill that ensures these commissions are established in a way that protects our national security, and ensures a full and fair trial for those accused. The procedures in the bill I am sending to Congress today reflect the reality that we are a nation at war, and that it's essential for us to use all reliable evidence to bring these people to justice.

We're now approaching the five-year anniversary of the 9/11 attacks -- and the families of those murdered that day have waited patiently for justice. Some of the families are with us today -- they should have to wait no longer. So I'm announcing today that Khalid Sheikh Mohammed, Abu Zubaydah, Ramzi bin al-Shibh, and 11 other terrorists in CIA custody have been transferred to the United States Naval Base at Guantanamo Bay. (Applause.) They are being held in the custody of the Department of Defense. As soon as Congress acts to authorize the military commissions I have proposed, the men our intelligence officials believe orchestrated the deaths of nearly 3,000 Americans on September the 11th, 2001, can face justice. (Applause.)

We'll also seek to prosecute those believed to be responsible for the attack on the USS Cole, and an operative believed to be involved in the bombings of the American embassies in Kenya and Tanzania. With these prosecutions, we will send a clear message to those who kill Americans: No longer -- how long it takes, we will find you and we will bring you to justice. (Applause.)

These men will be held in a high-security facility at Guantanamo. The International Committee of the Red Cross is being advised of their detention, and will have the opportunity to meet with them. Those charged with crimes will be given access to attorneys who will help them prepare their defense -- and they will be presumed innocent. While at Guantanamo, they will have access to the same food, clothing, medical care, and opportunities for worship as other detainees. They will be questioned subject to the new U.S. Army Field Manual, which the Department of Defense is issuing today. And they will continue to be treated with the humanity that they denied others.

As we move forward with the prosecutions, we will continue to urge nations across the world to take back their nationals at Guantanamo who will not be prosecuted by our military commissions. America has no interest in being the world's jailer. But one of the reasons we have not been able to close Guantanamo is that many countries have refused to take back their nationals held at the facility. Other countries have not provided adequate assurances that their nationals will not be mistreated -- or they will not return to the battlefield, as more than a dozen people released from Guantanamo already have. We will continue working to transfer individuals held at Guantanamo, and ask other countries to work with us in this process. And we will move toward the day when we can eventually close the detention facility at Guantanamo Bay.

I know Americans have heard conflicting information about Guantanamo. Let me give you some facts. Of the thousands of terrorists captured across the world, only about 770 have ever been sent to Guantanamo. Of these, about 315 have been returned to other countries so far -- and about 455 remain in our custody. They are provided the same quality of medical care as the American service members who guard them. The International Committee of the Red Cross has the opportunity to meet privately with all who are held there. The facility has been visited by government officials from more than 30 countries, and delegations from international organizations, as well. After the Organization for Security and Cooperation in Europe came to visit, one of its delegation members called Guantanamo "a model prison" where people are treated better than in prisons in his own country. Our troops can take great pride in the work they do at Guantanamo Bay -- and so can the American people.

As we prosecute suspected terrorist leaders and operatives who have now been transferred to Guantanamo, we'll continue searching for those who have stepped forward to take their places. This nation is going to stay on the offense to protect the American people. We will continue to bring the world's most dangerous terrorists to justice -- and we will continue working to collect the vital intelligence we need to protect our country. The current transfers mean that there are now no terrorists in the CIA program. But as more high-ranking terrorists are captured, the need to obtain intelligence from them will remain critical -- and having a CIA program for questioning terrorists will continue to be crucial to getting life-saving information.

Some may ask: Why are you acknowledging this program now? There are two reasons why I'm making these limited disclosures today. First, we have largely completed our questioning of the men -- and to start the process for bringing them to trial, we must bring them into the open. Second, the Supreme Court's recent decision has impaired our ability to prosecute terrorists through military commissions, and has put in question the future of the CIA program. In its ruling on military commissions, the Court determined that a provision of the Geneva Conventions known as "Common Article Three" applies to our war with al Qaeda. This article includes provisions that prohibit "outrages upon personal dignity" and "humiliating and degrading treatment." The problem is that these and other provisions of Common Article Three are vague and undefined, and each could be interpreted in different ways by American or foreign judges. And some believe our military and intelligence personnel involved in capturing and questioning terrorists could now be at risk of prosecution under the War Crimes Act -- simply for doing their jobs in a thorough and professional way.

This is unacceptable. Our military and intelligence personnel go face to face with the world's most dangerous men every day. They have risked their lives to capture some of the most brutal terrorists on Earth. And they have worked day and night to find out what the terrorists know so we can stop new attacks. America owes our brave men and women some things in return. We owe them their thanks for saving lives and keeping America safe. And we owe them clear rules, so they can continue to do their jobs and protect our people.

So today, I'm asking Congress to pass legislation that will clarify the rules for our personnel fighting the war on terror. First, I'm asking Congress to list the specific, recognizable offenses that would be considered crimes under the War Crimes Act -- so our personnel can know clearly what is prohibited in the handling of terrorist enemies. Second, I'm asking that Congress make explicit that by following the standards of the Detainee Treatment Act our personnel are fulfilling America's obligations under Common Article Three of the Geneva Conventions. Third, I'm asking that Congress make it clear that captured terrorists cannot use the Geneva Conventions as a basis to sue our personnel in courts -- in U.S. courts. The men and women who protect us should not have to fear lawsuits filed by terrorists because they're doing their jobs.

The need for this legislation is urgent. We need to ensure that those questioning terrorists can continue to do everything within the limits of the law to get information that can save American lives. My administration will continue to work with the Congress to get this legislation enacted -- but time is of the essence. Congress is in session just for a few more weeks, and passing this legislation ought to be the top priority. (Applause.)

As we work with Congress to pass a good bill, we will also consult with congressional leaders on how to ensure that the CIA program goes forward in a way that follows the law, that meets the national security needs of our country, and protects the brave men and women we ask to obtain information that will save innocent lives. For the sake of our security, Congress needs to act, and update our laws to meet the threats of this new era. And I know they will.

We're engaged in a global struggle -- and the entire civilized world has a stake in its outcome. America is a nation of law. And as I work with Congress to strengthen and clarify our laws here at home, I will continue to work with members of the international community who have been our partners in this struggle. I've spoken with leaders of foreign governments, and worked with them to address their concerns about Guantanamo and our detention policies. I'll continue to work with the international community to construct a common foundation to defend our nations and protect our freedoms.

Free nations have faced new enemies and adjusted to new threats before -- and we have prevailed. Like the struggles of the last century, today's war on terror is, above all, a struggle for freedom and liberty. The adversaries are different, but the stakes in this war are the same: We're fighting for our way of life, and our ability to live in freedom. We're fighting for the cause of humanity, against those who seek to impose the darkness of tyranny and terror upon the entire world. And we're fighting for a peaceful future for our children and our grandchildren.

May God bless you all. (Applause.)

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Summary of the High Value Terrorist Detainee Program

Since 9/11, we have been engaged in a struggle against an elusive enemy; terrorists work in the shadows, relying on secrecy and the element of surprise to maximize the impact of their attacks. Timely and accurate intelligence is crucial to success in the War on Terrorism. One of the key tools in this war has been the information we have gleaned from the terrorists themselves. Detainees who have been in the inner circle of al-Qa'ida, occupying some of the most important positions in that organization, hold information that simply cannot be obtained from any other source.

- *In the last five years, reporting from terrorist detainees has become a crucial pillar of US counterterrorism efforts, representing the single largest source of insight into al-Qa'ida for the US and its CT partners.*
- *Detainees have confirmed that al-Qa'ida continues to work on operations against the US and its CT allies; a fact underscored by the recent foiled plot in the United Kingdom. Detainee reporting will remain a critical tool if we and our allies are to continue to protect ourselves against these terrorists.*

A Program with Safeguards and Oversight

In March 2002, the CIA and our Coalition partners captured Abu Zubaydah—a terrorist leader and trainer and a key associate of Usama Bin Ladin. A dedicated terrorist, Abu Zubaydah was wounded in the capture operation and likely would have died had it not been for the medical attention arranged by the CIA. During initial interrogation, Abu Zubaydah gave some information that he probably viewed as nominal. Some was important, however, including that Khalid Shaykh Mohammad (KSM) was the 9/11 mastermind and used the moniker “Mukhtar.” This identification allowed us to comb previously collected intelligence for both names, opening up new leads to this terrorist plotter—leads that eventually resulted in his capture. **It was clear to his interrogators that Abu Zubaydah possessed a great deal of information about al-Qa'ida; however, he soon stopped all cooperation. Over the ensuing months, the CIA designed a new interrogation program that would be safe, effective, and legal.**

- The CIA sought and obtained legal guidance from the Department of Justice that none of the new procedures violated the US statutes prohibiting torture. Policymakers were also briefed and approved the use of the procedures.
- The procedures proved highly effective. Abu Zubaydah soon began providing accurate and timely actionable intelligence, including information that led to the capture of 9/11 plotter Ramzi bin al-Shibh.

CIA's interrogation program is designed to ensure that intelligence is collected in a manner that does not violate the US Constitution, any US statute, or US treaty obligations.

- **Shortly after 11 September 2001, the majority and minority leaders of the Senate, the Speaker and the minority leader of the House, and the chairs and ranking members of the intelligence committees were briefed on the authorities for CIA's detention and interrogation program, in accordance with established procedures for sensitive intelligence programs. Within weeks of that time, the authorities were also briefed to the full intelligence committee.**
- **As CIA's efforts to implement these authorities got underway in 2002, the chairs, ranking members, and majority and minority staff directors of the intelligence committees were fully briefed on the interrogation procedures. Briefings to the chairs, ranking members, and majority and minority staff directors have been given on multiple occasions since that time, and in the fall of 2005, in connection with discussion on the Detainee Treatment Act, several other Members were briefed on the program, including the interrogation procedures.**
- **The Department of Justice has reviewed procedures proposed by the CIA on more than one occasion and determined them to be lawful.**
- **The program has been investigated and audited by the CIA's Office of the Inspector General (OIG), which was given full and complete access to all aspects of the program.**

Multiple safeguards have been built into the program to assure its professionalism. All those involved in the questioning of detainees are carefully chosen and screened for demonstrated professional judgment and maturity; the average age of officers interrogating detainees is 43. Once selected, they must complete more than 250 hours of specialized training before they are allowed to come face-to-face with a terrorist. Additional fieldwork under the direct supervision of an experienced officer is required before they can direct an interrogation.

- **Specific senior CIA officers, and currently only the Director of the CIA, must approve—prior to use—each and every one of the lawful interrogation procedures to be used. No deviation from the approved procedures and methods is permitted.**
- **All interrogation sessions in which one of these lawful procedures is authorized for use must be observed by non-participants to ensure the procedures are applied appropriately and safely. These observers are authorized to terminate an interrogation immediately should they believe anything unauthorized is occurring.**
- **Any deviations from approved program procedures and practices are to be immediately reported and immediate corrective action taken, including referral to CIA's Office of the Inspector General and the Department of Justice, as appropriate.**

Another key to the success of CIA's program is the involvement of CIA's substantive terrorism experts, who work together with the full spectrum of CIA's operations officers. In addition to interrogators, detainees are questioned by subject matter experts with years of experience studying and tracking al-Qa'ida members and plots whose expertise contributed to the capture of the detainees. These debriefers are also carefully selected and trained before being permitted to come face-to-face with a detainee. Their expertise helps to maintain a fast pace of questions and answers; they know the detainee's history and what information he should know; they can direct the questions to obtain the most critical information a detainee possesses; and they can quickly verify the truthfulness of a response.

- Debriefers with in-depth knowledge of al-Qa'ida are able to confront the terrorists with multiple sources of information about their activities, including reporting from other detainees. Debriefers use all source information not only to develop questions for detainees but to corroborate the information the detainees supply.

Proven Effectiveness

Captured al-Qa'ida training manuals indicate that al-Qa'ida operatives receive counter-interrogation training; detainees in CIA's program have provided valuable information despite their efforts to apply this training. **Detainees have provided lead information that has aided the US and its allies in capturing al-Qa'ida operatives who pose a serious threat.**

- **Unraveling the network of Jemaah Islamiyah (JI) leader and al-Qa'ida's South Asia representative Hambali and foiling future US operations.** This network's unraveling is an example of how detainees all held by CIA can be more effectively debriefed than if they were held by a variety of different governments. Quickly using information from one detainee in the questioning of another would be practically impossible if the detainees were in the custody of multiple foreign states. In March 2003, al-Qa'ida operations chief KSM provided the first information on his use of the Hambali network for Western operations, setting off a chain of detentions and reporting that ultimately led to the capture not only of Hambali, but of his brother and a cell of JI operatives. **Hambali admitted that the cell was intended for KSM's future US operations.**

Terrorists taken off the street with the help of detainee reporting include some who were involved in casing targets in the US:

1. **US Government and Tourist Sites:** In 2003 and 2004, an individual was tasked by al-Qa'ida to case important US Government and tourist targets within the United States. He is in the custody of a foreign state.
2. **Iyman Faris and the Brooklyn Bridge:** In 2003, a senior al-Qa'ida plotter described an Ohio based truck driver who had taken operational tasking from al-

Qa'ida and who the FBI identified as Iyman Faris. Faris was located and acknowledged discussing the destruction of the Brooklyn Bridge in New York. Faris ultimately pled guilty to providing material support to al-Qa'ida and is now in a federal corrections facility.

3. **Financial Institutions:** KSM and other detainees provided key leads to an elusive operative who had been tasked prior to 9/11 to case financial buildings in major cities along the East Coast. He is in the custody of a foreign state.

Other Operatives for Attacks Against the US and Its Allies. Detainees have provided names approximately 86 individuals—many of whom we had never heard of before—that al-Qa'ida has deemed suitable for Western operations. We have shared these names broadly within the US intelligence and law enforcement communities and with key partners overseas. Nearly half these individuals have been removed from the battlefield by the US and its allies.

- Jafar al-Tayyar was described by Abu Zubaydah who named him as one of the most likely individuals to be used by al-Qa'ida for operations in the United States or Europe. Other detainees added more details, helping us confirm that he is an al-Qa'ida operative and uncover his true name. As a result, a \$5 million reward has been posted for information leading to the capture of Adnan El Shukrijumah, who remains at large.

The detention of terrorists disrupts—at least temporarily—the plots they were involved in, saving the lives not only of Americans but also of countless of men, women, and children around the globe:

1. **The West Coast Airliner Plot:** In mid-2002, thanks to leads from a variety of detainees, the US disrupted a plot by 9/11 mastermind KSM to attack targets on the West Coast of the United States using hijacked airplanes.
2. **The 2004 UK Urban Targets Plot:** In mid-2004, the US and its counterterrorism partners disrupted a plot that involved attacking urban targets in the United Kingdom with explosive devices. Some of the key leads to these plotters came from detainees.
3. **The 2003 Karachi Plot:** In the spring of 2003, the US and a partner detained key al-Qa'ida operatives who were in the advanced stages of plotting an attack against several targets in Karachi, Pakistan that would have killed hundreds of innocent men, women, and children.
4. **The Heathrow Airport Plot:** In 2003, the US and several partners—acting on information from several detainees—disrupted a plot to attack Heathrow Airport using hijacked commercial airliners. KSM and his network were behind the planning for this attack.

5. **The 2002 Arabian Gulf Shipping Plot:** In late 2002 and early 2003, the work of the US and partner nations to detain two senior al-Qa'ida operatives thwarted these operatives' plot to attack ships in the Arabian Gulf.
6. **The Straits of Hormuz Plot:** One of the Arabian Gulf shipping plotters was also working on a plot to attack ships transiting the Straits of Hormuz. His detention disrupted this plot.
7. **The Tall Buildings Plot.** Working with information from detainees, the US disrupted a plot to blow up tall buildings in the United States. KSM later described how he had directed operatives to ensure the buildings were high enough to prevent the people trapped above from escaping out of the windows, thus ensuring their deaths from smoke inhalation.
8. **Camp Lemonier Plot:** In early 2004, shortly after his capture, al-Qa'ida facilitator Gouled Hassan Dourad revealed that in mid-2003 al-Qa'ida East Africa cell leader Abu Talha al-Sudani sent him from Mogadishu to Djibouti to case the US Marine base at Camp Lemonier, as part of a plot to send suicide bombers with a truck bomb into the base. His information—including identifying operatives associated with the plot—helped us to enhance the security at the camp.

In the years since 9/11, successive detainees have helped us and our allies gauge our progress in the fight against al-Qa'ida by providing updated information on the changing structure and health of the organization. They also have given the US and its CT partners context to understand new threat information as it becomes available—insights that illuminate activity we and our allies see in reporting on current threats and plotting. In addition, detainees have provided us locational information on al-Qa'ida managers and operatives.

- **As a result, we have been able to provide leads to our CT partners around the world that have helped them root out al-Qa'ida safehavens. Subsequent detainees have reported that attempts to mount additional attacks in the US Homeland have been set back by these counterterrorism operations.**

EXHIBIT

C



**UNITED STATES ATTORNEY'S OFFICE
SOUTHERN DISTRICT OF NEW YORK**

**86 Chambers Street, 5th Floor
New York, New York 10007**

To: (following distribution list)

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Date: November 9, 2006

No. Pages (including cover): 3

From: PETER M. SKINNER, AUSA

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Remarks:

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**U.S. Department of Justice***United States Attorney
Southern District of New York*

*86 Chambers Street, 5th Floor
New York, New York 10007*

November 9, 2006

BY FACSIMILE

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One Riverfront Plaza
Newark, N.J. 07102

Amrit Singh
Staff Counsel
American Civil Liberties Union
Immigrants' Rights Project
125 Broad Street, 18th Floor
New York, N.Y. 10004

Re: ACLU, et al., v. Department of Defense, et al.,
No. 04 Civ. 4151 (AKH)

Dear Mr. Lustberg, Ms. Clark and Ms. Singh:

We are enclosing an administrative response from the Central Intelligence Agency ("CIA") with respect to Items 29 and 61 of Plaintiffs' August 16, 2004 List. The CIA will provide a Vaughn declaration with respect to these documents by November 30, 2006. Thank you for your attention to this matter.

Very truly yours,

MICHAEL J. GARCIA
United States Attorney

By: 

SEAN H. LANE
HEATHER K. McSHAIN
PETER M. SKINNER
Assistant United States Attorneys
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Encl.

Central Intelligence Agency



Washington, D.C. 20505

Office of General Counsel

10 November 2006

VIA FACSIMILE

Melanca D. Clark
Gibbins, Del Deo, Dolan,
Griffinger & Vecchione, P.C.
One Riverfront Plaza
Newark, NJ 07102-5496

Re: ACLU v. DOD, 04 Civ. 4151 (S.D.N.Y.), remanded
06-0205-cv (2nd Cir.)

Dear Ms. Clark:

Pursuant to the court of appeals' 12 and 22 September 2006 orders and 25 September 2006 mandate in the referenced case, the Central Intelligence Agency (CIA) hereby responds to Items No. 29 and 61 of the list enclosed with Plaintiffs' 16 August 2004 letter.

On remand, the CIA processed Plaintiffs' requests for Items No. 29 and 61 in accordance with the Freedom of Information Act (FOIA), 5 U.S.C. § 552, as amended, for records not exempt from search, review, and disclosure under the Central Intelligence Agency Information Act, 50 U.S.C. § 431, as amended. After conducting a diligent search of relevant systems of records that was reasonably calculated to discover any responsive records, the CIA has located one document responsive to Item No. 29 and one document responsive to Item No. 61.

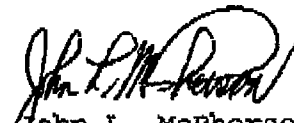
The document responsive to Item No. 29 is a legal memorandum from the Office of Legal Counsel of the Department of Justice to the Office of General Counsel of the CIA. The document is withheld in its entirety on the bases of FOIA Exemptions b(1), b(3) (National Security Act of 1947 and CIA Act of 1949), and b(5) (deliberative process and attorney-client privileges).

Melanca D. Clark

The document responsive to Item No. 61 is a memorandum from President Bush to the Director of the CIA. The document is withheld in its entirety on the bases of FOIA Exemptions b(1), b(3) (National Security Act of 1947 and CIA Act of 1949), and b(5) (presidential communications, deliberative process, and attorney-client privileges).

The documents are withheld in their entirety because there is no meaningful non-exempt information that can be reasonably segregated from the exempt information.

Sincerely,



John L. McPherson
Associate General Counsel

EXHIBIT

D

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Transcript

A Conversation with Michael Hayden [Rush Transcript; Federal News Service]

Speaker: Michael V. Hayden, U.S. Air Force (Retired), Director of the Central Intelligence Agency**President:** Stephen Friedman, Chairman, Stone Point Capital

September 7, 2007

Council on Foreign Relations
New York, NY[♫ Audio](#)

Council on Foreign Relations, New York City, New York

September 7, 2007

STEPHEN FRIEDMAN: (Off mike) -- line-up for the next 30 days or so of council events: on September 25th, Stephen Harper, the prime minister of Canada; on the 26th, Foreign Minister D'Alema of Italy; on the 26th, President Karzai of Afghanistan; on the 27th, Prime Minister Erdogan of Turkey; and on the 27th, President Uribe of Colombia; on October 1st, Foreign Minister Mukherjee of India -- a stellar cast.

Now it's going to be my pleasure to introduce the general. First let me just give you the normal council ground rules for this type of meeting. Please turn off your cellphones and BlackBerries and any other wireless devices. Remember this meeting is very much on the record. In fact, it is being teleconferenced.

Now just brief words about Mike Hayden:

Anyone here who's had the privilege of working with senior leadership in our uniformed military knows the talent that we're fortunate as a nation to have. Mike Hayden is one of the few people in the -- in our military history who's attained his fourth star as an intel pro, which is a measure of the esteem in which he's held by people who deal with him and by his leaders.

For those who worry about the importance of truth being spoken to power, when it is in Hayden's watch, I think you have no need to fear. He is a very direct person, and today you'll all benefit from that. So let me just introduce General Mike Hayden. (Applause.)

GENERAL MICHAEL V. HAYDEN: Thank you, Steve. That's very kind. I'm almost overwhelmed by that line-up you had there. I assure you, I'm the lead-off hitter, and my only purpose is to just get on base for the folks who are coming behind me. (Laughter.)

Thanks for the opportunity to be here, and it's a pleasure to be in New York, to spend some time with such a distinguished group -- I'm looking out here, seeing a lot of familiar faces and old friends -- and an opportunity to talk about the organization I actually have the privilege to lead, the Central Intelligence Agency.

We're an organization with a clear objective: to protect the American people. We have a number of missions that feed into that, to protect America, and one of those missions we share with the council, which is to help our

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policymakers make sense of global events.

And the range of issues before us both are as wide as the world we both study: nuclear proliferation, emerging security threats, the rise of new economic centers, scramble for natural resources, and the list goes on.

Our nation counts on us to have the expertise and the insight to flag the risks and the opportunities that lie ahead, and to keep our eye on all the critical international concerns that face our nation right now.

But of the subjects we cover, none commands more attention than terrorism. I think it's very unlikely that there will ever come a time when a CIA director visits New York and his or her thoughts aren't shaped by 9/11. We're at war, and this city, still strong and vibrant, has been a battlefield in that war.

Now, I don't make a lot of public speeches. That's probably the way it should be for someone in my line of work. But I actually asked Richard and the council to be able to speak to you today.

Like anyone who feels deeply about the safety and well-being of his countrymen, and the value and the integrity of his colleagues, I believe there are some things that need to be said.

Let me repeat that. Like anyone who feels deeply about the safety and well-being of his countrymen, and the value and integrity of his colleagues, there are things that should be said. And sometimes our citizens should hear them from the person who's running their Central Intelligence Agency.

So this afternoon, I want to talk to you about the agency, the new kind of war that our nation has asked us to fight, and something I'm going to call the question of space. If you take nothing else from what I say here this afternoon, I hope it will be this. Our agency, the CIA, operates only within the space given to us by the American people. That's how we want it to be, and that's how it should be.

That space is defined by the policymakers that we all elect and by the laws our representatives pass. But once the laws are passed and the boundaries are set, the American people expect CIA to use every inch we're given to protect our fellow citizens.

So let's talk a little bit about that space. The intelligence services of free societies operate within strict limits. To my way of thinking, those boundaries here in America reflect the principles of the republic that are most worth defending. We at CIA work very hard to live up to them, even as we operate in the shadow world of espionage.

That sets up a natural tension, but frankly, for us, that's simply the cost of doing business. Our agency is convinced, absolutely convinced, that it's our obligation to conform to the needs of our free society and not vice versa.

That's the society that we all signed up to defend. So no matter what the external threat is, we at CIA feel just as strongly as any American that our DNA as a nation must not, cannot be altered.

But unlike most Americans, it's also our responsibility to confront that external threat unceasingly, every minute of every hour. And that, too, is an obligation that we at CIA feel very acutely.

So let me make very clear how my agency views the fight at hand. I think it speaks to what a lot of Americans believe, as well. But here's how we see it.

Our nation is in a state of armed conflict with al Qaeda and its affiliates. It's a conflict that is global in scope, and a precondition for winning that conflict is to take the fight to the enemy wherever he may be. From my vantage point, measured by the required intensity of effort or the profound nature of the threat, it's very hard to see this thing as anything less than war. I've seen public references to, quote, "the so-called war on terrorism" or, quote, "the Bush's administration's war on terrorism," but for us it's simply war. It's a word we use commonly without ambiguity in the halls of the Pentagon and at Langley.

We who study and target this enemy see a danger more real than anything our citizens at home have confronted since our Civil War. And even when you consider the Cold War and mutually assured destruction, in which the potential danger was actually catastrophic, the fact is the destruction never came. This war is different. In a very real sense, anyone who lives or works in a major city is as much a potential target as the victims of 9/11 or of the London subway bombings or the strikes in Madrid or any of the other operations we've seen in Morocco, Jordan, Indonesia, Algeria, Pakistan, Kenya and elsewhere.

That's my take on the strategic threat we face, and that's without the precise language of a National Intelligence Estimate. But the National Intelligence Council did publish its findings on that threat to the homeland earlier this

summer. You had analysts in CIA and from throughout the intelligence community engage in a very careful, meticulous study of the issues based on their expertise and based on both open and classified sources. And I think they did a good job and I have tremendous respect for their work, and for us here this afternoon, I'd like to draw from their judgments to the extent I can in this public setting.

First, our analysts assess with high confidence that al Qaeda's central leadership is planning high-impact plots against the American homeland.

Second, those same analysts assess -- again, with high confidence -- that al Qaeda has protected or regenerated key elements of its homeland attack capability. That means safe haven in the tribal areas of Pakistan. That means operational lieutenants. That means a top leadership engaged in planning. Al Qaeda's success with that last remaining element, which is planning operatives in this country, is less certain.

And third, we assess -- once again, with high confidence -- that al Qaeda is focusing on targets that would produce mass casualties, dramatic destruction and significant economic aftershocks.

I want to be as clear as I can about the danger we face. I want to do that for two reasons. First, I'm the CIA director, and warning about foreign threats to our security is actually part of my job. But second, in discussing the operational space available to my agency, I want to explain to you, and through you to the American people, exactly why we feel so strongly about using every inch we have been given.

We bear responsibility for standing watch on this threat. That fact alone has the very distinctive effect of focusing the mind. But we bear an additional responsibility, as well. We're charged with prosecuting an expeditionary campaign to actually help capture or kill those behind the threat. And this, this is a form of warfare unlike any other in our country's history.

It's an intelligence war as much as a military one. Actually, maybe it's an intelligence war more than it's a military one. In the post-9/11 era, intelligence is more crucial to the security of the republic than ever before. Now, that's, I recognize, a pretty sweeping assertion, so let me try to spell out what I mean with maybe an historical analogy.

I mentioned mutually assured destruction in the Cold War. If that war ever came, the Soviet Union's most deadly forces -- ICBMs, tank armies -- they were actually relatively easy to find, but they were very hard to kill. Intelligence was important, don't get me wrong, but intelligence was overshadowed by the need for raw, sheer fire power.

Today the situation is reversed. We're now in an age in which our primary adversary is easy to kill, he's just very hard to find. So you can understand why so much emphasis in the last five years has been placed on intelligence. Moreover, the moment of an enemy's attack may be just that, a moment, a split second, the time it takes for an airliner to crash or a bomb to detonate. There can be little or no time to defeat him on the battlefield he's chosen.

But behind that point of attack, behind that battlefield he's picked is a trail, a trail of planning, travel, communications, training and all of the other elements that go into a large scale terrorist operation. This is where there are secrets we can steal, operatives we can capture and interrogate, plots we can and must disrupt. That's the theater of operations for your -- for America's clandestine intelligence service. That's where the American people expect us to fight, and in this fight, we've leveraged every inch of the space, the space we've been given to operate.

I want to briefly discuss two important aspects of our post-9/11 operations to put them into proper perspective, and they have to do with that space question. First is our rendition, detention and interrogation programs, and then I want to talk a little bit about our close collaboration with allied intelligence services.

Now, the first thing you need to know about those renditions, detentions and interrogations programs, which, I should add, are very carefully controlled and lawfully conducted, is that although I'm talking about them today, they are hardly the centerpiece of our effort, nor are they nearly as big as some think. But the intelligence they've produced is absolutely irreplaceable, and that intelligence has been used not only by this nation's national security agencies, but by our fellow members of the Atlantic alliance and other allies. It's been crucial in giving us a better understanding of the enemy we face as well as leads on taking other terrorists off the battlefield.

Intelligence is sometimes described as an analogist to putting the pieces of a puzzle together, except we hardly ever get to see the picture on the top of the box. The individuals that we detain provide us with a bunch of new

puzzle pieces, but most importantly, very often they have seen the picture on the top of the box. For example, that National Intelligence Estimate I mentioned earlier about threats to the homeland, in terms of its judgments and assumptions, is actually informed by the intelligence we've obtained from our detention program. More than 70 percent of the human intelligence reporting used in that estimate is based on information from detainees.

A year and a day ago, the president publicly acknowledged the existence of CIA's detention and interrogation program. It began with the capture of Abu Zubaydah in the spring of 2002. Fewer than 100 people had been detained at CIA's facilities. And I mentioned renditions, the number of renditions -- that's moving a terrorist from A to B -- apart from that 100 that we've detained, the number of renditions is actually even a smaller number, mid-range two figures. These programs are targeted and they are selective. They were designed only for the most dangerous terrorists and those believed to have the most valuable information, such as knowledge of planned attacks, but they've also been the subject of wild speculation both here and overseas.

A case and point, a European parliament temporary committee has claimed that -- and I'm quoting now -- "at least 1,245 flights operated by the CIA flew into European airspace and stopped over at European airports between the end of 2001 and the end of 2005." And the report said so in a context that implied that many or even most of these were rendition flights. The actual number of rendition flights ever flown by CIA is a tiny fraction of that. And the suggestion that even a substantial number of those 1,245 flights were carrying detainees is frankly absurd on its face.

What did some of these flights carry? Could be equipment to support our people in the field, could be documents that we're sharing with our allies, could be me. Flights like the ones I take to visit our allies are actually a good thing. They're signs of our close cooperation.

As a method used against the most dangerous terrorists, there's nothing new about renditions also, by the way, for either America or its allies. Consider the cases of Carlos the Jackal or Abdullah Ocalan, both of whose renditions were upheld by European courts. Renditions before and since 9/11 share some basic features. They have been conducted lawfully, responsibly and with a clear and single purpose: Get terrorists off the street and gain intelligence on those still at large.

Our detention and interrogation programs flow from the same inescapable logic. And a lot of what you hear about our interrogation and debriefing techniques is not only false, it actually tends to obscure a point that we and our officers understand very well. When face to face with a detained terrorist, the most effective tool bar none is knowledge. That means things like familiarity with the subject's background, knowing the right questions to ask, countering lies with facts.

We had one detainee, for example, who became quite cooperative in his briefing, when he arrived at a site and we told him not only who we were, we also told him who he was. And then we added where he came from and a great deal of his operational history. If CIA with all of our expertise in counterterrorism had not stepped forward to hold and interrogate men like Abu Zubaydah and Khalid Sheikh Mohammed, people in America, people in Europe, people elsewhere would be right to ask why. We shouldered that responsibility for just one reason: to learn all we can about our nation's most deadly enemies, so that our operations to undermine them are as effective as possible.

Now, I know serious people in free societies are still grappling with how best to address the fight against terrorists in a way that's both effective in protecting our people and consistent with our liberal democratic principles and traditions. The exchange of ideas between our societies is actually building a stronger consensus on the way forward. And it's not hard to see some signs of this cross-pollination and a growing realization that we are all confronting a distinctly new type of threat.

Germany's interior ministry, Wolfgang Schauble, recently cast the situation in these terms, and I'm quoting him now. "The fact is that the old categories no longer apply. The fight against international terrorism cannot be mastered by the classic methods of the police. We have to clarify whether our constitutional state is sufficient for confronting the new threats."

While the dialogue continues on how best to conduct this fight, we and our partners do stand united on its larger purpose. And this much is certain: America cannot win this war without allies. Steve Kappes is my deputy. Steve and I have gone to literally dozens of countries in our first year as head of the agency. Many of these countries we've visited more than once.

I cannot overstate how vital these relationships are to our overall effort. For when I'm talking about winning this war, I do so in full knowledge. It's a highly complex struggle, a long-term struggle, and it's fought on two levels:

what I call the close battle and the deep battle. And our foreign partners are pivotal to success on both those fronts.

Close fight -- that's the one I've been referring to until now -- is pretty straightforward. It's about people who want to kill us. They can't be stopped unless we kill or capture them. And on this front, our foreign partners extend our reach, and they help us across the spectrum of our operations. The efforts of multiple services are often coordinated against a terrorist or group that has regional or global affiliations and doesn't respect the boundaries of nation-states.

Our collaboration has disrupted attacks that could have been on the same scales as those of 9/11 -- the U.K. airliner plot, the takedowns of Khalid Sheikh Mohammed, Mullah Dadullah and many, many others show what can be accomplished by close teamwork among allies. We've used the teamwork in every lawful tactic at our disposal, every inch of the space we've been given to protect all of our citizens from terrorist brutality. With that strong success in the close fight, we face an adaptive and resilient enemy who poses a heightened threat, as I mentioned earlier.

I talked recently with a reporter friend of mine about my hard-to-find/easy-to-kill model. And with his usual insight, my friend added -- once again, contrasting it to the Cold War -- that al Qaeda, in addition to being hard to find, was actually quick to regenerate. And al Qaeda has compensated for losing its Afghan safe haven and key operational lieutenants by regrouping in Pakistan's tribal areas, where they've recruited from a ready pool of adherents. And therein lies what I described a minute ago, the deep battle: Blunting the jihadists' appeal to disenchanted young Muslim men and, increasingly, young Muslim women as well. The deep fight requires discrediting and eliminating the jihadist ideology that motivates this hatred and violence. It requires winning what is essentially a war of ideas.

And I recognize that some of the actions required by the close fight can make fighting the deep fight even more complicated. But it's actually very rare in life that doing nothing is a legitimate or a morally acceptable course of action. Responsibility demands action, and dealing with the immediate threat must naturally be a top priority.

Killing, capturing terrorists keeps them at bay and protects our people, but defeating the world view responsible for producing those terrorists diminishes the threat itself. Winning the war of ideas actually defines the long-term victory that we seek.

I need to be very clear about this -- this conflict is not about religion. This war of ideas is not about Islam; it's about fanatics whose victims have most often been other Muslims. The terrorists must be exposed for the scourge they are, reviled for the horror and suffering they inflict; only then can they be uprooted at their very source.

The deep fight, I should add, is a fight that our whole society has to wage. This war of ideas is something that CIA can contribute to, but we are not the decisive factor. And that deep fight requires that jihadists' ideas of violence and extremism and intolerance be countered by ideas of peace, moderation and inclusion. It requires a tireless global campaign by a broad coalition of nations and societies. But, frankly, it's our friends in the Islamic world, repulsed by al Qaeda's savage distortion of their faith, who must take a leading role.

Any discussion of war and particularly the war of ideas would be incomplete without reference to global media. It is indeed one of the decisive battlegrounds in the post-9/11 era. It's where al Qaeda can attempt to spread its grand illusion of a noble struggle, or it can be where its operatives can be revealed as murderers who try to justify their atrocities with a violent, bankrupt ideology.

The duty of a free press is to report the facts as they are found. By sticking to that principle, journalists accomplish a great deal in exposing al Qaeda and its invariants for what they truly are. And just as they report on terrorists, it's the job of journalists to report on how the war against terrorism is being fought. And when their spotlight is cast on intelligence activities, sound judgment and a thorough understanding of all the equities at play are critically important.

Revelations of sources and methods or what seems to me to be an impulse to drag anything CIA does to the darkest corner of the room can make it very difficult for us to perform our vital work. When our operations are exposed -- you know, the legal, authorized operations overseen by Congress? -- when those operations are exposed, it reduces the space and it damages the tools we use to protect Americans.

After the press report on how banking records in the international Swiss network could be monitored, I read a claim that this leak -- and I'm quoting now -- "bears no resemblance to security breaches" -- why disclosure of

troop locations that would clearly compromise the immediate safety of specific individuals -- I could not disagree more strongly. In a war that largely depends on our success on collecting intelligence on the enemy, publishing information on our sources and methods can be just as damaging as revelations of troop or ship movements have been in the past. Now the compromise to safety can be both immediate and lasting, and it extends beyond specific individuals. Each revelation of our methods in tracking terrorists, tracking WMD, tracking other threats allows our enemies to cover their tracks and change their practices. We'll respond, but it takes us valuable time to readjust.

Now, some are out there who say there's no evidence that leaks of classified information have actually harmed national security. As CIA director, I'm telling you there is and they have. Let me give you just two examples. In one case, leaks provided ammunition for a government to prosecute and imprison one of our sources whose family was also endangered. The revelations had an immediate chilling affect on our ability to collect against a top priority target. In another, a spate of media reports cost us several promising counterterrorism and counterproliferation assets. Sources not even involved in the operation that was exposed lost confidence that their relationship with us could be kept secret and so they stopped reporting.

I mentioned earlier how our liaison relationships with our foreign partners are critical to the war effort. Several years before the 9/11 attacks, a press leak of liaison intelligence prompted a country's service to stop cooperating with us on counterterrorism for two years. More recently, more than one foreign service has told us that because of public disclosures they had to withhold intelligence they otherwise would have shared with us, and that gap of information puts Americans at risk.

Look, I know those who are entrusted with America's secrets and break that trust by divulging those secrets are guilty of a crime, but those who seek such information and then choose to publish it are not without responsibilities. I've got a deep respect for journalists and for their profession. Many of them, especially since 9/11, have actually given their lives in the act of keeping our citizens and our society informed. They're smart, they're dedicated, they're courageous men and women. I count many of them in -- and let me choose my words carefully -- I count many of them as callings. We each have an important role to play in the defense of the republic, but my point is, there are times when life and death issues are at stake when intelligence activities is a subject of press reports.

On their own journalists often simply don't have all the facts needed to make the call on whether the information can be released without harm. I've heard some justify a release based on their view of the sensitivity of their story's content with no understanding of the affect the release have -- may have on the -- the release may have on the intelligence source at the heart of the story. As I said, journalists and intelligence officers have important roles to play in the defense of the republic. A free press is critical to good government. But when the media claims an oversight role on clandestine operations, it moves that clandestine operation into an arena where we cannot clarify, we cannot explain, we cannot defend our actions without doing even further damage to our national security.

It's important -- as I say this, it's important to bear in mind that my agency is subject to another oversight mechanism that has full access to our operations and takes our security requirements into account, it's your representatives in Congress.

The CIA has asked for robust authorities -- remember, the space -- so that we can better fulfill our responsibility to prevent another attack like 9/11, but we have not asked for those authorities without congressional oversight. Close interaction with Congress -- it is an essential part of our -- the agency's social contract with the American people.

Let me give you some statistics -- all of them are for this calendar year, all right; it's 2007 -- that underscore how we vigorously support the oversight we have from the elected representatives in Congress.

In 2007 to date, CIA officers have testified in 57 congressional hearings, and we're responding to 29 congressionally legislated requests for information. We have answered 1,140 QFRs -- that's Questions For the Record -- as well as 254 other letters, questions and requests. CIA experts have given more than 500 briefings to members of Congress and their staffs. We have issued some 100 congressional notifications about our sensitive programs. Everything is on the table. I personally have briefed the Hill nine times since last September on renditions, detentions and interrogations.

I mention all this because, contrary to some of the things you might read in a book, glean from a movie or read in the newspaper, we actually act at CIA within a strong framework of law and oversight. We are responsive to

both ends of Pennsylvania Avenue.

We have an Office of General Counsel. We have an Office of General Counsel that is actually larger than many of our foreign intelligence partners. And our OGC offices, our General Counsel Offices, have a defining say in how we conduct our operations.

We work hard to earn the public trust, because we need that public trust to do our job. It's especially important because the counterterrorism part of our global mission isn't going away any time soon. This war will define our priorities well into the future.

All of you here at the council play a special role in informing this public debate, this public debate on this and every other major issue of foreign policy and national security, so I want to thank you for giving me the opportunity to talk about the work we do at the agency and to help contribute to the broader public understanding of our effort.

I came here as a member of two organizations that mean a lot to me, and one's obvious, see -- the Air Force -- and CIA. And as luck would have it, this month marks the 60th anniversary of both -- both created by the same National Security Act. I've been with the Air Force for 38 of its 60 years; it really hurts me to say that. (Laughs, laughter.) That's a long time. Another harmful way would be something like 50 percent of the history of manned flight, but I don't want to go there. (Laughs, laughter.) I'm proud to be an airman, to wear the uniform, to be part of that great family.

I've been with the agency for about 16 months, but I've actually worked closely with its offices for much of my career. I have a much deeper familiarity with CIA than a 16-month tenure would suggest. We at CIA are no stranger to criticism, and that's been true throughout our history. Sometimes it's justified; often, it's not. Much of what I've seen in the press and read in some books simply doesn't square with the devotion and skill I see every day, whether I'm at Langley or I'm in a war zone. The men and women of CIA are among the most gifted, talented people I've ever had the good fortune to work with. And at the rate of 130,000 applications a year, we've had the opportunity to pick some exceptionally intelligent, creative officers.

America hasn't just been lucky, and it isn't as if the terrorists have been lazy or just aren't trying. Those notions fail to explain the lack of an attack inside our homeland for the last six years. Our nation's bulwark is that group of experts at CIA, the National Counterterrorism Center, across the entire intelligence community who help prosecute this war with their deep knowledge of the enemy and their tight collaboration against a shared target.

I've been out to visit our people in Iraq, Afghanistan, other places where the risk and hardship for CIA employees are greatest. I've seen them work seamlessly with their colleagues in the armed forces, participating in joint operations that have brought the fight directly to the enemy.

And I've seen our officers here at home take quiet satisfaction in seeing the photograph of a terrorist they've tracked for years show up on CNN after his capture. It might be a face and a name unrecognizable to most viewers but not to those who have written countless cables, drafted finished intelligence reports, briefed dozens of policymakers and congressmen on that one target. Each of those victories adds up to a safer America; each is testimony to the tireless dedication and resolve of our men and women for whom the memory of 9/11 is neither distant nor diminished.

At our headquarters building in counterterrorism office that I get to go to a lot, you walk in, there's a bulk head there, you've got to break left or right when you come in, and there's a sign; there's a sign that's been up there for about six years. And at first glance it looks just like a convenience, but once you've actually read it, it never blends into the paperwork. The sign simply says, "Today's date is September 12th, 2001." That's how we approach this war with no apologies, and we do so knowing we must continue and earn the trust of the American people for that operational space we need to do what the nation has asked of us.

Thank you, and I'd be very happy to take your questions. (Applause.)

FRIEDMAN: Just to remind you of the ground rules, please wait for the microphone and speak directly into it. Please state your name and affiliation, and above all, please limit yourself to one question and make it as concise as you can.

Ma'am.

QUESTIONER: I'm Lucy Komisar. I'm a journalist. I wonder whether looking back a little bit in history you think there are any lessons to learn from the fact that the CIA, having overthrown Mossadeq in Iraq, set the stage for

the problems that we are facing now -- I'm sorry -- in Iran, but of course it extends to Iraq.

HAYDEN: The refuge of all intelligence officers, that sounds like a policy question. (Laughter.)

All I can tell you, all right, is that the Central Intelligence Agency within a framework of law carries out the foreign policy of the United States that is constructed by the people that we elect in both the executive and legislative branch.

Yeah, sir, please.

FRIEDMAN: Okay, you'll go. Okay, Kenny.

QUESTIONER: One of the great -- thank you very much for your -- I'm Kenneth Bialkin, Skadden, Arps. One of the great debates in America today is whether to say or go in Iraq. You mentioned the war we have with al Qaeda. Can you please give us the benefit of any assessment that you may have regarding the impact on al Qaeda, its ability to conduct that war here or elsewhere should we -- if I may use a pejorative phrase -- abandon the field?

HAYDEN: Sure. Complex question, and I'm going to give you far too brief an answer, and you've got Dave Petraeus and Ambassador Crocker coming back next week who will elaborate on the situation there.

Life and particularly this kind of slice of life is always complicated. We had a National Intelligence Estimate in the past or so that actually said Iraq has become a cause celebre for jihadist recruitment and then that's a true fact, all right. That reality exists. On the other hand, we also have a letter from Ayman al-Zawahiri to then-Abu Musaab al-Zarqawi in Iraq that called Iraq the central front in the global war for al Qaeda and that their plans would be to create a caliphate beginning in the Sunni heartland of Iraq and spreading both west and east, into The Levant as well. So you've got those realities as well.

If you look at what we need to achieve in Iraq -- and there are a whole list of things -- I've got to put at the top of my list it cannot become a safe haven for those who are threatening the United States.

FRIEDMAN: Roland.

QUESTIONER: General, my name is Roland Paul. I'm a lawyer. Some years ago I was in the government and had the pleasure and privilege of visiting Langley several times.

You mentioned in your remarks that al Qaeda has reconstituted itself in the tribal regions of Pakistan. I know that President Musharraf has made some efforts to eliminate them. But what do you think is necessary and appropriate to eliminate those bases of al Qaeda in Pakistan?

HAYDEN: It's a very difficult challenge and it's hard to imagine a better ally we've had, tentatively, a better ally that we've had in the war than President Musharraf in Pakistan and his military intelligence services.

But you're talking about an area which historically no central government has had control over, and an area that has its own culture and its own traditions that actually make it readily comfortable for al Qaeda to establish a presence. This has become a more serious question for us as al Qaeda has begun to reconstitute. And we're working very closely with our allies in the region and, I should say, on both sides of the border, in Afghanistan, in Pakistan, to do everything we can to deny them this safe haven.

I mentioned earlier that a friend of mine pointed out that, you know, "easy to kill, hard to find, quick to regenerate." And this is a very asymmetrical kind of war. People with safe haven in the FATA, in the Federally Administered Tribal Area, or across the border in Afghanistan, only have to number in three figures, in the hundreds, for them to actually begin to constitute a source of a serious threat against the homeland. Now compare that to 30 years ago and count up the number of Soviet troops and Group Soviet Forces Germany, and you get a sense of the challenge we have here.

So I think continue to work as closely as possible with all of our allies and work as aggressively as possible against the enemy.

FRIEDMAN: Madam?

QUESTIONER: Thank you. Mary Boise (sp), Boise-McGuinness (sp) Law Firm. General, thank you for your service.

HAYDEN: Thank you.

QUESTIONER: Using your terms, what space does the CIA not have that you think it should have and that you think is important for success in the close and the deep fight?

HAYDEN: I'm going to give you an answer from the heart; it's going to be a little oblique, but I think it has a lot of truth to it as I see it.

Kept using the word operational space, or the space provided to us by the American people. In one way, defining that -- and I mention it in the text -- was the laws that we have, but there's more to it than that. All right.

The Central Intelligence Agency and the great Americans who work for CIA, in CIA, live in a larger political culture, and that political culture -- particularly I would use the word -- I mean, if you give me three minutes, I'd think of a better one -- but elite political culture, right, seems to be at the moment squeezing, at least psychically, that operational space; that the things that the nation has asked us to do and the things we are doing on behalf of the nation, its legitimacy is being questioned by certain segments of the population.

Let me be real harsh, and this is probably a bit unfair, all right. I talked about going into the CTC, the Counterterrorism Center and saying today's date is September 12th, 2001. And when I get in the car and get in Langley and drive down the GW Parkway, it's not long before it begins to feel like September 10th. And I'm not talking about in terms of threat. I'm talking about in the willingness of the broader political culture to be comfortable with the things we believe are both lawful and necessary for us to fight this war. That's really what I'm talking about.

FRIEDMAN: Let's just go way to the back. This gentleman way back in the last row.

QUESTIONER: Richard Esposito, ABC News. General, in the past, al Qaeda's just released its tapes. In the current one, they seem to be hyping and trying to create a buzz. What's going on with al Qaeda? Is there any real threat? We gather there's a lot of chest thumping in the tape.

HAYDEN: Yeah. I'll come back to the NIE and then build from it. You know, we don't get three or four things they need to have: safe haven, leadership, to plan strategy, and then operational lieutenants to carry it out, and so on. The NIE says that exists.

What we don't know that exists: have they been able to move operatives inside the homeland. We do see them -- and I have to be by necessity a bit incomplete here, but we do see them working to train people whom you and I wouldn't raise an eyebrow about if they were getting off the plane with us at Kennedy; people whose identity makes it easier -- whose persona makes it easier for them to come into America and to blend into American society. That's going on, all right? That's a reality. And that's the picture we have of al Qaeda. And that willingness to attack the homeland by all that we have, by every source and method, is no way diminished.

FRIEDMAN: The gentleman there in the center.

QUESTIONER: General, I'm Harrison Goldin. Thank you very much for your cogent and persuasive presentation, and thank you for your service.

In delineating the kind of oversight that the CIA has and welcomes, you didn't speak about the courts. I wonder if you would care to say a word about your view as to what the limits are of judicial oversight over intelligence activity, as you see it.

HAYDEN: Yeah. To be fair, and primarily, certainly since the mid-1970s and what we put together then in terms of oversight, after Church, Pike and so on, it was the Congress who had that primary oversight function of the activities of intelligence agencies, and the members are cleared, fully cleared, and we can operate in a box in which classified information can be freely exchanged.

That said, the courts also affect what it is we can do as an agency. Let me pick two examples.

I talked about detentions, interrogations, and how they've always been lawful. But you know, to turn that page and to dig a bit deeper into that, "always lawful," but the law on which it's based has actually developed in the course of the last six years, whether it be the Detainee Treatment Act, the Military Commissions Act or the Hamdan decision, which, you know, created new realities to which we have to respond as an agency. And we have, and that's the way it should be.

In my personal experience, the most robust judicial oversight that I've seen in my life as an intelligence officer

has been through the FISA Court and particularly in my job twice removed as the head of the National Security Agency. And there the court plays a very powerful and, I should say, on balance, a very, very productive role in enabling NSA to do what it needs to do to collect intelligence.

FRIEDMAN: Do you want to comment on e-mails coming through --

HAYDEN: No.

FRIEDMAN: (Inaudible.)

Okay. Sir, on the aisle.

QUESTIONER: I'm Mike Posner from Human Rights First. General Hayden, you spoke at the beginning of your remarks about the distinction between law and rules and then space. And I want to focus on the rules relating to interrogations.

Last year about this time, the president spoke, and he asked Congress for authority for the agency to be involved in what he called enhanced interrogation techniques. This is things like stress positions, use of dogs, hypothermia, mock drowning, waterboarding. The Congress said no to that, led by Senators McCain, Graham and Warner. The military's also said no to that, and all of the senior military lawyers have been very clear that those techniques violate Common Article 3 of the Geneva Conventions, in public testimony before Congress.

And yet a month -- six weeks ago, the administration passed an executive order seemingly allowing again the CIA to engage in these enhanced techniques.

From my perspective, it seems to me like this is more than asking for space; what you're really trying to do is change the rules. The question is, why do you need these enhanced techniques? Why shouldn't every U.S. agency operate by a single standard compliant with Common Article 3?

HAYDEN: First let me make comment on your listing of techniques and just frankly add that it's a pretty good example of taking something to the darkest corner of the room and not reflective of what my agency does.

Now let's talk about the history, last October. With the Hamdan decision, the Supreme Court extended the protection of Common Article 3 to the unlawful combatants of al Qaeda. I'm not a lawyer, but I'm frankly surprised by that aspect of the decision, in that Common Article 3 refers to conflicts not of an international character. And this one does certainly seem to be conflict of an international character.

Our problem was not that we wanted the Congress to approve any techniques. Our problem was, we didn't know what Common Article 3 meant in the context of American law. When the Senate ratified a variety of other portions of the Geneva Convention, the legislative history or specific statements of the Senate clarified the meaning of the international treaty in terms of American law. For example, the Convention Against Torture is carefully hooked in the legislative history to the prohibition in domestic law against cruel and inhuman punishment articulated by the 5th, 8th and 14th Amendments to the Constitution.

The Congress had made no clarifying language with regard to Common Article 3. And any, I think, fair reading of Common Article 3 would point out that it would be very hard for me to direct an officer of the agency to do things with the vagaries of the language in Common Article 3. So I wasn't looking for a carve out; I was looking for a definition.

One of the outs that was offered to the agency was that we in the -- it turns out to be the Military Commissions Act. We in the Military Commissions Act will criminalize certain kinds of activities. And as long as your officers don't do these activities, they won't be prosecuted. And therefore you'll be safe from -- well, you'll be safe from prosecution.

The agency as a whole and myself in particular rejected that solution. Because what it -- what it would put me in the position of doing would be to turn to an agency officer and say, I would like you to do this with regard to this detainee, okay; I have no idea whether or not it violates the Geneva Convention, because I don't know what it means, but I'm pretty sure you'll never go to court for it, so would you go do that for me? And that's about the worst locker room speech I can imagine giving to an agency employee.

So we insisted on clarity for Common Article 3. The Congress decided that they would not offer that clarity but they then would instead reinforce the already existent presidential right to define the meaning for treaties for the United States. And so there's actual language in the Military Commissions Act that has the president doing that,

and it requires him to publish his executive order in the Federal Register, which is what he did.

It's clear that what it is we do as agency is different from what is contained in the Army Field Manual. I don't know of anyone who has looked at the Army Field Manual who could make the claim that what's contained in there exhausts the universe of lawful interrogation techniques consistent with the Geneva Convention. The Army Field Manual was crafted to allow America's Army to train large numbers of young men and women to debrief and interrogate, for tactical purposes, transient prisoners on a fast-moving battlefield.

CIA handles a very small number of senior al Qaeda leaders. The average age of our interrogators is 43. The amount of training for this specific activity is 240 hours. So the reason we're not covered by the Army Field Manual is that we're not in the DOD. We weren't consulted about the Army Field Manual, and no one ever claimed that the Army Field Manual exhausted all the lawful tools that America could have to protect itself.

FRIEDMAN: Thank you.

Sir.

QUESTIONER: Thank you. Stephen Kass, Carter Ledyard & Milburn.

General, in view of the extensive training that you just referred to for the very highly qualified people who provide, I gather you said, 70 percent of the information that goes into the National Intelligence Estimate, in view of the critical nature of that information, what is the operating reason for sending people abroad to be interrogated by other countries with less qualified people, not under your control, when the information is so important, unless that reason is to circumvent the restrictions on U.S. operations?

HAYDEN: Thanks for the question, because it allows me to clarify the other half of detentions and renditions. And it's actually curious that it's not the first time it's happened where I've actually been told to -- why do you conduct renditions, because detentions are so good? Don't get that all the time, so -- (laughs/laughter). In many instances -- all right? -- both justice and intelligence is better served by the movement of the individual to a country against which the individual has committed a crime or a country of which that individual is a citizen. All right? And it's a judgment case.

Now, we do not do it -- we do not do it to circumvent any restrictions that we have on ourselves. There is a standard that we have to -- have to apply in each and every case. We have to receive assurances -- and we have to have confidence in the assurances -- that this individual will be handled in a way that is consistent with international law. And we are required to maintain awareness of how this individual is handled. Now, that's not an invasive right to go to an ally with a clip board and see how they're running day-to-day activity with a detainee, but as an intelligence agency, we have this broad responsibility that the assurances we receive at the beginning -- that we continue to have confidence that we should have in those assurances.

The standard we use is that -- and it's pretty straightforward -- it's more or less likely -- before you jump to conclusions, let me finish the explanation. We have to believe that it is less rather than more likely that the individual will be tortured. And I've had very well-informed people say, "Where did you get that standard?" And the answer is, from the Senate of the United States. That's in the legislative history for the Senate working to pass the International Convention Against Torture.

Clearly, we're not looking to shave this 49/51. All right? We want true assurances that the individual will be treated well. So we don't do it, as some have suggested, to circumvent.

FRIEDMAN: We've reached pretty much the allotted time. Let me take just one more, from that patient lady there.

QUESTIONER: Hi. I'm Carroll Bogert from Human Rights Watch. And just following on what you just said, I myself personally did research in Russia into the fate of some detainees who were rendered there on assurances from the Russian government that they would not be tortured. The State Department's own Human Rights Reports could not have been more clear that torture is very prevalent in Russia. And I wonder on what basis you think a country that conducts torture and is known to conduct torture can be trusted with -- by giving a bilateral assurance to the U.S. government that somehow the spots of their leopard have changed.

HAYDEN: As I said in the prepared remarks, life rarely gives you the opportunity to just observe and do nothing. If my agency has custody of somebody, we've got to do something. And let's walk through the options: detention, Guantanamo or renditions. And we've got to make a judgment based on the information we have available.

I should add that the statute that deals with renditions and the standards that we apply, clearly -- clearly the overall history of a state has to be considered. But the statute requires us to make the judgment based upon our belief specifically about the individual on which the rendition is being conducted.

FRIEDMAN: I ask you to join me in thanking Mike Hayden for a terrific -- (applause).

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Transcript of Director Hayden's Interview with Charlie Rose

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October 24, 2007

Director of the Central Intelligence Agency, General Michael V. Hayden, appeared on the Charlie Rose show on October 22, 2007. Below is the transcript of their conversation.

CHARLIE ROSE (Host): General Michael Hayden is here. He is the Director of the Central Intelligence Agency. He was the first ever Deputy Director of National Intelligence. He was the Director of the National Security Agency from 1999 to 2005. He has overseen some of the most controversial national security programs--the NSA's warrantless eavesdropping on US citizens and the CIA's rendition and enhanced interrogation programs. He has said he wants to use a full authority allowed by law and that his spikes will have chalk on them. I am pleased to have General Hayden at this table to talk about his sense of what the CIA's mission is, and how he puts that within the framework of the constitutional framework of the United States, and the challenge he sees from the rest of the world. So I say welcome, first.

D/CIA: Thank you. Thanks for the opportunity to be here.

ROSE: Tell me what you think the CIA's mission is.

D/CIA: In general, it's to defend the Republic, and you need to understand the Republic in the broadest sense. It's to defend the security, the safety, the physical safety of the American people. It's to defend the interests of the United States of America, and it's to defend a value system that this nation represents.

ROSE: You have also said that it has to protect America and it has to help policymakers understand the world around them.

D/CIA: Yes. Intelligence in any form, but particularly from my agency. If you know, Charlie, we've got the largest group of analysts in the Intelligence Community, and the only group of analysts that's not attached to some Cabinet-level department. So that autonomy gives us great opportunity, but also creates some burdens for us as well in terms of the requirement for us to be absolutely objective. And what I tried to describe--and I do this with our analysts--is that intelligence exists in that nexus between the world as it is and the world as we want it to be. And it's in that nexus that policy is formed. And the challenge for intelligence--but particularly for the

analysts of the CIA--is to be in that nexus, to be relevant to the policymakers' questions, while at the same time not being captured by the policymakers' preferences. That's really demanding. It's hard to do, but that's the space where we've got to work.

ROSE: That's one of the questions that has arisen within this Administration with the Vice President and his office--whether intelligence has been captured.

D/CIA: Captured? How do you mean captured?

ROSE: Well, captured, whether the Vice President has his own intelligence and whether the Vice President, you know, is a different figure in terms of--and you've seen this up close, because you were the deputy to John Negroponte when he was the Director of National Intelligence.

D/CIA: Right. No. I mean all policymakers come to the creation of policy with their own personal histories, with their own view of man, with their own view of the world, with their own view of the best possible approaches that the Republic could have. We're part of that mix. We bring a view of the world into that--into that conversation.

ROSE: The CIA brings a view of the world into that conversation.

D/CIA: That's correct.

ROSE: Without policy recommendations.

D/CIA: We have to be policy relevant. Otherwise we're spending an awful lot of your tax dollars just to be interesting. What we need to be is relevant, so we've got to answer the questions that policymakers put to us. And frankly, we've got to answer a few questions that they don't think to put to us as well. But the fact that a policymaker disagrees with us--or more frequently, a policymaker challenges us--makes us stand by our assumptions, makes us stand by our conclusions. That's the cost of doing business, and if you're a really good analyst, you actually welcome that. That's not something that should put you off.

ROSE: So if you see a policymaker question your view or your analyst with great enthusiasm, you welcome that?

D/CIA: We do.

ROSE: Because you want to know whether you're doing the right thing.

D/CIA: That's right. And that actually is one metric, one measure, of the relevance of what it is we're saying to the policymakers' formulation of policy.

ROSE: Here's the flip side of that.

D/CIA: Sure.

ROSE: Policymakers have made a decision about a certain policy, and they're just looking--they are out there looking for some intelligence that you'll give them that will support a point of view that they already have. That's the danger that some people worry about.

D/CIA: Of course. That exists in any human endeavor. That, you know, human nature being what it is. Anyone can go into a question, particularly a complex question with a preconceived point of view. And one can go through--there's massive amounts of data out there now. Let me step back and give you an example from people in my community. It's going to sound a little defensive, but, you know, in our conversation before we started, you said you wanted this to be a candid conversation. All right? It's pretty easy looking back after 9/11, looking into that vast

ocean of data that existed prior to 9/11, and pick out the threads that show you how one could have arrived at a conclusion that the attacks were imminent, that the attacks would be of this nature, that they would happen at this time, and so on. So there is so much data out there that the human mind has to come at that data with at least some hypotheses.

ROSE: Okay, but--

D/CIA: A policymaker can do that. But so can we, and their hypotheses and ours can legitimately bump up against one another.

ROSE: Do you accept all the conclusions of the 9/11 Commission?

D/CIA: Yes.

ROSE: That's a case where they looked at everything and made certain--

D/CIA: Conclusions in terms of the recommendations--

ROSE: Right.

D/CIA: --they made to our community. And by and large, almost all those recommendations have been enacted.

ROSE: When you look at this statement, "America needs something that arguably goes against our grain, a truly great intelligence service that can be operated powerfully, invisibly, legally"--

D/CIA: It actually states quite clearly and simply starkly the dilemma of a secret intelligence service inside of a free society. But a free society needs a secret intelligence service as much as, if not more than, other forms of government around the world. And that presents us with great challenges--not us as an Agency, but it presents us as a people with these kinds of great challenges.

ROSE: Do we have a great intelligence service?

D/CIA: I believe we do have a great intelligence service. Is it good enough in all circumstances? Of course not. We live in the human condition. We try to make it better each day. But one of the messages I feel compelled to give to the American public is that the CIA and the American Intelligence Community writ large is in a class by its own. If we were comparing our intelligence services to the intelligence services around the world, and we were grading on a curve, we'd have to give ourselves an A-plus.

ROSE: All right. Let me just--

D/CIA: But life and the American people don't grade on the curve. It's an absolute scale. And that demands that we be better at everything we do.

ROSE: So you are saying to us, "I don't know of any nation that has a better intelligence service, and I've seen many of them, because it is my job to have relationships with many of them."

D/CIA: It would be unfair of me to endorse precisely what you just said. But when you think of the scale of intelligence that our nation must have, and to give you that mix of both global coverage, which no one--no other nation--currently has, and excellence, you can see where the bar is for the American Intelligence Community. It's very demanding.

ROSE: When you came there, people said the following things. They said he's there to calm a troubled agency, to restore the luster and restore the professionalism. Have you done that? Have

you had to do that? Have you had to change a culture over there?

D/CIA: What you say roughly captures some of the things that we had to take on when I came there with Steve Kappes and Michael Morell.

ROSE: Who had quit?

D/CIA: That's right--who had left about 16 months ago. All right, the first thing we had to do, and I said this in my confirmation hearings, was to get the Agency out of the news as source or subject. There is no worse place for an intelligence service like CIA to be than on Page 1, above the fold in your daily newspaper. That's a distraction to the kind of work that the Agency has to do. So the first thing we wanted to do--this is really very simple. And Steve and Michael and I, my first message to the workforce was simply this: let's just go back to work. Let's just go what it is, go back and do what it is we know we have to do to defend America, to defend the Republic the way I described it a few minutes ago.

ROSE: Have you reached a point now where you think it's important to communicate something about the CIA? We asked you to come here, and it was not the first invitation. You appeared at the Council of Foreign Relations.

D/CIA: Yes.

ROSE: You made a speech, which was a candid and forceful speech about how you saw the CIA. Have you reached a point where you think it's important to communicate?

D/CIA: It is.

ROSE: Because you are bothered by something?

D/CIA: I am. And let me try to describe the narrative--

ROSE: Okay.

D/CIA: --that perhaps has gotten me, gotten the Agency to this point. As I said in my confirmation hearing, out of the press as source or subject. Settle down. Back to work. Do our mission. And I think we've been somewhat successful in doing that.

But there are other dynamics at work here as well. Many of the things this agency does on behalf of the American people have become controversial, have become controversial in a way that affects the workforce. I mean, these aren't people separated from the American political culture who come to work at Langley and our activities around the world. These people are fully, completely Americans. They are affected by what goes on in the broader political culture when it's discussing the kind of work that they do. I think that public discourse has not been well informed. And so I am here. I was at the Council on Foreign Relations last month to give our perspective on some of these critical questions about the Agency that are now out there in the public forum.

ROSE: All right. Let's talk about the idea that you cited in the Council on Foreign Relations, just to give you some sense of information and how you see the battle and what techniques and means that you use in the battle.

D/CIA: Right.

ROSE: You have said the United States is at war. There is a state of armed conflict, and that the CIA is a vital element of that war. Tell me about the war and what you think the challenge is, because you say that everybody--that there's a real danger, more so than any time since the Civil

War.

D/CIA: Right.

ROSE: And that everybody in America who lives in a major city is a possible target.

D/CIA: That's right. And that statement, you know, as I believe I put it, we believe we are in a state of armed conflict with al-Qaeda and its affiliates, that this conflict is global in scope, and that the only way we can win that war and to defend the Republic is to take that war to the enemy wherever he may be.

ROSE: Okay.

D/CIA: I recognize that I said it so starkly. I recognize that that is not a universally held view globally. And much to my disappointment, it is not a universally held view domestically. We had a meeting at--

ROSE: That we were at war or the nature of the enemy?

D/CIA: No, no. That this is a war.

ROSE: Right.

D/CIA: And that we must consider it a war, that it isn't a law enforcement problem or some other kind of approach to this particular problem that we're facing today, that this is an armed conflict. After the attacks on September 11th, we all learned lessons. You asked me about the 9/11 Commission and so on. One of the ones that I internalized personally because of my experience at that time as the Director of the National Security Agency was that this was not, in its essence, primarily a law enforcement issue. This was an armed conflict.

That is, again, not universally accepted by other governments in the world. And in March, I was invited to talk. The German ambassador asked me to come to his residence. Germany at that time was in the chair of the European Union. And he had this every-other-week meeting with the ambassadors to the United States from the countries of the European Union. And I went there at lunch to speak. It was a very good exchange of ideas. But I made that point precisely the way I said it: "We are in a state of armed conflict." And that's a view that I know is not held by many of the governments that are represented in that room.

ROSE: Well, it is said that the British have been successful because they believed it is a police effort, that that's why they've been able to roll up some of those people that they have in Britain.

D/CIA: Right. And the British are wonderful partners. And we share information with them intimately. And their success is our success and vice versa. Rolling up people on the verge of an attack in Great Britain is not a comforting measure of success in this war. You know, if we try to defeat this enemy at the moment of attack, and it may be just that. It may be the moment of attack.

ROSE: Right.

D/CIA: We may not be able to defeat him on the battlefield he has chosen, but that moment of attack has a trail. That trail goes back--it goes back in time. It goes back in space. It goes back in actors. And if we can attack back there against those people who are plotting, against those people who are planning, against those facilitators, I'd rather bet the safety of the Republic and the safety of our allies on that kind of an approach rather than--if you want to use a sports metaphor--playing a little offense rather than having a perpetual first down and goal on the

three-yard line in the homeland.

ROSE: I mean, is there anybody that doesn't think that this is a serious challenge to America's national security and we ought to take the battle to them and we ought to use--and be vigorous in our effort--to find out where the leadership is, what their targets are, what their means are, and whether they have the possibility in the United States, which you say you don't know--

D/CIA: Right.

ROSE: --to do damage to the United States in the homeland.

D/CIA: To clarify the last points that you made, what we don't know is whether or not they have operatives in the homeland. The other preconditions for attack we've stated pretty clearly. We think exist. But take your question and take it out of the abstract, and let's move it to the very practical, all right?

When I was at the Council on Foreign Relations, I said, you know, I have to act. I'm the head of the CIA. And I can't simply admire the problem or relish in its complexities. If I pick up someone who will do harm to America, if we're able to somehow get our hands on someone like that, I think I realistically have three options: I can detain him under the authorities the President has given us if he meets certain criteria. I can conduct a rendition. That is, taking that person to some other country, a third country. Or I can send that person to Guantanamo. And I said that very starkly at the Council on Foreign Relations to say those are the options that I have. Now I later learned, someone else had commented, well you could put him into a judicial process. That's the question that I see an awful lot on friction on.

ROSE: Okay, let me just tell you who argues the judicial process--Colin Powell. Colin Powell says we have nothing to fear from putting them in a judicial process.

D/CIA: That--I don't think we have anything to fear by putting them into a judicial process, if that is possible, but that cannot be our only approach to this problem. There are many people about whom I have more than sufficient intelligence to know that they intend to do great harm to the United States, but it's the kind of information that may not be admissible in a court of law, or it may be the kind of information that I cannot submit to a judicial process because of the threat it would impose to sources and methods. Back to the premise, this is a war, this is not a law enforcement activity.

ROSE: You think that's true about Khalid Sheikh Mohammed?

D/CIA: It was true for a while.

ROSE: That you--before you captured him or after you captured?

D/CIA: No--

ROSE: That you didn't have the evidence to put him on trial?

D/CIA: No, no. Remembering that the premise here is that this is a war.

ROSE: Right.

D/CIA: That the safety of the nation for a period of time was better served by keeping him in a detention facility with the Central Intelligence Agency where our access to him had no filter, had no interruption, so that we could develop from him all the information that we did develop from him that prevented future attacks. At some point, and I realize, a captured al-Qaeda senior like Khalid Sheikh Mohammed--his intelligence value never bleeds off to zero. But at some point, at

some point, the intelligence value has to be measured against the other tools that the nation has at its disposal, and in this case, the summer of last year and the summer of 2006, the decision was made for KSM and for the 13 other people who were in custody at that time that the intelligence value had aged off to such a point that they could be moved to the next step of the process and that they can be prosecuted. Now the difficulty of prosecution--and that's not in my inbox. You read the press and the coverage as closely as I, and you can see all the complications that we have to work through as a society to prosecute.

ROSE: Let's separate two things. One, General Powell I think was talking about Guantanamo primarily. Now, are you making the same distinction? I mean KSM is now in Guantanamo, yes?

D/CIA: Yes.

ROSE: So should he have judicial process now, or do you think that as long as you think he is an asset that might tell you something, you should not give him and put him into some recognized judicial process?

D/CIA: We have made the judgment that the intelligence value of those individuals, the 14 that we moved there last September and the one additional person that we moved there this past year, Abd al-Hadi al-Iraqi, that the intelligence value of those people have degraded to a point that these other needs now take dominance. And we can't put them through a judicial process.

ROSE: I think what most Americans--

D/CIA: And I should add, okay, we are not the nation's jailers. We are the nation's intelligence service. We hold these people because they have intelligence value, and when they don't have intelligence value, other agencies, other arms of the US government have to step up. It could be a legal process. It could be indefinite detention as a combatant at Guantanamo.

ROSE: I want to get to torture and all that and interrogation in just a moment, but let me just stay with the argument where you are: rendition. Rendition is where you take somebody and you transport them to another country.

D/CIA: Correct.

ROSE: Correct?

D/CIA: Right.

ROSE: How many people have you done this to?

D/CIA: Mid-range, two figures since September 11, 2001. A pace somewhat behind the number of renditions conducted in the 1990s.

ROSE: Who was renditioned in the 1990s?

D/CIA: There were a whole variety of people that were moved between countries.

ROSE: Are we talking about a hundred people since 9/11?

D/CIA: No, mid-range, two figures.

ROSE: Two figures. So 50, 60. Whatever. Doesn't matter. Have been renditioned to somewhere.

D/CIA: Right.

ROSE: When you take them there, what happens? Who is in charge of the interrogation? What role does the CIA play? How much can the CIA do or does the CIA want to look the other way, is the impression of many people, as you know.

D/CIA: No, I understand. And that's--you've asked me, why did I want to come on the show now? It's these kind of impressions that need to be corrected. Let me scale this. I'm sorry. This maybe a slightly longer answer than you--

ROSE: Go ahead.

D/CIA: --bargained for. All right. The total number of people detained by the CIA is fewer than a hundred. In the life of the program, since the capture of Abu Zubaydah in March of 2002. Of these people detained, the number against whom we have used any kind of enhanced interrogation techniques is fewer than a third of the fewer than a hundred.

ROSE: Okay.

D/CIA: All right. Beyond those people, okay, that we've actually detained, there is another group of people, as you've described, on whom we've conducted renditions. We have moved them from one country to another.

ROSE: Why do you do that? Why is that necessary?

D/CIA: In order to take them off the battlefield. Now you ask me why don't I just detain them? The reason is that under the authorities--the authorities under which we operate have clear criteria for people to be detained by the Central Intelligence Agency, and it's not run-of-the-mill al-Qaeda. For people who want to do us harm, who may not meet the criteria of detention, but whom everyone would agree have to be taken off the battlefield.

ROSE: And you say under--without equivocation, that you do not go turn them over to foreign intelligence services because they have means and methods that you would be uncomfortable using. That is a fact?

D/CIA: That is a fact. And that is US law. Let me talk just for a moment about the requirements that we have to meet when we conduct a rendition. We have to believe that mistreatment of that individual is less rather than more likely, and we talked about this at the Council in Foreign Relations as you've described--

ROSE: That's the test.

D/CIA: And the overall history of the receiving government is obviously something that we have to take into account. But the law requires us to make an independent judgment on this individual. And the criteria that exists in the legislative history of our treaty ratification that creates this requirement for us is less rather than more likely. Now you may argue, and some have, that's a relatively low bar. And I've said in other audiences, we're not looking to do this 49/51. When we seek assurances from the receiving nation, we want assurances, we want them to mean those assurances and we have a responsibility, we, plural--the United States government, including its intelligence services--that the United States government as a whole, to do our very best to ensure that the receiving government lives up to those promises.

ROSE: Is there a CIA person always there in terms of interrogation?

D/CIA: No, of course not.

ROSE: So you don't know. You just have a promise from that government, from the leadership

of that government that that's what they're going to do?

D/CIA: We have a promise and a commitment from that government. Clearly, in most instances, you would assume, I think, that we have a relationship with that government and with that service. For them to do something beyond their promised behavior for us is not something they would take lightly. We rely on that and all the tools at our disposal to ensure that they've lived up to their commitment.

ROSE: You have--I'll come back to this later. You have said there are two things. There is a close battle and a deep battle.

D/CIA: Yes.

ROSE: The close battle is what we have been talking about. The deep battle is trying to influence hearts and minds--

D/CIA: Right.

ROSE: --trying to prevent people or provide an alternative so they don't go joining groups that wish us harm. Do you also agree that how you do the close battle may very well influence, so if, in fact, you're doing things--

D/CIA: Yes, absolutely. I agree.

ROSE: And--or if your reputation is doing things, then you're in trouble, because it hurts your effort, and there are many people today that believe, around the world, that that's the reality, and they're saying America is not what it represents itself to be.

D/CIA: Right, right.

ROSE: I'm not telling you anything--

D/CIA: And let me agree as strongly as I humanly can that the close battle and how we fight it is connected to the deep battle. The close battle being taking off the battlefield those who would kill or harm America or its allies. And the deep battle being that long-term war of ideas in which that which seems to motivate those folks we now have a problem with in the close fight, that which seems to motivate them is muted and changed--a change in belief or an attitude or in the causes. The underlying causes that create those who seem to want to act against us. They are absolutely connected. But one of the reasons we're talking here today, one of the reasons I talked to the Council on Foreign Relations, is to try to describe, to the best of our ability--and it's really hard for a secret intelligence service to talk about things that are secret--but to describe to the best of our ability what it is we are really doing, rather than the phrase you used a minute ago, the appearance or the assumption or some other word that describes--what's the right word, Charlie? Propaganda, of what it is my agency is actually trying to do. When I tell audiences that want to be thoughtful, that in the life of this program it's fewer than a hundred, with regard to interrogation techniques it's fewer than a third, and the number of renditions is actually smaller than that, mid-range, two figures. Now we can begin to have something of a reasonable conversation about reality rather than image.

ROSE: I need some help with terms here. What does enhanced technique mean? The President has come back and said enhanced technique executive order, okay. You have changed--you have added to that, I think, or maybe the President did, that there can be no enhanced technique that you haven't approved.

D/CIA: That's correct.

ROSE: All right. What is enhanced technique? What are we talking about here?

D/CIA: Well--

ROSE: Is it something close to torture?

D/CIA: No. First of all, as you know, I'm not going to talk about any specific techniques.

ROSE: Right.

D/CIA: All right?

ROSE: Whether it's waterboarding or anything else, you can't qualify it as an enhanced technique or not.

D/CIA: That's correct. And I can't comment on--

ROSE: Sleep deprivation or--

D/CIA: And I can't comment on any of the techniques we may or may not have used. That's right. All right?

ROSE: But you can't tell me whether those are acceptable or whether those are enhanced techniques? In other words, a lot of us want to know, what's your definition of torture, and how does it differ from what might be a conventional definition of torture? Is sleep deprivation torture, you know, is waterboarding torture? What is torture, regardless of whether you've used it or not?

D/CIA: Amongst that you've asked me for a personal opinion.

ROSE: Right.

D/CIA: All right. And let me put that up on the table and then move beyond it. My personal opinion isn't of great value to this conversation. What matters is US law. But before leaving personal opinion, let me tell you that the actions I've asked our officers to do, in my time as Director, my personal conscience is very content with what it is I've asked them to do. Okay--

ROSE: Whether it had to do with--KSM, or even the people who have plotted 9/11?

D/CIA: Right.

ROSE: And they were the ones who plotted 9/11, two of them.

D/CIA: Right. I'm talking about--

ROSE: Your conscience is clear--

D/CIA: In terms of my conscience--

ROSE: Your conscience clear as to whatever was done to those people during your time as Director of the CIA.

D/CIA: Absolutely. Absolutely.

ROSE: What about before?

D/CIA: Well, let me get to the earlier question you asked. You said what are enhanced

techniques?

ROSE: Right.

D/CIA: And I'm going to have to work backwards a little bit from this, all right? But the other document that's out there, all right, the other document that people point to and say, why can't you follow this document?

ROSE: Right.

D/CIA: Is the Army Field Manual. And what I will describe for you is that enhanced techniques, all right, are in that range between the Army Field Manual, okay, and the limits of what US law and US treaty obligations allow. No one has ever claimed that the Army Field Manual exhausts all the lawful interrogation techniques that the American Republic can use to defend itself.

ROSE: Just for the benefit of--the Army Field Manual is what the military and the Department of Defense uses as its standard.

D/CIA: That's correct. And I think it's a powerful document for America's Army and for the Department of Defense.

ROSE: What's at the other end, so I can understand what's in between? What is it that American Constitution and the American law allow?

D/CIA: Well, now we're getting into--talk much longer, we'll be getting into very specific techniques. Let me build from the Army Field Manual forward to give you some sense as to what that range might be between the limits of the Field Manual and the limits of US law and US treaty obligation. The Army Field Manual was written to develop and describe a set of techniques that the US Department of Defense--and by the way, that's a friendly institution for me. That's where I have my roots.

ROSE: Your career.

D/CIA: Right. That America's Army is confident that you can teach 20, 21, 22-year-old interrogators to do, in battlefield circumstances, in fast-moving situations, sometimes with minimal supervision in order to get tactically relevant information from captured enemy combatants in almost all cases who will be lawful combatants under the Geneva Convention. Why anyone would think a document that meets that description should be the document that controls the activities of the Central Intelligence Agency, I don't understand. There are other things that are perfectly lawful that are within the limits of our treaty obligations--the Convention Against Torture, Common Article 3 of the Geneva Convention.

ROSE: Why can't anybody define to me what's lawful, though, between the Army Field Manual and the American Constitution? Just define for me what's lawful.

D/CIA: Because--because--and this point, if you were in my office at Langley, and we were talking, I'd probably hit a button and have three or four lawyers come down and back-stop me.

ROSE: Right.

D/CIA: But for the GI director of Central Intelligence Agency, I am familiar enough with US law to know that that limit up here is tied into beyond the Army Field Manual, a limit beyond which CIA cannot go. It's tied into a body of US law, a body of US precedent. It's tied to how we have articulated domestically our requirements under the 5th, 8th, and 14th Amendments to the US Constitution. And my lawyers tell me that the sum total of law tied to those constitutional

amendments is summarized by the standard of "shock the conscience." And shock the conscience--

ROSE: If you shock the conscience, it's illegal.

D/CIA: That's right.

ROSE: Unconstitutional.

D/CIA: It would be a violation of--depending on how badly it's shocked the conscience, one could consider it torture. One could also consider it to be cruel, inhuman, and degrading activity, all of which are equally forbidden inside of US law.

ROSE: What do you say to somebody who says, if you captured somebody that planned, let's say you captured Osama Bin Laden tomorrow, who may very well know what plans there are. All--whatever is necessary, do. What do you say to those Americans who say the reverse? I'm not worried about the Constitution.

D/CIA: Yeah.

ROSE: I'm worried about protecting--

D/CIA: Protecting America.

ROSE: --the homeland.

D/CIA: That's correct.

ROSE: And this person may know things that will kill Americans. Go to it, General.

D/CIA: There are absolute standards. Those standards are embodied in our law. They're in the Military Commissions Act, for example. They're in how we ratify the Convention Against Torture. They're in domestic US law that forbid different aspects of torture. Some things are just absolutely forbidden. Some things are just wrong. And they're mentioned very specifically.

ROSE: It would shock the conscience.

D/CIA: It's beyond--

ROSE: Beyond shock the conscience.

D/CIA: And it's--and they would shock the conscience to such a degree, okay, that American jurisprudence cannot imagine circumstances when they would not shock the conscious, all right? But then are a whole bunch other activities. I read an interesting piece in today's Wall Street Journal, and I'm paraphrasing here, and I probably won't get it perfectly right. But they were talking about the shock the conscience standard, all right? And they pointed out that if they took you and me, all right, people of our age, and put us, you and me, through what Marine Corps recruits go through at Paris Island and forced us to do that, that would probably shock the conscience. But it's not illegal to do it to Marine Corps recruits, all right? That same behavior is not absolutely wrong--

ROSE: Are you talking about things like sleep deprivation, cold and extreme, and--

D/CIA: All the things, all the stresses that we put these recruits through, all right? But we don't think that's torture or cruel, inhuman, and degrading--

ROSE: But I don't think when people think about torture that's what they're talking about. You know? This leads to another--

D/CIA: Well, that's a wonderful point because maybe that is what I'm talking about.

ROSE: So we're saying we do--do that it's torture. If we do that, it's not torture, that's what you're saying?

D/CIA: Again, I'm not going to talk about--

ROSE: I know that, but what you just said to me. But there is--I mean, if--I--you would say to me, clearly the United States does not torture.

D/CIA: Right.

ROSE: The President said that. The United States does not torture.

D/CIA: That's right.

ROSE: And under no circumstance would we do it because no information is worth violating our DNA. Is that what you'd say?

D/CIA: I've actually talked about conducting this war in a way that does not change our DNA as a people. That's a phrase I've actually used. That's right.

ROSE: What do we know about interrogations? What do we know about what works because I read a range of people say that those people who think beating someone up is the way to get them to talk have gotten it wrong.

D/CIA: Right.

ROSE: The way time after time it's proven that you get information is over process that has more to do with psychology than it does with force.

D/CIA: Right.

ROSE: Is that right or wrong?

D/CIA: Well, first of all, just a footnote in our conversation. We don't beat anybody up.

ROSE: All right.

D/CIA: Let's move on from that.

ROSE: No matter what they've done?

D/CIA: That's right. I mean, again, I said earlier, we're not the nation's jailers.

ROSE: Right.

D/CIA: And we're not out there to punish either. We're out there to learn. We're out there--

ROSE: And get information.

D/CIA: We're out there to get information. That's right. We have found universally, and I can say this without qualification the most powerful tool we have in gaining information from a captured detainee is our knowledge. We had one instance where we had a detainee. We took him

into our custody. We told him who we were and we also told him who he was.

ROSE: Show him you knew a lot about him?

D/CIA: That's correct. And in that case, proved to be sufficient.

ROSE: Because? What was at work?

D/CIA: Well, what was at work was that we knew more about him than he expected. In many ways, we knew more about him than he knew himself.

ROSE: So he had assumed he had no reason not to disclose?

D/CIA: Well, we were, again, the purpose of this is to get information from him. And if you can challenge his misleading stories, if you can deconstruct his cover story, those things allow us to take information and to gain that information. Now you talked earlier-- and I need to come back to this--because the belief out there is that torture does not work. All right?

ROSE: Some believe that.

D/CIA: I believe that. All right? And let me turn that syllogism on its head. Right? This does work. These fewer than a hundred detainees that we've had have created just under nine thousand intelligence reports. They comprise some of the most critical information we've ever gained on al-Qaeda. If you accept the premise that torture doesn't work, then you have to accept the fact that this did work. It provided us with very reliable, massive amounts of information.

ROSE: Okay, let me just ask this, just for the benefit of this. You have learned important things from those people who were in rendition, very important things that have enabled you to do better in the fight against terrorism, al-Qaeda, whatever you might perceive to be the enemy.

D/CIA: Right.

ROSE: And you're saying I'd be happy for anybody to know what techniques we used in order to get them to give us this vital information? I would have no problem if being on the front page of the New York Times what techniques we used because we don't torture, because I don't believe torture works. What works is psychology, what works is giving them information that we know about them, what works is--

D/CIA: I am unable to tell a quarter billion Americans what it is we're doing on their behalf.

ROSE: Because?

D/CIA: Because that information would become available to our enemies, and would become the table of contents of their training manual against us. Having said that, I wish I could tell a quarter billion Americans what we're doing on their behalf. I believe the vast majority of the American people would be quite comfortable with what their secret intelligence service is doing.

ROSE: And that's your message?

D/CIA: Yeah.

ROSE: When you look at the information, just help me understand how valuable the information has been from people like KSM, Abu Zubaydah--

D/CIA: Right. Detainees writ large. Those al-Qaeda members we have captured have been historically the single greatest source of information we've had on al-Qaeda. To use a metaphor

that may explain what we're about, intelligence is often described as putting the pieces of a puzzle together. In almost all circumstances, our analysts have pieces of the puzzle incomplete, never all the pieces. And they've never seen the picture on the top of the box. A detainee very frequently has a lot of pieces, and the detainee has seen the picture on the top of the box. That kind of information is invaluable.

The people we have in our program are not run-of-the-mill al-Qaeda. These are high value detainees. There are criteria which I unfortunately cannot describe. There are criteria which must be met before people can be detained in this program by the Central Intelligence Agency. So we are talking about people whom we have every expectation, have seen the tops of quite a few puzzle boxes.

ROSE: It is said that the CIA is studying the effectiveness and retaining a jettison techniques on a sliding scale. Now I assume what that means is that if you're getting a lot of information with a certain technique, that it becomes a much more valuable technique. Can you help me understand this?

D/CIA: Yeah. There is kind of a myth out there, and I'm going to be too flippant, maybe irreverent in describing it. That somehow, you know, it's Tuesday, we go in, meet the detainee, and say it's Tuesday, let's use number 12 or number 6. I mean that's not what this is about. We work very hard to get into a relationship with this detainee that CIA, the United States Army, or any other interrogator would describe as "debriefing." A conversation with someone who is now sitting there talking to you about the things you're interested in. So that's, I think, the first thing I need to point out. Secondly, the way you phrased your question, Charlie, accused us of being a learning organization. Guilty.

ROSE: Okay.

D/CIA: We are a learning organization. And clearly, we have developed experience over the years in which this program has--

ROSE: Tell me what's the most important thing you've learned.

D/CIA: I don't mean to dodge the question, but I'm going to tell you what I think the most important thing we've learned is this. And we have adjusted the program based upon these realities. It was our belief last summer, if you recall, we had the detainee treatment Act. We had the Hamdan decision. We had these 14 individuals in CIA custody, even though we had a belief--and some of them in our custody for years. Even though we had a belief that we were not the nation's jailers. And that we had to move on. We had to move forward. We believed this program, you can probably tell from some of my comments, we believe this program was appropriate, lawful and effective. But we needed it to move forward inside the broader American political culture. So we made a conscious decision inside CIA, and we worked this decision, this belief inside the Administration, that this program, if it were to go forward, had to go forward on something more than just a definition of its lawfulness. That it had to go forward with not just a definition of its lawfulness, but it had to have I guess what I'd call both policy and political legs. So that this was not the CIA's program, that this was America's program. And so what we did, beginning last September, was actually the day the president spoke in the White House announcing that the 14 had been brought to Guantanamo. I began to dialogue with Congress. I briefed all members of both of our oversight committees on all aspects of the detention and interrogation program, sought their thoughts on techniques that we may want to use going forward, and only after we had had that dialogue--now, to be fair, so that no one misunderstands here, we didn't ask the committees to vote on anything. But we laid out what it was we were doing. We had pretty rich dialogue. Their views informed my judgment, and that at the end of the day, and actually in 2007, we went forward to the President, to the Department of Justice, with a program. I can't describe that program to you, but I would suggest to you that it would be wrong

to assume that the program of the past is necessarily the program moving forward into the future.

ROSE: There is also this. It would seem to me you would less and less need it as you go forward. And I still don't understand, and I hear you but I don't understand why it's necessary to take it to foreign countries where nobody can see, nobody knows anything, but, again, you say that's because you have nowhere else to bring them.

D/CIA: My choices are limited.

ROSE: Right.

D/CIA: All right?

ROSE: But you have nowhere else you can take them, other than to some foreign country where you turn it over to some foreign government.

D/CIA: Well, I'm open to ideas. I can keep them. That's detention. I can move them to a foreign government. That's rendition. We can move them to Guantanamo.

ROSE: I think most Americans would prefer detention or Guantanamo, I think, because you're putting people in the hands of other people and you're just going on just a promise --

D/CIA: It's more than just a promise. I told you that the care we're required to take, and in many cases, these people are actually criminals, wanted, in their--

ROSE: In their countries--

D/CIA: In their countries--

ROSE: And that's why the regions you choose--I know that argument. Here is another argument that you make. There is this thing called a space that you say, the space is to give the CIA space to do what it needs to do, because it's engaged in a war, and in this space, it's been given it by the Constitution. You believe that certain kinds of things happening in our country, or in part of what's happening, one is media, influenced and tighten the space. You believe that press coverage in some ways limits your maneuverability and restricts your space. Right?

D/CIA: I'm tempted to say yes, but I'm reluctant to, because I know the importance of a free press. I know what it means to me as a citizen. I know what it means to CIA officers because they're all American citizens as well. I guess what I'm looking for--what puzzles me is not that we're the subject of many stories. I'd rather we weren't the subject of so many, but that happens. What puzzles me is to why there seems to be this temptation--almost irresistible--temptation to take any story about us and move it into the darkest corner of the room.

ROSE: Tell me what you mean by that. You've said that before.

D/CIA: Let me give you an example.

ROSE: What's the darkest corner of the room?

D/CIA: There was a story about 10 days ago from a rather large newspaper up the street.

ROSE: Right. This would be the New York Times.

D/CIA: It would be. That talked about--they claimed that there had been a Department of Justice opinion in the spring of 2005, that --and if you read the article, you would seem to get the

impression that it expanded the authorities of CIA, or expanded the number of techniques that would be used. And all of us at the Agency looked at the story and maybe this is our narrow perspective. I mean we all kind of have a point of view depending on what it is we do day in and day out. We were looking at the story, something of a narrative disbelief. Number one, and I can't get too far in detail about this, which I truly do regret. The opinion that Justice gave the CIA in the spring of 2005 was the result of a request from our Agency for greater clarity on the program, legal clarity, on a program that was already existing. That's one fact. Number two, that's history. Since the time of the decision that the New York Times reported on in the spring of 2005, we had the Detainee Treatment Act in December of 2005, we had the Hamdan decision in the summer of 2006, we had the Military Commissions Act in the fall of 2006. They have all changed the legal landscape under which CIA's program is operated.

ROSE: Made it more restrictive.

D/CIA: It changed the legal framework and so--that to look at an opinion Justice offered in the spring of 2005--that simply has no relevance to the lawfulness or the legal opinion under which CIA is operating in the fall of 2007.

ROSE: Okay. But you also mean that, for example, there was reporting by the New York Times, too, about Swiss bank accounts. I've forgotten exactly the details. But Bill Keller, the editor, they went ahead with the story.

D/CIA: This is a Swift story.

ROSE: Did you know beforehand the story was coming?

D/CIA: Yes. And--

ROSE: Was there any effort by anybody to talk to Bill Keller of the New York Times and say, "This will do damage to us if you run this story?"

D/CIA: This is largely handled by the Department of Treasury because it's more in their lane than in ours.

ROSE: Right, right.

D/CIA: And the answer is yes, we viewed this story that it would do damage. And I--

ROSE: And they listened and then went ahead with printing because they believed you were wrong, or somebody--they believed that it did not damage national security and that there were other means to find out, or whatever their rationalization was, or whatever their decision making was.

D/CIA: Yeah. That's correct.

ROSE: Okay. You also believe that, in fact, if somebody within the CIA leaks a story, and a mainstream publication, in this case, publishes it, they are, in a sense, culpable.

D/CIA: The CIA officer?

ROSE: No. No. You know, that--that's not even a question, right.

D/CIA: Okay. Good.

ROSE: Culpable in the sense that he may violate some CIA regulation or something. But if the mainstream media publishes it, they are, too. They have some--

D/CIA: Yes. Let me choose my words carefully, all right? And give me a minute or two to talk about this because this is very important because I don't want, me personally or my agency especially, okay, to be characterized as having a view against the free press. All right? That's simply not true. What I have said in the past, that someone who willingly breaks the trust we have given them in terms of their oath of office with regard to protecting classified information.

ROSE: People who leak to the press.

D/CIA: That's correct. They are guilty of a crime, all right? But I've also said those who pursue that information, those who decide to print that information are not without their responsibilities, right? I never said it was a crime, okay? I never said, in all cases, they must not print. But I did say there are real responsibilities here. It can erode the ability of the nation to defend itself. And so in the case of the Swift program, it does have an impact on what it is we can do.

ROSE: How would you solve this issue?

D/CIA: That's a very difficult question. And you know this may not be a problem to be solved. This may be a condition that we have to manage.

ROSE: But you do believe it reduces your space. You just said as much.

D/CIA: I did. No--it--

ROSE: That in as much in the Council on Foreign Relations Speech.

D/CIA: It does, all right? And therefore, it's my role in this debate to point that out, okay? I did not say in my Council on Foreign Relations speech, any action should be taken against the press.

ROSE: But you did simply said it damages our efforts to--

D/CIA: It does.

ROSE: --do our jobs.

D/CIA: What I was trying to do--

ROSE: --is what you're saying.

D/CIA: What I was trying to do was to call the attention of the press and folks like yourself and others to this issue. This is not a free ride. America is made less safe when these kinds of stories are made public. Now, there may be--there may be other concerns --

ROSE: Would you accept the idea that there are people--reasonable people can disagree over that?

D/CIA: I can. But let me add, all right? We haven't talked about it. But I was going to say, but I was at NSA when we began and continued with the president identified later as the Terrorist Surveillance Program.

ROSE: Right, right.

D/CIA: All right? Even I--by the way, very comfortable with the lawfulness of the program and incredibly comfortable with the scrupulousness with which it was carried out--even I can see that there is a civil liberties issue there.

ROSE: Right.

D/CIA: What is the civil liberties issue with the Swift program?

ROSE: I don't know that there's a civil liberties issue there.

D/CIA: So, so, what would be--

ROSE: In other words, those--

D/CIA: What was the major compelling public--

ROSE: --debates the question you would ask is whose civil liberties are we damaging, you know, by--

D/CIA: By this program.

ROSE: By this program.

D/CIA: Okay, which--

ROSE: Which you're using to get information about the flow of funds.

D/CIA: Right. Which was briefed to Congress. Which did have external oversight.

ROSE: Right.

D/CIA: All the things, all the sins that were alleged in the NSA program.

ROSE: All right. Let me just to a couple of other things. Recently there was information about the al-Qaeda web site. Was that a big deal?

D/CIA: I don't know enough specifically to give you a judgment. I really don't know. I'm going to dodge the question.

ROSE: They fear that that got out in the public and they shut it down.

D/CIA: I'm familiar with the narrative, I've read the press accounts with it, but I just don't know enough about it internally to give you a judgment.

ROSE: All right. Let me go to wiretapping for a second. I mean, you were at the NSA before you came over here. I've heard people who work within NSA and work with the CIA say to friends of mine, not to me, but to say to people who cover those agencies, a lot of very good people, strong, patriotic people, believe that wiretapping gave them information that was important in fighting the battle against America's enemies. However, each of them said, I would have just felt better if we'd gotten a warrant. I just felt better and it didn't seem to me that that is the issue, you know, with a program for getting a warrant. That that's what ought to have happened and when that was violated, then you got into problems.

D/CIA: All right. Getting out of my current lane.

ROSE: Yeah, but your previous lane.

D/CIA: If history--two jobs back, as a matter of fact, in the literal meaning of that word, okay? Based on the facts of the case, until the story broke in the New York Times in December of 2005, no one who was asked to be part of this program inside the National Security Agency expressed

any reservations about being part of this program. After the story broke, people who were not part of the program quite understandably concerned about what might be going on, they then had went to the NSA IG to ask questions about it. No one in the history of the program pushed back on participating in it. They believed very strongly that what they were doing was both lawful and effective and appropriate.

ROSE: They might have had objections, but not said it.

D/CIA: Well, now you have to understand, NSA is actually a very conservative culture. In fact, the core of NSA is--

ROSE: With a bigger budget than CIA.

D/CIA: I can't talk about that. NSA is a very conservative culture legally. Our lawyers at NSA were notorious for their conservatism up through the morning of September 11th, 2001. The single most consistent criticism of the NSA legal office by our congressional oversight committee was that our legal office was too conservative. Now you've talked about warrants and why didn't you go get a warrant and so on, and it's a long issue. It's one that I wish we could lay out in great detail, but let me tell you what I said to anyone who'd care to listen during the life of this program when I briefed them on this program. And I made dozens of briefings on this program prior to the December 2005 story in the New York Times. Simple version that I gave is that FISA as currently crafted--

ROSE: Where you go to get the warrant?

D/CIA: That's correct. FISA, as currently crafted and implemented, could not give the nation the same degree of protection that was afforded by operating under the President's Article II authorities, which was what we were doing.

ROSE: Several questions that come up about the CIA. Your inspector general had an inquiry as to things that had happened.

D/CIA: Inquiry is the big and wrong word.

ROSE: Okay, what should it be?

D/CIA: Management review.

ROSE: A management review?

D/CIA: Mm-hmm.

ROSE: It is said, you weren't happy with that because he suggested or at least was considering the idea there might have been some criminal conduct--

D/CIA: No, no, no.

ROSE: Not true?

D/CIA: No, no, no, no.

ROSE: Not true. So were you unhappy with the results of his investigation or management review?

D/CIA: No. This is--

ROSE: Then why did we appoint somebody to look into the review? Mr. Deitz [inaudible]

D/CIA: The CIA IG, according to law--

ROSE: Right.

D/CIA: --operates under the overall direction of the Director of the CIA.

ROSE: That'd be you.

D/CIA: That's me. I am as responsible for the effective functioning of the IG's office as I am with any other office in the Central Intelligence Agency--

ROSE: And you weren't happy with it?

D/CIA: There are questions. There are questions about everything we do. We started this hour, yes, we do have a great intelligence service. I said yeah, we do, but we got to do a lot of things better. Well there are some things that I had questions about with regard with the IG, in terms--I had a couple reports on my desk, I looked at, said, these raise some questions in my mind. So I kept this as low key as I possibly could. I went to Bob Deitz, who was my general counsel at NSA who I brought into CIA, not as general counsel, but as a special advisor. All right? We didn't make this a federal case, almost in the literal meaning of the word. I asked Bob to organize a small team, and it was. He's got three people on it, okay. And to work with our Inspector General, John Helgerson, and to look at some of these questions that had been raised by the reports that I had in front of me. None of them were pushing back on the findings of the reports.

ROSE: That's the point--in no case--

D/CIA: In each case I acted on the findings in the report. But I wanted Bob to look at these questions and to work with John, John Helgerson, the Inspector General, to see if there was any merit in some of my concerns, and if there were, what we could do to improve the functioning of the IG, just like we want to improve the functioning of the DI, or have our National Clandestine Service or anything else. This was designed to be low key and it was low key for about five months. Bob has been doing this since April. He's doing a report out in the next week or so, not just to me, but to the IG.

ROSE: This conversation began with the great war that we're in, and we have to fight that war, and you want it clear, because it would hinder your effectiveness if there was misunderstanding about the CIA.

D/CIA: Right.

ROSE: That was part of the conversation at the beginning of this. With respect to the war, and with respect to al-Qaeda, what is--what is your--what can you tell us about al-Qaeda in Iraq and al-Qaeda outside of Iraq?

D/CIA: Al-Qaeda in Iraq, to borrow a phrase from my British friends, is at least on its back foot--

ROSE: Back foot. Wielding--

D/CIA: And may be back on another part of his body. All right? Now I don't want to overstate that, and I don't want to say it's irreversible. And I don't want to say this battle is won. We need to move on. I don't want to say any of those things. But we have had remarkable success against al-Qaeda in Iraq over the past six to twelve months, and has a telling effect on the battlefield, an effect that is statistically recognizable in what's being reported out of MNFI, General Petraeus' headquarters in Baghdad.

ROSE: How about al-Qaeda outside of Iraq?

D/CIA: Al-Qaeda outside of Iraq is a learning, adaptive organization. It is a very difficult--

ROSE: Regenerating is the term you used.

D/CIA: It is. And it's a term I'd share with you now. All right? It's been advantaged by a couple of things. Okay? The most is its ability to use that [inaudible] border region between Afghanistan and Pakistan as a safe haven to regenerate. Our National Intelligence Estimate from about three months ago said that they had leadership, a safe haven, and what we call operational lieutenants, the kind of operational leadership that were present in the FATA, in the federally administered tribal area. So that has allowed them, in some measure, to regenerate, yes. That's true.

ROSE: Protected in these tribal areas which is a bafflement to a lot of people, but nevertheless, we understand the nature of that terrain.

D/CIA: Exactly. The terrain, the culture, the fact that no central government has exercised control over--

ROSE: Exactly.

D/CIA: Ever.

ROSE: There is also this. If al-Qaeda would leave Iraq tomorrow, all of them, by some means, would we still have an Iraqi war?

D/CIA: It would be difficult--

ROSE: Sectarian violence, Shia versus Sunni, because there's not a government in Baghdad that can control it or is willing to control it?

D/CIA: I wouldn't simplify it to that degree, all right? Al-Qaeda in Iraq has been a pernicious accelerant to the conflict. There and the fact that we have been able to put them on their back foot or somewhere else has had a remarkable effect on the level of violence throughout the country. Because we have been able to do that, because the Sunni tribes have looked into the future and they don't like it, with an al-Qaeda dominated Islamic state there. Because they have done what they have done in terms of forming alliance with us and growingly, with the government in Baghdad, we have begun to see political relationships, sectarian, inter-sectarian relationships at the local level that we probably thought were impossible.

ROSE: You're talking about Anbar Province and places like that.

D/CIA: Beyond Anbar.

ROSE: But it's now moving beyond--

D/CIA: Yes.

ROSE: --but it doesn't say anything, because as you know, Bob Woodward reported in his book that you were in a meeting in which others who were there have, in a sense, confirmed to Bob Woodward, accordingly, that you had a very, very negative assessment of the government and their ability, certainly over the short term, to govern, to engage in any kind of political reconciliation. No confidence. The head of the CIA.

D/CIA: You actually characterize my remarks better than the story in the Washington Post did. Two observations, all right? Number one, we talked about the press and responsibility and so on.

I was promised confidentiality in my remarks in front of that commission. Okay? It has a chilling effect on good government when someone who is promised confidentiality has that confidentiality broken. That's fact one--put that aside. Now, let's talk about what it was I said. And I think Bob, whom I actually have talked to in the past and consider a friend, Bob quoted a metaphor that I had used in the book which was running a marathon.

ROSE: Right.

D/CIA: And what he said was I saw no break in the future that would cause this thing to self-correct. This is a danger in relying on someone else's notes apparently for a meeting. What I said was there were no natural breaks in the future that I could see that would cause this to self-correct. Like if you recall, in the preceding years we were saying if we could just get to the Constitution, if we could just get to the national elections. It will cause a change in the political circumstances and we can expect things to get better. I said there were no longer any natural breaks. And I actually compared it--I used a lengthy metaphor at the time. I actually compared it to running the Pittsburgh marathon. It's my hometown. I ran it a couple years back. It's a hilly city.

ROSE: Yeah.

D/CIA: And I went out and drove the course the day before the race. And I noticed that at about mile 22, you had a mile and a half downhill. You get--

ROSE: If you got it there, you'd finish the race.

D/CIA: If I got it there and got to the bottom, I had three miles left of the finish, and I've run that before church on Sunday.

ROSE: But you're saying at that time when you--

D/CIA: That's a natural break.

ROSE: But at that time, you said you don't see the natural break, and you don't see a way to the finish at that time.

D/CIA: That's--I said there was no natural break. What has happened--

ROSE: Exactly my question.

D/CIA: We have created a national break with the injection of more American forces, five additional brigades into the combat equation there.

ROSE: You believe that?

D/CIA: I believe it. It is cause and effect. Now, you know, the plan that the president came up with, the plan that General Petraeus suggested was informed by the intelligence we had, all right? And we were part and parcel of the development of this strategy that led--that led to the surge. If you want to extend my marathon metaphor, just for one more round, it's as if we had a Gatorade station at Mile 22 rather than a hill. We've injected something from the outside into the process. And although we have not gotten some of the things we've talked about in the benchmarks, the oil wall, the deBaath--change in the deBaathification procedures and so on, there are other things happening, particularly at the local level, we discussed a few minutes ago.

ROSE: [inaudible] and things like that.

D/CIA: Exactly. At the national level, we are actually seeing some capacity growth inside the

central government.

ROSE: I could go on and on and on, but I'm out of my time and your time as well. I thank you very much. I hope we can do this again, and this table is here for these kinds of conversations with you and your colleagues.

D/CIA: Thank you, thanks for the opportunity. These are serious questions. And I know that honest men can differ about some of the policies that we judge appropriate for the nation to have in the global war on terrorism, but they have to be reasoned discussions with as many facts on the table as possible.

ROSE: I would only add to that that it's important, I think, for policymakers and people who are in charge of the destiny of this country to engage in a dialogue with the country, and I encourage others to do what you have done, whether it's with me or someone else. It's an important part of the process, to understand beyond just policy statements and beyond just speeches, to see people, you know, because in a sense, I believe that, you know, there are a lot of people that you can disagree with, but they see and operate on the facts as they see them, and we don't necessarily have to, in all cases, question their motivation.

D/CIA: Yeah.

ROSE: But I thank you very much for coming.

D/CIA: Thank you.

ROSE: Michael Hayden, Director of the CIA. He's had a long and distinguished career in the military. He has served as head of NSA and then was the number two person next to John Negroponte as the Director of National Intelligence and now runs the CIA. Thank you for joining us. See you next time.

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EXHIBIT

F



U.S. Department of Defense
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News Release

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IMMEDIATE RELEASE

No. 494-07
April 27, 2007

Defense Department Takes Custody of a High-Value Detainee

The Department of Defense announced today that it took custody Abd al-Hadi al-Iraqi, a high-level member of al-Qaida captured in the War on Terror and placed him under control of the Joint Task Force at Guantanamo Bay, Cuba.

Prior to his arrival at Guantanamo Bay, he was held in CIA custody.

Abd al-Hadi al-Iraqi was one of al-Qaida's highest-ranking and experienced senior operatives at the time of his detention. Abd al-Hadi associated with leaders of extremist groups allied with al-Qaida in Afghanistan and Pakistan, including the Taliban. Abd al-Hadi worked directly with the Taliban to determine responsibility and lines of communication between Taliban and al-Qaida leaders in Afghanistan, specifically with regard to the targeting of U.S. Forces. More details of his background and activities are available at <http://www.defenselink.mil/news/Apr2007/d20070427hvd.pdf>.

Abd al-Hadi al-Iraqi is now under DoD custody and control and will be treated appropriately and in accordance with policy and procedures for other DoD detainees at Guantanamo. He will be treated in accordance with U.S. law and international obligations under treaties to include the Convention Against Torture, Common Article 3 of the Geneva Conventions, the Detainee Treatment Act, the Military Commissions Act, and applicable Department of Defense directives and instructions governing detainee operations.

Just like previous detainees who have arrived at Guantanamo, he will undergo a period of in-processing to help him adjust to detention rules and procedures. He will be given an internment serial number and will undergo a combatant status review tribunal. The International Committee of the Red Cross will be granted access to this detainee.

As a result of this latest transfer, there are now approximately 385 detainees at Guantanamo Bay, Cuba.

EXHIBIT

G



U.S. Department of Defense
Office of the Assistant Secretary of Defense (Public Affairs)
News Release

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IMMEDIATE RELEASE

No. 205-08
March 14, 2008

Defense Department Takes Custody Of A High-Value Detainee

The Department of Defense announced today that it has custody of Muhammad Rahim al-Afghani, a high-level member of al-Qaida captured in the War on Terror and placed him under control of the Joint Task Force at Guantanamo Bay, Cuba.

Prior to his arrival at Guantanamo Bay, he was held in CIA custody.

Muhammad Rahim al-Afghani was a close associate of Usama bin Ladin and had ties to al-Qaida organizations throughout the Middle East. He became one of bin Ladin's most trusted facilitators and procurement specialists prior to his detention.

Muhammad Rahim al-Afghani is now under DoD custody and control and will be treated appropriately and in accordance with policy and procedures for other DoD detainees at Guantanamo. He will be treated in accordance with U.S. law and international obligations under treaties to include the Convention Against Torture, Common Article 3 of the Geneva Conventions, the Detainee Treatment Act, the Military Commissions Act, and applicable Department of Defense directives and instructions governing detainee operations.

Just like previous detainees who have arrived at Guantanamo, he will undergo a period of in-processing to help him adjust to detention rules and procedures. He will be given an internment serial number and will undergo a combatant status review tribunal. The International Committee of the Red Cross will be granted access to this detainee.

As a result of this latest transfer, there are now approximately 280 detainees at Guantanamo Bay, Cuba.

EXHIBIT

H



THE WHITE HOUSE
PRESIDENT
GEORGE W. BUSH

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For Immediate Release
Office of the Press Secretary
March 16, 2005

President's Press Conference

James S. Brady Briefing Room

10:15 A.M. EST

THE PRESIDENT: Thank you for giving me a chance to come by and say hello. I'm preparing for my trip out of town for Easter -- the Easter week, and I thought I'd share some thoughts with you and answer some questions.



VIDEO Multimedia

President's Remarks

[view](#)

I am looking forward to continuing my dialogue with the people on Social Security. It's important for the American people to understand that I believe the Social Security system has worked well, that Franklin Roosevelt did a positive thing when he created the Social Security system, but that I am deeply concerned about the Social Security system for younger Americans. And I believe we're making progress on convincing the American people of two things: One, nothing will change for seniors, those who have retired or near retirement; and secondly, that we must work together to make sure the system works for a younger generation of Americans. That's progress.

As I said -- I think I told you all earlier that one of my missions in the Social Security debate was to set that issue before the people so the people fully understand why I was addressing it, in other words, why -- I fully understand some in Washington are saying, why would the President bring this up, it's a difficult issue, it may cause us to have to make a tough vote. I'm making that case to the people, and will continue to do so -- in Florida on Friday, and then we'll head out West from Crawford and then back to Crawford for my meetings with Prime Minister Martin and President Fox.



I urge the members to go out and, when they go home, to talk to their constituents not only about the problem, but about solutions. I urge members to start talking about how we're going to permanently fix Social Security. Members, I hope, would not talk about a Band-Aid solution, but I think it's important for them to talk about a permanent fix, something that will last forever. I think the voters will appreciate people who come up with constructive suggestions, not statements merely in opposition of some ideas.

And so this is -- part of what I wanted to share with you is that I'm -- I'm actually enjoying myself on these trips. I hope you're enjoying traveling with me. It's -- I like to get out of Washington, I like to discuss big issues, I like to remind people that my job is to confront problems, and I will continue to talk about Social Security for the next period of time.

Iraq had a meeting today of its transitional national assembly. It's a bright moment in what is a process toward the writing of a constitution, the ratification of the constitution, and elections. And I want to congratulate the Iraqis for their assembly. And it's -- we've always said this is a process, and today was a step in that process. And it's a hopeful moment, I thought.

I am looking forward to seeing you down there in Crawford, those of you lucky enough to be able to travel with me. I wish you all a happy Easter. And I'll be glad to answer some questions.

Q Mr. President, the U.S.-led coalition in Iraq once had 38 countries contributing troops. And now that number has fallen to 24. And yesterday, Italy said that it was going to start pulling out some forces



in September. How can you keep the coalition from crumbling? And is it time to think about a timetable for pulling out some U.S. troops, given that the Iraqi parliament was seated today, and you're making progress in training some forces?

THE PRESIDENT: Well, actually I called Silvio Berlusconi on another matter, which may or may not come up during this press conference. It's -- I'll give you a hint. I called him about the World Bank, and -- (laughter) -- and discussed my nominee, and -- but he brought up the issue of Italian troops in Iraq and said, first of all, he wanted me to know that there was no change in his policy, that, in fact, any withdrawals would be done in consultation with allies and would be done depending upon the ability of Iraqis to defend themselves. And I said, are you sure I can say this to the press corps that will be wanting to know what took place in our conversation? He said, absolutely.

So I think what you're going to find is that countries will be willing -- anxious to get out when Iraqis have got the capacity to defend themselves. And that's the position of the United States. Our troops will come home when Iraq is capable of defending herself. And that's generally what I find to be the case, Terry, when I've talked to other allies on this issue.

And we're making progress. I've talked to General Casey quite frequently. And he keeps us abreast of the progress being made. One of the things -- one of the issues in terms of Iraqi troops being able to defend their country is the ability to stand up chains of command. I think I've shared this with you before, and it's still an issue that they're working on. There's officer training schools, plus the ability for a command to go from a civilian government to a military chain of command, down to the lower ranks of troops. And there's positive signs that have taken place in the development of the Iraqi security forces, and there's still work to be done. Our allies understand that.

But I say "anxious to come home," every -- nobody -- people want their troops home, but they don't want their troops home if it affects the mission. We've gone -- we've made a lot of progress. It's amazing how much progress has been made, thanks in large part to the courage of the Iraqi people. And when I talk to people, most understand we need to complete the mission. And completing the mission means making sure the Iraqis can defend themselves.

Q So you don't think it's crumbling, the coalition?

THE PRESIDENT: No, quite -- quite to the contrary, I think the coalition is -- has been buoyed by the courage of the Iraqi people. I think they've been pleased and heartened by the fact that the Iraqis went to the polls and voted and they're now putting together a government, and they see progress is being made. And I share that sense of enthusiasm about what's taking place in Iraq.

Yes, Steve.



Q Yes, sir. The Iranians have dismissed the European incentive as insignificant. Should more incentives be offered? How long do they have until you take their case to the Security Council?

THE PRESIDENT: Well, I -- first of all, I want to thank our European friends for taking the lead on this issue, telling the Iranians that they should permanently abandon any enrichment or reprocessing to make sure that Iran does not develop a nuclear weapon.

Let me review the bidding on this, if I might, just kind of the history, right quick. Iran has concealed its -- a nuclear program. That became discovered, not because of their compliance with the IAEA or NPT, but because a dissident group pointed it out to the world, and -- which raised suspicions about the intentions of the program. You can understand why. It's a non-transparent regime, they're run by a handful of people. And so suspicions were raised. And as a result of those suspicions, we came together with friends and allies to seek a guarantee that they wouldn't use any nuclear program to make weapons. A lot of people understand that if they did have a weapon, it would create incredible instability; it wouldn't be good for world peace.

And so the best way to do that -- and this is where we are in the talks -- was to say to the Iranians that they must

permanently abandon enrichment and reprocessing. And the EU 3 meant it. And now we're waiting for an Iranian response.

Q So how long do you -- how long do you wait? When do you go to the Security Council?

THE PRESIDENT: The understanding is we go to the Security Council if they reject the offer. And I hope they don't. I hope they realize the world is clear about making sure that they don't end up with a nuclear weapon.

David.

Q Mr. President, you say you're making progress in the Social Security debate. Yet private accounts, as the centerpiece of that plan, something you first campaigned on five years ago and laid before the American people, remains, according to every measure we have, poll after poll, unpopular with a majority of Americans. So the question is, do you feel that this is a point in the debate where it's incumbent upon you, and nobody else, to lay out a plan to the American people for how you actually keep Social Security solvent for the long-term?

THE PRESIDENT: First of all, Dave, let me, if I might correct you, be so bold as to correct you, I have not laid out a plan yet, intentionally. I have laid out principles, I've talked about putting all options on the table, because I fully understand the administration must work with the Congress to permanently solve Social Security. So one aspect of the debate is, will we be willing to work together to permanently solve the issue.

Personal accounts do not solve the issue. But personal accounts will make sure that individual workers get a better deal with whatever emerges as a Social Security solution.

And the reason why is because a personal account would enable a worker to, voluntarily, by the way -- this is a voluntary program, you can choose to join or choose not to join. The government is not making you do that, it's your option, and you can decide whether or not you want to put some of your own money aside in a conservative mix of stocks and bonds to earn a better rate of return than that which you would earn -- your money would earn inside the Social Security system. And over time, that compounds, it grows, and you would end up with a nest egg you could call your own.

And so I think it's an interesting idea, and one that people ought to discuss to make sure the system works better for an individual worker. But it's very important for people to understand that the permanent solution will require Congress and the administration working together on a variety of different possibilities.

Q But, sir, but Democrats have made it pretty clear that they're not interested in that. They want you to lay it out. And so, what I'm asking is, don't --

THE PRESIDENT: I'm sure they do. The first bill on the Hill always is dead on arrival. I'm interested in coming up with a permanent solution. I'm not interested in playing political games. (Laughter.) I'm interested in working with members of both political parties.

Q Would you say if you're specifically supportive of an income test for the slowing of future benefits? Could that get some kind of bipartisan consensus going?

THE PRESIDENT: David, there's some interesting ideas out there. One of the interesting ideas was by the fellow -- by a Democrat economist name of Posen. He came to visit the White House -- he didn't see me, but came and tossed some interesting ideas out, talking about making sure the system was progressive. We're open for ideas. And I -- look, I can understand why people say, make -- force the President to either negotiate with himself, or lay out his own bill. I want to work with members of both political parties.

And I stood up in front of the Congress and said, bring your ideas forward. And I'm looking forward to people bringing ideas forward. That's how the process works. I'm confident we'll get something done. See, the American people want something done. They don't like partisan politics; they don't like people saying, I'm not going to accept so-and-so's idea because it happens to come from a particular political party. What they want is people coming together to solve this problem.

John.

Q Mr. President, the price of oil is at record levels, well above the \$28 price point that you would prefer. The price of gasoline is projected to go above \$2.50 this spring. How concerned are you that this could start to affect the American economy? Is there more you could do to talk with oil-producing nations to get the price at the wellhead down? And is there more you could do, since part of the problem is refining capacity, to encourage oil companies who haven't built a new refinery in 20 years to start increasing their capacity domestically?

THE PRESIDENT: No, I am concerned about the price of energy. I'm concerned about what it means to the average American family when they see the price of gasoline going up. I'm concerned what it means to small businesses. I'm worried about the price of natural gas, particularly given the sense that because a lot of utilities now rely upon natural gas to provide electricity for their consumers. And I have been worried about this since 2001, when I first showed up in Washington, D.C.

I'm concerned about the relationship between the demand for oil -- our growing economy's demand for oil, but more particularly, the demand for oil from -- or energy, in general, from countries like China, fast-growing countries that are consuming a lot of raw materials and natural resources. And it is of concern, John. And that's why I went to the Congress and asked them to join in a comprehensive energy plan, which they have yet to do. I would hope that when members go back to their districts and hear the complaints of people about the rising price of gasoline, or complaints from small business owners about the cost of energy, that they will come back and, in the spirit of -- in a proper spirit, get a bill to my desk that encourages conservation and continue to find alternative sources of energy.

The -- and by the way, the modernization of the electricity grid is an important part of the energy bill. I, frankly, don't think we need a lot of incentives for energy companies in the energy bill. The incentive is price. That's plenty of incentive for people to go out and find additional resources. I hope Congress passes ANWR. There's a way to get some additional reserves here at home on the books.

In terms of world supply, I think if you look at all the statistics, demand is outracing supply, and supplies are getting tight. And that's why you're seeing the price reflected. And hopefully, there will be more conservation around the world, better conservation around the world, as well as additional supplies of energy.

One thing is for certain; we've got to use our technology to, over time, evolve away from reliance upon oil and gas, and at the same time use our technologies to make sure we can use our plentiful resources like coal in an environmentally friendly way. I went to Columbus, Ohio the other day and talked to the person responsible for the FutureGen plant, which is an innovative use of technology for there to be emissions-free coal-burning plants. That would not only be helpful to the United States, it would be helpful for the world -- developing nations to be able to use this technology.

This is going to be a subject, by the way -- was a subject of interest in my trip to Europe. In the councils of the EU, we talked about how we can work together on technological developments to change habits and change supply of the energy mix for the world. And this will be a topic of -- at the G8, as well.

Yes.

Q Mr. President, could I follow up? Everybody else has had a chance to follow up.

THE PRESIDENT: I know, I'm trying to break the habit. (Laughter.) Sorry, it's not you, Roberts. Don't take it personally. (Laughter.)

Q I never do, sir.

THE PRESIDENT: That's good. Neither do I.

Q Mr. President, can you explain why you've approved of and expanded the practice of what's called rendition, of transferring individuals out of U.S. custody to countries where human rights groups and your own State Department say torture is common for people under custody?

THE PRESIDENT: The post-9/11 world, the United States must make sure we protect our people and our friends from attack. That was the charge we have been given. And one way to do so is to arrest people and send them back to their country of origin with the promise that they won't be tortured. That's the promise we receive. This country does not believe in torture. We do believe in protecting ourselves. We don't believe in torture. And --

Q As Commander-in-Chief --

THE PRESIDENT: Sorry, what -- make Roberts feel terrible.

Q That's all right.

THE PRESIDENT: No, no, you shouldn't make --

Q It doesn't bother me at all. (Laughter.)

THE PRESIDENT: Elisabeth.

Q As Commander-in-Chief, what is it that Uzbekistan can do in interrogating an individual that the United States can't?

THE PRESIDENT: We seek assurances that nobody will be tortured when we render a person back to their home country.

Elisabeth.

Q Paul Wolfowitz, who was the -- a chief architect of one of the most unpopular wars in our history --

THE PRESIDENT: (Laughter.) That's an interesting start. (Laughter.)

Q -- is your choice to be the President of the World Bank. What kind of signal does that send to the rest of the world?

THE PRESIDENT: First of all, I think people -- I appreciate the world leaders taking my phone calls as I explained to them why I think Paul will be a strong President of the World Bank. I've said he's a man of good experiences. He helped manage a large organization. The World Bank is a large organization; the Pentagon is a large organization -- he's been involved in the management of that organization. He's a skilled diplomat, worked at the State Department in high positions. He was Ambassador to Indonesia where he did a very good job representing our country. And Paul is committed to development. He's a compassionate, decent man who will do a fine job in the World Bank. And that's why I called leaders of countries and that's why I put him up.

I was pleased to see that Jim Wolfensohn, earlier today, made a very strong comment about Paul's candidacy. Jim Wolfensohn has done a fine job in leading the World Bank. He's represented the World Bank with a lot of class and a lot of dignity, and I think his comments are very important comments for -- for people to get to know Paul better before the -- before the vote is taken.

Jim.

Q Tom DeLay, the House Majority Leader, has been admonished three times by the House Ethics Committee, is currently embroiled in several controversies involving a lobbyist who happened to be a pretty big fundraiser for your two campaigns. Do you have the full confidence in Tom DeLay, his tactics and his leadership role in the Republican Party?

THE PRESIDENT: I have confidence in Tom DeLay's leadership, and I have confidence in Tom DeLay. And I am -- we've worked closely with Tom DeLay and the leaders in the House to get a lot done during the last four years, and I'm looking forward to working with him to get a lot done during the next four years. We've got a big agenda. We've got to get an energy bill out of the House; we've got to get more legal reform out of the House; we've got to

get a Social Security reform package out of the House; got to get a budget out of the House. There's a lot going on. And Speaker Hastert and Leader DeLay and Whip Blunt are close allies and people with whom we're working to get a lot done.

Q Mr. President, you have spoken out about the need for owners, coaches and players in all sports to stop steroid use. And you've also voiced reservations about government getting too involved in that. And as you know, Congress is issuing subpoenas to Major League baseball players during spring training. Do you think that that's an abuse of power, or is it appropriate, in your view?

THE PRESIDENT: Well, Congress generally has an independent mind of its own. I spoke out and was pleased to see that baseball responded, and they've got a testing policy in place for the first time ever -- a firm testing policy in place. And it's very important that baseball then follow through and implement the testing and, obviously, deal with those who get caught cheating in the system.

And the hearings will go forward, I guess. I guess that's the current status. But I'm wise enough not to second-guess the intentions of the United States Congress. I do appreciate the public concern about the use of steroids in sports, whether it be baseball or anywhere else, because I understand that when a professional athlete uses steroids, it sends terrible signals to youngsters. There's -- we've had some stories in my own state, one of the newspapers there pointed out that they thought there was steroid use in high schools as a result of -- in order to make sure these kids, at least in the kid's mind, could be a better athlete. It's a bad signal. It's not right. And so I appreciate the fact that baseball is addressing this, and I appreciate the fact that the Congress is paying attention to the issue. This first started, of course, with Senator McCain, who basically said, get your house in order. And baseball responded, and my hope is the system will work.

Q You have no problem with the subpoenas?

THE PRESIDENT: No.

Carl.

Q Mr. President, your judicial nominees continue to run into problems on Capitol Hill. Republicans are discussing the possibility of ending the current Democratic filibuster practice against it. And Democrats yesterday, led by Minority Leader Harry Reid, went to the steps of the Capitol to say that if that goes forward, they will halt your agenda straight out. What does that say about your judicial nominees, the tone on Capitol Hill? And which is more important, judges or your agenda?

THE PRESIDENT: Both. I believe that I have a obligation to put forth good, honorable people to serve on the bench, and have done so. And I expect them to get a up or down vote on the floor of the Senate. This isn't a new position for me, or the -- I've been saying this for the last several years. And they ought to get a vote. They're getting voted out of committee, but they're not getting a vote on the floor. And I don't think it's fair to the candidates, and I don't think it's fair to the administration for this policy to go forward. And so, hopefully, the Senate will be able to conduct business and also get my nominees a vote -- an up or down vote on the floor of the Senate.

Yes, sir. John.

Q Sir, on Social Security, what is the time line that you want to see for action by Congress on a bill? When do you start to get worried about not getting something done this year? And also, if I can add, would you be willing to drop personal accounts in order to get a bill?

THE PRESIDENT: Personal accounts are very important for the individuals. It's a -- you know, it's interesting -- David quoted some poll -- there's all kinds of polls. For every poll you quote, I'll quote another one. It's kind of the way Washington works these days. They poll everything. The one I read the other day said people like the idea of personal accounts.

I think people like the idea of being able to take some of their own money -- in other words, government says, you can decide, as opposed to, we'll decide for you, you get to decide if this is in your interest. And you get to decide

whether you want to set some of your money aside in an account that will earn a better rate of return than that which will be earned in the Social Security system. That's an important part of making sure the system works for the individual.

I repeat, personal accounts do not permanently fix the solution. They make the solution more attractive for the individual worker. And that's important for people to understand, John, and that's why it's very important for Congress to discuss this issue.

In terms of timetables, as quickly as possible -- whatever that means. No, I am going to -- one of the things that I think is very important for people to understand is that I believe that we have a duty to work on big problems in Washington, D.C., and so I'm going to continue working on this. And it's, I guess -- I'm not going to go away on the issue, because the issue is not going to go away. The longer we wait, the more difficult it is to solve the problem.

And, listen, I fully understand it's a difficult issue; otherwise it would have been solved a long time ago. And I understand some members don't -- view this as a tough vote. In other words, why did you bring it up, it's a tough vote? And -- but that's just not the way I think, John. I think we have a duty. I truly do. This is -- now is the time to get this solved. I remember 1983, we've got a 75-year solution. It wasn't a 75-year solution that they came up with. It was a -- I like the spirit of people coming together from both parties to sit down and see if they couldn't solve the immediate problem, but it wasn't a 75-year solution because we're talking about it now. And in 2018, the situation starts to get worse because more money is coming into the system -- I mean, more money is going out of the system than coming in.

You know, one thing about Social Security -- I'm sorry to blow on here, but now that you asked -- a lot of people in America think there is a trust: your money goes in, the government holds it, and then the government gives your money back when you retire. That's just not the way it works. And it's important for the American citizens to understand. It's a pay-as-you-go system. And right now, we're paying for a lot of programs other than Social Security with the payroll tax coming in, thereby leaving a pile of IOUs. And part of why I think a personal account is an attractive option for a younger worker is that there will be real assets in the system at this point in time.

I also will continue reminding people, when it comes to personal accounts, that the system oftentimes doesn't work for a widow. You know, if a wage-earner dies prior to 62, there are no spousal benefits available until 62. If the spouse -- both spouses work, the spouse that survives will get the higher of his or her Social Security benefits, or the death benefits, but not both. In other words, somebody's contribution to the system just goes away. And a personal account will enable somebody to leave behind an asset base to whomever he or she chooses. And that's an important concept for people to understand.

Peter.

Q Mr. President, your administration recently called on the Texas courts to review some death -- some death penalty cases down there.

THE PRESIDENT: Yes.

Q And during your State of the Union you talked about the importance of DNA evidence, and you talked about the possibility that maybe there were inequities in the system and the lawyers that represent death row inmates. I'm wondering if this represents a change in your feelings about the death penalty since you were governor of Texas. And if there are the possibilities -- the possibilities exist of problems, why not call on -- for a moratorium?

THE PRESIDENT: No, I still support the death penalty, and I think it's a deterrent to crime. But I want to make sure, obviously, that those subject to the death penalty are truly guilty. And that's why I talked about what I talked about, and why I made the decision I made. I think, regardless of your position on the issue, one of the things we got to make sure is that we use, in this case, technology, DNA technology, to make sure that we're absolutely certain about the innocence or guilt of a person accused.

Yes.

Q Mr. President, are you trying to send a message to the IRA by not inviting Gerry Adams and the other Northern Ireland politicians tomorrow?

THE PRESIDENT: I talked to Bertie Ahern about this and -- at the EU, and he just asked who was coming to the events, which -- I said, you are, for certain. And we wanted to make sure that we honored those in civil society in Ireland who are contributing positively to the peace process. And that's what we'll be doing on this particular trip.

It's very important that people understand that the parties must renounce violence. There's a -- the Good Friday Agreement laid out the way forward for peace in Northern Ireland, and this administration and our government strongly supports those steps. But tomorrow's message will be, we want to thank those in civil society who are working hard to achieve a peaceful resolution.

Q By inviting the widow -- the sisters, rather, of this man who was killed --

THE PRESIDENT: That's part of the statement -- a very strong part of the statement. And I'm looking forward to meeting these very brave souls. They've committed themselves to a peaceful solution. And hopefully, their loved one will not have died in vain. I mean, out of the -- hopefully, some good will come out of the evil perpetuated on this family.

Yes, sir.

Q Mr. President, yesterday you said that Hezbollah could prove it is not a terrorist organization by laying down arms and supporting peace. How willing and flexible, and under what conditions are you able to, as you promote democracy in the Middle East, encourage parties like Hezbollah to discontinue the use of terrorism as a tactic?

THE PRESIDENT: Yes, I think -- let me make sure that you put my answer into full context. I first said that Hezbollah is on the terrorist list for a reason: because they have killed Americans in the past, and they -- they're a violent organization. And the question was about Lebanon, and let me take a step back, if I might, on this question, because it's important for the American people to understand our policy.

Our policy is this: We want there to be a thriving democracy in Lebanon. We believe that there will be a thriving democracy, but only if -- but only if -- Syria withdraws not only her troops completely out of Lebanon, but also her secret service organizations, intelligence organizations -- not secret service, intelligence organizations. I am concerned, and the world should be concerned that the intelligence organizations are embedded in a lot of government functions in Lebanon, and there needs to be a complete withdrawal of those services in order for there to be a free election. And we will -- this government will work with a -- elected leaders of a free, truly free Lebanon, and looking forward to it.

I like the idea of people running for office. There's a positive effect when you run for office. Maybe some will run for office and say, vote for me, I look forward to blowing up America. I don't know, I don't know if that will be their platform or not. But it's -- I don't think so. I think people who generally run for office say, vote for me, I'm looking forward to fixing your potholes, or making sure you got bread on the table. And so -- but Hezbollah is on the terrorist list for a reason, and remain on the terrorist list for a reason. Our position has not changed on Hezbollah.

Judy.

Q President Bush, a court ruling in California this week has revived debate over same-sex marriage. You support a constitutional amendment to ban such marriages. But it's not something you talk about nearly as often as Social Security and many other issues. Will you put some muscle behind that effort this year? Or is it something you'd prefer not to deal with?

THE PRESIDENT: No, I haven't changed my position. And as a matter of fact, the court rulings are verifying why I took the position I took, and that is I don't believe judges ought to be deciding this issue. I believe this is an issue of particular importance to the American people and should be decided by the people. And I think the best way to do so is through the constitutional process. I haven't changed my mind at all. As a matter of fact, court rulings such as this strengthen my position it seems like to me. People now understand why I laid out the position I did.

Q What can you do to promote action on that amendment?

THE PRESIDENT: Well, I -- the courts are going to promote a lot of the action by their very rulings. People will understand that -- the logic behind the decision I made. And no matter what your position is on the issue, this is an issue that should be decided by the people, not by judges. And the more that judges start deciding the issue, I'm confident the more the people will want to be involved in the issue. This is a very important issue for the country and one that obviously needs to be conducted with a great deal of sensitivity and concern about other people's feelings. But this is -- it's an issue I feel strongly about.

Yes, Stretch.

Q Mr. President, you faced a lot of skepticism in the run-up to the Iraq war, and a lot of criticism for miscalculating some of the challenges of postwar Iraq. Now that the Iraq elections seem to be triggering signs of democratization throughout the broader Middle East, do you feel any sense of vindication?

THE PRESIDENT: First of all, I fully understand that as long as I'm the President I will face criticism. It's like part of the job. Frankly, you wouldn't be doing your job if you didn't occasionally lay out the gentle criticism. I welcome constructive ideas as to how we might do our job better. So that doesn't bother me. And, therefore, since it doesn't bother me and I expect it, I don't then seek vindication.

Look, history -- shall I give you my talk on history and presidencies? Okay, thank you. I don't -- what's interesting is George Washington is now getting a second, or third, or fifth, or tenth look in history. I read the Ellis book, which is a really interesting book, and -- "His Excellency," it's called. And McCullough is writing a book on George Washington, as well. People are constantly evaluating somebody's standing in history, a President's standing in history, based upon events that took place during the presidency, based upon things that happened after the presidency, based upon -- like in my case, hopefully, the march of freedom continues way after my presidency. And so I just don't worry about vindication or standing.

The other thing, it turns out, in this job you've got a lot on your plate on a regular basis, you don't have much time to sit around and wander, lonely, in the Oval Office, kind of asking different portraits, how do you think my standing will be? (Laughter.) I've got a lot to do. And I like to make decisions, and I make a lot of them.

But, you know, look, the people who deserve the credit in Iraq are the Iraqi citizens that defied the terrorists. Imagine what it would be like to try to go vote thinking that there could be a suicide bomber standing next to you in line, or somebody would lob a shell or a mortar at you. The courage of the Iraqi citizens was just overwhelming, I thought. It's easy for us to vote. The question is, what it would be like to vote if you were fearful for your life. Parts of the country people were getting messages that said, if you vote we'll find somebody you love and take care of them. And yet they defied these terrorists. It was a powerful moment in the history of freedom. People in the world got to see what it means to -- for a group of people that have been downtrodden to rise up and say, I want to be free.

Now, there's a lot of work to be done, and I'm sure there will be some opinions about what takes place during the next nine months, as the constitution is written, and whether or not the elections move forward as smoothly as some think they should. Obviously, there's concern now I read about -- occasionally reading, I want you to know, in the second term -- that -- your stories, that is -- that they haven't formed a government yet. But I take a different look. First of all, obviously, there will be a government formed, but I think it is interesting and -- to watch the process of people negotiating and worrying about this and worrying about that, and people seeking out positions as to their stands on issues that will be relevant to the future of Iraq. It's a wholesome process. And it's being done in a transparent way. I mean, you've got the press corps all over them, watching every move, which is a positive example for others in the region.

And that's important. It's important for people in that region to see what is possible in a free society. And I firmly believe that the examples of Iraq and Afghanistan -- I believe there will be a Palestinian state; I believe we'll be able to convince Syria to fully withdraw, or else she'll be isolated -- fully withdraw from Lebanon, or else she'll be isolated -- I believe those examples will serve as examples for others over time. And that will lead to more peace. And that's what we want.

Yes, Carl.

Q Mr. President, do you also think it will lead to America's reputation being restored? Earlier this week you brought Karen Hughes back at ambassador rank to address the question of antipathy to America around the world --

THE PRESIDENT: Yes.

Q -- particularly the Muslim world. What does that entail?

THE PRESIDENT: Well, it entails a couple of things, Carl. It entails people understanding why we do things we do. You know, for example, there was -- I think we had the image of wanting to fight Muslims -- the United States stood squarely against a religion, as opposed to a society which welcomes all religions. And, in fact, we're fighting a handful of people relative to the Muslim population that wanted to -- I used to say -- hijack the religion.

People need to understand we're a compassionate nation and we care deeply about suffering, regardless of where people live. And the -- you know, President Clinton and President Bush 41 did a fine job of helping the world see the great compassion of America when they went on the -- went on their trips in the areas ravaged by the tsunamis.

It is very important for us to have a message that counteracts some of the messages coming out of some of the Arab media -- some of it coming out, partly, because of our strong and unwavering friendship with Israel. You know, Israel is an easy target for some of the media in the Middle East, and if you're a friend of Israel, you become a target. And since we're not going to abandon our alliance with Israel, there's a -- there was some churning in the press, and there was some unhelpful things being said. And so part of that is to make sure people understand the truth. And that is, in this particular issue, you bet we're going to stand by Israel. But we also believe the Palestinians have the capability of self-governance in a truly democratic state that will live side-by-side with the Israelis in peace.

And so Karen is going -- one, I want to thank her for coming back from Austin. It's very hard, if you're a Texan, to abandon Austin for anywhere else, and -- or Texas for anywhere else. Secondly, I applaud Secretary Rice's decision to include Karen in the process. I thought that was very wise of her to call upon Karen's talents. And Dina Powell, from my office, an Egyptian American, is also going over, leaving the White House compound to work with Karen, because she believes deeply in the American experience, in American values, and wants to share those values with people around the world.

And, you know, I think when people also see, Carl, that we do what we say we're going to do -- for example, that we helped feed the hungry and that we believe all folks should be free and that women should have an equal say in society. I think when people see we actually mean that, and then when it comes to fruition, it will help people around the world better understand our good hearts and good nature.

Yes, Ken.

Q Mr. President, earlier this year, you told us you wanted your administration to cease and desist on payments to journalists to promote your agenda. You cited the need for ethical concerns and the need for bright line between the press and the government. Your administration continue to make the use of video news releases, which is prepackaged news stories sent to television stations, fully aware that some -- or many of these stations will air them without any disclaimer that they are produced by the government. The Comptroller General of the United States, this week, said that raises ethical questions. Does it raise ethical questions about the use of government money to produce stories about the government that wind up being aired with no disclosure that they were produced by the government?

THE PRESIDENT: There is a Justice Department opinion that says these -- these pieces are within the law, so long as they're based upon facts, not advocacy. And I expect our agencies to adhere to that ruling, to that Justice Department opinion. This has been a longstanding practice of the federal government to use these types of videos. The Agricultural Department, as I understand it, has been using these videos for a long period of time. The Defense Department, other departments have been doing so. It's important that they be based on the guidelines set out by the Justice Department.

Now, I also -- I think it would be helpful if local stations then disclosed to their viewers that that's -- that this was

based upon a factual report, and they chose to use it. But evidently, in some cases, that's not the case. So, anyway.

Q The administration could guarantee that's happening by including that language in the pre-packaged report.

THE PRESIDENT: Yes, I don't -- oh, you mean a disclosure, "I'm George W. Bush, and I" --

Q Well, some way to make sure it couldn't air without the disclosure that you believe is so vital.

THE PRESIDENT: You know, Ken, there's a procedure that we're going to follow, and the local stations ought to - if there's a deep concern about that, ought to tell their viewers what they're watching.

Q Mr. President, do you think there should be regime change in Iran? And if so, what are you prepared to do to see that happen?

THE PRESIDENT: Richard, I believe that the Iranian people ought to be allowed to freely discuss opinions, read a free press, have free votes, be able to choose amongst political parties. I believe Iran should adopt democracy; that's what I believe.

Q Mr. President --

THE PRESIDENT: Yes, ma'am.

Q Thank you, sir. Do you believe that nativity scenes and the Ten Commandments should continue to be displayed on federal property or in schools?

THE PRESIDENT: We had a display of the Ten Commandments on the statehouse grounds in Texas, and I supported that display.

Q Mr. President, back to Social Security, if I may. You said right at the top today that you urged members of Congress to go out and talk about the problem with their constituents.

THE PRESIDENT: About solutions to the problem.

Q But also to talk about solutions. It's that part of it I want to ask about. Aren't you asking them to do something that you really haven't been willing to do yet?

THE PRESIDENT: No, I'm interested in -- first of all, I have laid out, in the State of the Union address -- I haven't looked at all previous State of the Union addresses, but I think I'm the first President ever to say, all options are on the table, and named a series of options. I think. Now, maybe somebody could go back and find out -- if you've got some idle time on your hand, you might want to go read previous State of the Union addresses and see if that's true.

I don't believe members should go write a bill, but I do believe a member should start discussing ideas with constituencies about how to solve the problem, as opposed to blocking ideas -- to say, here are some ideas, and come back and present them. That's what's happening, by the way. There's a lot of members are talking about different concepts. I've called a lot of them into the White House compound, I've listened to them. There's a variety of ideas. And that's positive. I view that as a positive sign that members of Congress, one, take the problem seriously -- I thought it was helpful yesterday when the United States Senate said that Social Security is a serious problem that requires a permanent solution.

And now it's time for people, when they get back from Easter, having talked to different constituency groups, to come back and sit down and start sharing ideas about how to move the process forward. And my pledge is that I will not take somebody's idea and use it as a political weapon against them. That's what's changed in this debate. In other words, the Social Security -- they used to call it the third rail of American politics, because when you talked about it, you got singed, at the minimum. And it's now time to talk about it in a serious way, to come up with

a permanent solution.

Yes, Jackson.

Q Mr. President, you talked earlier about going --

THE PRESIDENT: I can't call on Herman and not on Jackson.

Q Thank you. You talked about going to the Security Council if Iran turns down this EU 3 deal. Iran says they're not making nuclear weapons. Are we looking at a potential military confrontation with Iran?

THE PRESIDENT: No, we've got a lot of diplomacy, you know. There's a lot of diplomacy on this issue. And that's why I was so pleased to be able to participate with our friends, France and Great Britain and Germany, to say to the Iranians, we speak with a common voice, and we share suspicions because of your past behavior. And the best way to ensure that you do not develop a nuclear weapon is for you to have no enrichment of plutonium -- of - have no highly enriched uranium program or plutonium program that could lead to a weapon. That's what we've said.

And we just started the process -- we just had the discussion. How long ago was I in Europe? Maybe 10 days, or so? Two weeks? About two weeks? I mean, it takes a while for things to happen in the world, David. I mean, I know there's a certain impatience with a never-ending news cycle. But things don't happen on -- necessarily overnight the way some would like them, you know, solve this issue and we go to the next issue. There's a certain patience required in order to achieve a diplomatic objective. And our diplomatic objective is to continue working with our friends to make it clear to Iran we speak with a single voice.

Listen, whoever thought about modernizing this room deserves a lot of credit. (Laughter.) Like, there's very little oxygen in here anymore. (Laughter.) And so, for the sake of a health press corps and a healthy President, I'm going to end the press conference. But I want to thank you for giving me a chance to come by and visit. I wish you all -- genuinely wish you all a happy Easter holiday with you and your family.

Thank you.

Q Can I get that follow-up now?


THE PRESIDENT: What?

Q Can I get that follow-up now? (Laughter.)

END 11:03 A.M. EST

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EXHIBIT

I



Speeches & Testimony

Testimony of DCI Goss Before Senate Armed Services Committee

**Testimony of the Director of Central Intelligence
The Honorable Porter J. Goss
Before the
Senate Armed Services Committee
(as prepared for delivery)**

March 17, 2005

I hope to accomplish a number of things during this time. I want to briefly share with you my thoughts relative to the threats facing the United States in the coming years. By virtue of the unclassified nature of this setting I will not go into great detail and look forward to more in-depth discussion of the threats with the Committee in closed session. I also want to discuss the broader issues of the capabilities the Intelligence Community requires to face these threats. The capabilities issue is one that fundamentally impacts the way we support policymakers and warfighters.

Challenges and Changes We Face

The war on terrorism has presented the Intelligence Community with challenges unlike any before. We are facing small groups of terrorists and extremist rather than standing armies. They operate out of homes and caves rather than military bases and government entities. They don't wear uniforms, they don't use conventional ordnance, and they don't observe norms and standards of civilized society. And only a few individuals may know the complete plan of a given terrorist plot.

In response we changed the way we gather secrets. Professional interrogation has become a very useful and necessary way to obtain information to save innocent lives, to disrupt terrorist schemes, and to protect our combat forces. The USG had documented success protecting people and capturing terrorists with information. As I have said before, the USG does not engage in or condone torture.

- We will continue to be successful and take terrorists and extremists off the battlefield. But these are risky activities and I will be asking the men and women of the CIA to take more risks—justifiable risks—in the days and months to come. I would much rather explain why we did something than why we did nothing. I am asking your support.

Processing What We Collect

The volume and scope of information that the Intelligence Community collects, processes and provides to policymakers and warfighters has grown tremendously. We face several issues here.

- First, I believe we have made great strides in improving the information flow between CIA, FBI, DHS, and others, yet we still face challenges. We all understand this and are working hard to improve the information sharing in all directions.
- Second, as we continually vet sources of threat information we need to do better at discerning what is a real threat, and what is wishful thinking, and to establish a threshold for devoting analytical and operational resources to track down a lead. Establishing this threshold is also critical to our ability to provide intelligence on options for strategic decisions, and to give the American public an accurate assessment of the threat facing the country.
- Third, for all of the successes we have had and advances we have made, serious and unnecessary damage is caused by media leaks. Unauthorized disclosures of classified information threatens the survivability of the sources and methods that we depend on. We have lost opportunity, if not capability, because of irresponsible leaks and we have made it easier for our enemies.

Making Intelligence Actionable

Collecting secrets - and keeping them secret - is only half the battle. Having intelligence that is actionable and is acted upon through clearly defined mechanisms is just as critical. Terrorists started the war on our soil. We have taken the war to them. Sometimes this requires what we euphemistically call a "kinetic" solution on foreign soil. We have to be able to use all of the tools at our disposal and understand the consequences of how we use them. Dealing successfully with dangerous terrorists requires rapid application of the proper capabilities whether the USG is conducting planned strikes or exploiting targets of opportunity.

Developing the Right Cadre

I welcome the President's directive to increase CIA's HUMINT and analytical capabilities by nearly half. The good news is that smart, eager, and talented people are applying for work in record numbers. Recruiting, training, equipping, and retaining the new more diverse workforce will be a growing endeavor. To do so, I want to help establish a National University of Intelligence, not just for the CIA, but for all agencies within the Intelligence Community. This will be one initiative I will bring to the DNI when he gets started. This will help define a new Intelligence Community culture, better coordinate the way we do business across the government, and enhance willing cooperation.

I look forward to the DNI's confirmation and leadership in bringing together the collective efforts of the Intelligence Community. He will be faced with decisions about how information is collected, prepared and delivered to the President and to other senior leaders and customers. I am ready to help the DNI marshal the efforts and resources of the domestic and international operations of IC agencies, not just in the war on terror but in our other necessary global endeavors. As I turn over the DCI Intelligence Community responsibilities, I am confident that the 15 agencies in the Intelligence Community will rally around the DNI and bring their unique abilities to bear on the joint mission of making America safer.

Threat

Now, I turn to specific threats. I will not attempt to cover everything that could go wrong in the year ahead. We must, and do, concentrate our efforts, experience and expertise on matters that are most pressing: defeating terrorism; protecting the Homeland; stopping the proliferation of weapons of mass destruction and drugs; and fostering stability, freedom and peace in the most troubled regions of the world.

Terrorism

Mr. Chairman, defeating terrorism will remain our top objective as widely dispersed terrorist networks present real danger to US national security interest at home and abroad.

- Our reporting indicates al-Qa'ida is intent on finding ways to circumvent US security enhancements to strike Americans and the Homeland. Their intent, perhaps passion, to harm us for being who we are is just as vital as ever.
- Our reporting that al-Qa'ida or another group wants to use chemical, biological, radiological, and/or nuclear weapons cannot be ignored.
- The threat from a broader Sunni jihadist movement is broad. We have witnessed this in Madrid, Bali, the Philippines, Saudi Arabia and many other places. It is worth noting that other groups in Pakistan, Southeast Asia, Central Asia, East Africa, and Europe, also pose a significant threat to our security.
- In Iraq, Zarqawi merged his organization with al-Qa'ida last year seeking to bring about the final victory of his vision of Islam over the "infidels" and "apostates."

Proliferation

Let me start with Libya, a good news story, and one that shows that with the patient perseverance the Intelligence Community can tackle and achieve remarkable things.

- In 2004 Tripoli followed through with a range of steps to disarm itself of WMD and ballistic missiles. The US continues to work with Libya to clarify some discrepancies in the declaration, but all in all we are seeing some very helpful cooperation from Tripoli these days.

Looking to North Korea and Iran, we have different issues.

- P'yongyang has announced it has a nuclear weapon capability.
- Concern remains that Iran could utilize the uranium enrichment technology it is pursuing to achieve a nuclear weapon

Other Areas of Concern

In CHINA, Beijing's military modernization and military buildup are posing new questions for us. Improved Chinese capabilities seemingly threaten US forces in the region. China's recent legislation on secession speaks for itself.

In RUSSIA, the attitudes and actions of the former KGB associates that Putin has placed in positions of authority throughout the Russian government may be critical determinants of the course Putin will pursue in the year ahead.

In the MIDDLE EAST, the election of Palestinian President Mahmud Abbas, of course, marks a welcome step forward. There, nevertheless, are hurdles ahead as the Palestinian leadership tries to rebuild the Palestinian Authority and to counter terrorist groups that could destabilized the current calm and derail talks.

In SOUTHEAST ASIA, the Philippines is struggling with prolonged radical Islamic and Communist rebellions and the presence of terrorists seeking safe haven and training bases. Thailand is plagued with an increasingly volatile Muslim separatist threat in its southeastern provinces, and the risk of escalation remains.

In AFRICA, chronic instability in countries such as Sudan and Nigeria, and in areas such as the Horn of Africa, will continue to hamper counterterrorism efforts and offer a potential sanctuary for terrorists.

In LATIN AMERICA, the region is entering a major electoral cycle in 2005/2006, when Brazil, Colombia, Costa Rica, Ecuador, Mexico, Nicaragua, Peru, Venezuela, and now Bolivia will hold presidential elections. Several key countries in the hemisphere are potential flashpoints in 2005, including Venezuela, Haiti, Colombia and Cuba.

Mr. Chairman, Senator Levin - again, thank you for this opportunity. There are an awful lot of sore spots out there. We of course are trying to stay on top of them so we are well informed and can take appropriate action. The help of your committee will be invaluable.

Thank you.

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EXHIBIT

J



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For Immediate Release
Office of the Press Secretary
April 28, 2005

Press Conference of the President
The East Room

[en español](#)

8:01 P.M. EDT

THE PRESIDENT: Good evening. Tonight I will discuss two vital priorities for the American people, and then I'd be glad to answer some of your questions.



VIDEO Multimedia

President's Remarks

[view](#)

Millions of American families and small businesses are hurting because of higher gasoline prices. My administration is doing everything we can to make gasoline more affordable. In the near-term, we will continue to encourage oil producing nations to maximize their production. Here at home, we'll protect consumers. There will be no price gouging at gas pumps in America.

We must address the root causes that are driving up gas prices. Over the past decade, America's energy consumption has been growing about 40 times faster than our energy production. That means we're relying more on energy produced abroad. To reduce our dependence on foreign sources of energy, we must take four key steps. First, we must better use technology to become better conservers of energy. Secondly, we must find innovative and environmentally sensitive ways to make the most of our existing energy resources, including oil, natural gas, coal and safe, clean nuclear power.



Third, we must develop promising new sources of energy, such as hydrogen, ethanol or biodiesel. Fourth, we must help growing energy consumers overseas, like China and India, apply new technologies to use energy more efficiently, and reduce global demand of fossil fuels. I applaud the House for passing a good energy bill. Now the Senate needs to act on this urgent priority. American consumers have waited long enough. To help reduce our dependence on foreign sources of energy, Congress needs to get an energy bill to my desk by this summer so I can sign it into law.

Congress also needs to address the challenges facing Social Security. I've traveled the country to talk with the American people. They understand that Social Security is headed for serious financial trouble, and they expect their leaders in Washington to address the problem.

Social Security worked fine during the last century, but the math has changed. A generation of baby boomers is getting ready to retire. I happen to be one of them. Today there are about 40 million retirees receiving benefits; by the time all the baby boomers have retired, there will be more than 72 million retirees drawing Social Security benefits. Baby boomers will be living longer and collecting benefits over long retirements than previous generations. And Congress has ensured that their benefits will rise faster than the rate of inflation.

In other words, there's a lot of us getting ready to retire who will be living longer and receiving greater benefits than the previous generation. And to compound the problem, there are fewer people paying into the system. In 1950, there were 16 workers for every beneficiary; today there are 3.3 workers for every beneficiary; soon there will be two workers for every beneficiary.

These changes have put Social Security on the path to bankruptcy. When the baby boomers start retiring in three years, Social Security



will start heading toward the red. In 2017, the system will start paying out more in benefits than it collects in payroll taxes. Every year after that the shortfall will get worse, and by 2041, Social Security will be bankrupt.

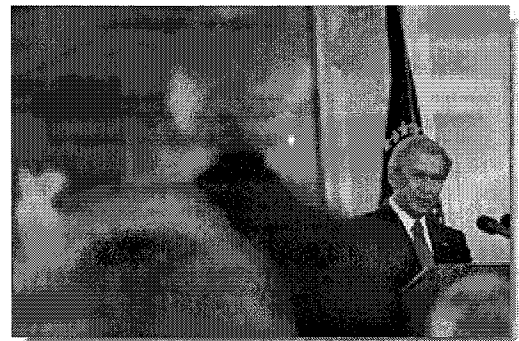
Franklin Roosevelt did a wonderful thing when he created Social Security. The system has meant a lot for a lot of people. Social Security has provided a safety net that has provided dignity and peace of mind for millions of Americans in their retirement. Yet there's a hole in the safety net because Congresses have made promises it cannot keep for a younger generation.

As we fix Social Security, some things won't change: Seniors and people with disabilities will get their checks; all Americans born before 1950 will receive the full benefits.

Our duty to save Social Security begins with making the system permanently solvent, but our duty does not end there. We also have a responsibility to improve Social Security, by directing extra help to those most in need and by making it a better deal for younger workers. Now, as Congress begins work on legislation, we must be guided by three goals. First, millions of Americans depend on Social Security checks as a primary source of retirement income, so we must keep this promise to future retirees, as well. As a matter of fairness, I propose that future generations receive benefits equal to or greater than the benefits today's seniors get.

Secondly, I believe a reform system should protect those who depend on Social Security the most. So I propose a Social Security system in the future where benefits for low-income workers will grow faster than benefits for people who are better off. By providing more generous benefits for low-income retirees, we'll make this commitment: If you work hard and pay into Social Security your entire life, you will not retire into poverty. This reform would solve most of the funding challenges facing Social Security. A variety of options are available to solve the rest of the problem, and I will work with Congress on any good-faith proposal that does not raise the payroll tax rate or harm our economy. I know we can find a solution to the financial problems of Social Security that is sensible, permanent, and fair.

Third, any reform of Social Security must replace the empty promises being made to younger workers with real assets, real money. I believe the best way to achieve this goal is to give younger workers the option, the opportunity if they so choose, of putting a portion of their payroll taxes into a voluntary personal retirement account. Because this money is saved and invested, younger workers would have the opportunity to receive a higher rate of return on their money than the current Social Security system can provide.



The money from a voluntary personal retirement account would supplement the check one receives from Social Security. In a reformed Social Security system, voluntary personal retirement accounts would offer workers a number of investment options that are simple and easy to understand. I know some Americans have reservations about investing in the stock market, so I propose that one investment option consist entirely of Treasury bonds, which are backed by the full faith and credit of the United States government.

Options like this will make voluntary personal retirement accounts a safer investment that will allow an American to build a nest egg that he or she can pass on to whomever he or she chooses. Americans who would choose not to save in a personal account would still be able to count on a Social Security check equal to or higher than the benefits of today's seniors.

In the coming days and weeks, I will work with both the House and the Senate as they take the next steps in the legislative process. I'm willing to listen to any good idea from either party.

Too often, the temptation in Washington is to look at a major issue only in terms of whether it gives one political party an advantage over the other. Social Security is too important for "politics as usual." We have a shared responsibility to fix Social Security and make the system better; to keep seniors out of poverty and expand ownership for people of every background. And when we do, Republicans and Democrats will be able to stand together and take credit for doing what is right for our children and our grandchildren.

And now I'll be glad to answer some questions, starting with Terry Hunt.

Q Mr. President, a majority of Americans disapprove of your handling of Social Security, rising gas prices and the economy. Are you frustrated by that and by the fact that you're having trouble gaining traction on your agenda in a Republican-controlled Congress?

THE PRESIDENT: Look, we're asking people to do things that haven't been done for 20 years. We haven't addressed the Social Security problem since 1983. We haven't had an energy strategy in our country for decades. And so I'm not surprised that some are balking at doing hard work. But I have a duty as the President to define problems facing our nation and to call upon people to act. And we're just really getting started in the process.



You asked about Social Security. For the past 60 days, I've traveled our country making it clear to people we have a problem. That's the first step of any legislative process; is to explain to people the nature of the problem, and the American people understand we have a problem.

I've also spent time assuring seniors they'll get their check. That's a very important part of making sure we end up with a Social Security reform. I think if seniors feel like they're not going to get their check, obviously nothing is going to happen.

And we're making progress there, too, Terry, as well. See, once the American people realize there's a problem, then they're going to start asking members of Congress from both parties, why aren't you doing something to fix it? And I am more than willing to sit down with people of both parties to listen to their ideas. Today, I advanced some ideas of moving the process along. And the legislative process is just getting started, and I'm optimistic we'll get something done.

Q Is the poll troubling?

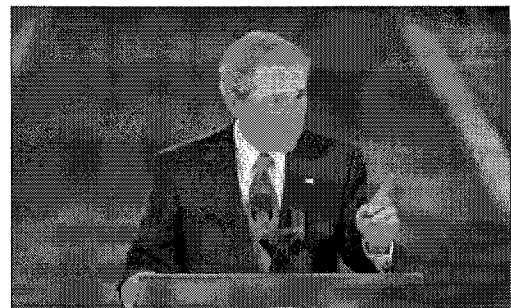
THE PRESIDENT: Polls? You know, if a President tries to govern based upon polls, you're kind of like a dog chasing your tail. I don't think you can make good, sound decisions based upon polls. And I don't think the American people want a President who relies upon polls and focus groups to make decisions for the American people.

Social Security is a big issue, and it's an issue that we must address now. You see, the longer we wait, the more expensive the solution is going to be for a younger generation of Americans. The Social Security trustees have estimated that every year we wait to solve the problem, to fix the hole in the safety net for younger Americans costs about \$600 billion. And so my message to Congress is -- to Congress is, let's do our duty. Let's come together to get this issue solved.

Steve.

Q Your top military officer, General Richard Myers, says the Iraqi insurgency is as strong now as it was a year ago. Why is that the case? And why haven't we been more successful in limiting the violence?

THE PRESIDENT: I think he went on to say we're winning, if I recall. But nevertheless, there are still some in Iraq who aren't happy with democracy. They want to go back to the old days of tyranny and darkness, torture chambers and mass graves. I believe we're making really good progress in Iraq, because the Iraqi people are beginning to see the benefits of a free society. They're beginning -- they saw a government formed today.



The Iraqi military is being trained by our military, and they're

performing much better than the past. The more secure Iraq becomes, as a result of the hard work of Iraqi security forces, the more confident the people will have in the process, and the more isolated the terrorists will become.

But Iraq has -- have got people there that are willing to kill, and they're hard-nosed killers. And we will work with the Iraqis to secure their future. A free Iraq in the midst of the Middle East is an important part of spreading peace. It's a region of the world where a lot of folks in the past never thought democracy could take hold. Democracy is taking hold. And as democracy takes hold, peace will more likely be the norm.

In order to defeat the terrorists, in order to defeat their ideology of hate, in the long run, we must spread freedom and hope. Today I talked to the Prime Minister of Iraq. I had a great conversation with him. I told him I was proud of the fact that he was willing to stand up and lead. I told him I appreciated his courage and the courage of those who are willing to serve the Iraqi people in government. I told him, I said, when America makes a commitment, we'll stand by you. I said, I hope you get your constitution written on time, and he agreed. He recognizes it's very important for the Transitional National Assembly to get the constitution written so it can be submitted to the people on time. He understands the need for a timely write of the constitution.

And I also encouraged him to continue to reaching out to disaffected groups in Iraq, and he agreed. I'm really happy to talk to him; I invited him to come to America, I hope he comes soon. There are a lot of courageous people in Iraq, Steve, that are making a big difference in the lives of that country.

I also want to caution you all that it's not easy to go from a tyranny to a democracy. We didn't pass sovereignty but about 10 months ago, and since that time a lot of progress has been made and we'll continue to make progress for the good of the region and for the good of our country.

Gregory. David Gregory.

Q Thank you, sir. Mr. President, recently the head of the Family Research Council said that judicial filibusters are an attack against people of faith. And I wonder whether you believe that, in fact, that is what is nominating [sic] Democrats who oppose your judicial choices? And I wonder what you think generally about the role that faith is playing, how it's being used in our political debates right now?

THE PRESIDENT: I think people are opposing my nominees because they don't like the judicial philosophy of the people I've nominated. Some would like to see judges legislate from the bench. That's not my view of the proper role of a judge.

Speaking about judges, I certainly hope my nominees get an up or down vote on the floor of the Senate. They deserve an up or down vote. I think for the sake of fairness, these good people I've nominated should get a vote. And I'm hoping that will be the case as time goes on.

The role of religion in our society? I view religion as a personal matter. I think a person ought to be judged on how he or she lives his life, or lives her life. And that's how I've tried to live my life, through example. Faith-based is an important part of my life, individually, but I don't -- I don't ascribe a person's opposing my nominations to an issue of faith.

Q Do you think that's an inappropriate statement? And what I asked is --

THE PRESIDENT: No, I just don't agree with it.

Q You don't agree with it.

THE PRESIDENT: No, I think people oppose my nominees because -- because of judicial philosophy.

Q Sorry, I asked you what you think of the ways faith is being used in our political debates, not just in society --

THE PRESIDENT: No, I know you asked me that. Well, I can only speak to myself, and I am mindful that people in political office should not say to somebody, you're not equally American if you don't happen to agree with my

view of religion. As I said, I think faith is a personal issue, and I get great strength from my faith. But I don't condemn somebody in the political process because they may not agree with me on religion.

The great thing about America, David, is that you should be allowed to worship any way you want, and if you choose not to worship, you're equally as patriotic as somebody who does worship. And if you choose to worship, you're equally American if you're a Christian, a Jew, a Muslim. That's the wonderful thing about our country, and that's the way it should be.

John.

Q Good evening, Mr. President. Several times we've asked you or your aides what you could do about the high price of gasoline, and very often the answer has come back, Congress needs to pass the energy bill. Can you explain for us how, if it were passed, soon after it were introduced, the energy bill would have an effect on the current record price of oil that we're seeing out there?

THE PRESIDENT: John, actually I said in my opening statement that the best way to affect the current price of gasoline is to encourage producing nations to put more crude oil on the market. That's the most effective way, because the price of crude oil determines, in large measure, the price of gasoline. The feed stock for gasoline is crude oil, and when crude oil goes up the price of gasoline goes up. There are other factors, by the way, that cause the price of gasoline to go up, but the main factor is the price of crude oil. And if we can get nations that have got some excess capacity to put crude on the market, the increased supply, hopefully, will meet increased demand, and therefore, take the pressure off price.

Listen, the energy bill is certainly no quick fix. You can't wave a magic wand. I wish I could. It's like that soldier at Fort Hood that said, how come you're not lowering the price of gasoline? I was having lunch with the fellow, and he said, go lower the price of gasoline, President. I said, I wish I could. It just doesn't work that way.

This is a problem that's been a long time in coming. We haven't had an energy policy in this country. And it's going to take us a while to become less dependent on foreign sources of energy. What I've laid out for the Congress to consider is a comprehensive energy strategy that recognizes we need to be better conservers of energy, that recognizes that we can find more energy at home in environmentally friendly ways.

And obviously a contentious issue in front of the Congress is the issue over the ANWR, which is a part of Alaska. ANWR is 19 million acres of land. Technology now enables us to use just 2,000 of that 19 million to be able to explore for oil and gas so we can have oil and gas produced here domestically.

One of the great sources of energy for the future is liquefied natural gas. There's a lot of gas reserves around the world. Gas is -- can only be transported by ship, though, when you liquefy it, when you put it in solid form. We've only got five terminals that are able to receive liquefied natural gas so it can get into our markets. We need more terminals to receive liquefied natural gas from around the world.

We should have a active energy -- nuclear energy policy in America. We've got abundant resources of coal, and we're spending money for clean-coal technology. So these are longer term projects all aimed at making us become less dependent on foreign sources of energy.

Terry.

Q So am I reading correctly that the energy bill would not have had an effect on today's high gasoline --

THE PRESIDENT: Well, it would have 10 years ago. That's exactly what I've been saying to the American people -- 10 years ago if we'd had an energy strategy, we would be able to diversify away from foreign dependence. And -- but we haven't done that. And now we find ourselves in the fix we're in. It's taken us a while to get there, and it's going to take us a while to get out. Hopefully, additional crude oil on the market from countries with some spare capacity will help relieve the price for the American consumers.

Terry.

Q Mr. President, your State Department has reported that terrorist attacks around the world are at an all-time high. If we're winning the war on terrorism, as you say, how do you explain that more people are dying in terrorist attacks on your watch than ever before?

THE PRESIDENT: Well, we've made the decision to defeat the terrorists abroad so we don't have to face them here at home. And when you engage the terrorists abroad, it causes activity and action. And we're relentless. We, the -- America and our coalition partners. We understand the stakes, and they're very high because there are people still out there that would like to do harm to the American people.

But our strategy is to stay on the offense, is to keep the pressure on these people, is to cut off their money and to share intelligence and to find them where they hide. And we are making good progress. The al Qaeda network that attacked the United States has been severely diminished. We are slowly but surely dismantling that organization.

In the long run, Terry -- like I said earlier -- the way to defeat terror, though, is to spread freedom and democracy. It's really the only way in the long-term. In the short-term, we'll use our troops and assets and agents to find these people and to protect America. But in the long-term, we must defeat the hopelessness that allows them to recruit by spreading freedom and democracy. But we're making progress.

Q So in the near-term you think there will be more attacks and more people dying?

THE PRESIDENT: I'm not going to predict that. In the near-term I can only tell you one thing: we will stay on the offense; we'll be relentless; we'll be smart about how we go after the terrorists; we'll use our friends and allies to go after the terrorists; we will find them where they hide and bring them to justice.

Let me finish with the TV people first. Suzanne. You're not a TV person, Ed -- I know you'd like to be, but -- (laughter.)

Q You'd be surprised. (Laughter.)

THE PRESIDENT: It's a tough industry to get into.

Q Mr. President, it was four years ago when you first met with Russian President Vladimir Putin. You said you looked into his eyes and you saw his soul. You'll also be meeting with the Russian leader in about a week or so. What do you think of Putin now that he has expressed a willingness to supply weapons to outlaw regimes, specifically his recent comments that he said he would provide short-range missiles to Syria and nuclear components to Iran?

THE PRESIDENT: We have -- first, just on a broader -- kind of in a broader sense, I had a long talk with Vladimir there in Slovakia about democracy and about the importance of democracy. And as you remember, at the press conference -- or if you weren't there, somebody will remember -- he stood up and said he strongly supports democracy. I take him for his word.

I -- and we'll continue to work. Condi just -- Condi Rice, our Secretary of State, just came back and she briefed me that she had a very good discussion with Vladimir about the merits of democracy, about the need to listen to the people and have a government that's responsive.

We're working closely with the Russians on -- on the issue of vehicle-mounted weaponry to Syria. We didn't appreciate that, but we made ourselves clear. As to Iran, what Russia has agreed to do is to send highly enriched uranium to a nuclear civilian power plant, and then collect that uranium after it's used for electricity -- power purposes. That's what they've decided to do.

And I appreciate that gesture. See, what they recognize is that -- what America recognizes, and what Great Britain, France, and Germany recognize, is that we can't trust the Iranians when it comes to enriching uranium; that they should not be allowed to enrich uranium.

And what the Iranians have said was, don't we deserve to have a nuclear power industry just like you do? I've

kind of wondered why they need one since they've got all the oil, but nevertheless, others in the world say, well, maybe that's their right to have their own civilian nuclear power industry. And what Russia has said: Fine, we'll provide you the uranium, we'll enrich it for you and provide it to you, and then we'll collect it. And I appreciate that gesture. I think it's -- so I think Vladimir was trying to help there. I know Vladimir Putin understands the dangers of a Iran with a nuclear weapon. And most of the world understands that, as well.

Wendell.

Q Mr. President, have you asked your ambassador to the U.N., Ambassador John Bolton, about allegations that he acted improperly to subordinates? Do you feel that these allegations warrant your personal intervention? And if they're true, do you feel that they should disqualify him from holding the post, sir?

THE PRESIDENT: Well, John Bolton has been asked the questions about -- about how he handles his business by members of the United States Senate. He's been asked a lot of questions and he's given very good answers. John Bolton is a seasoned diplomat. He's been serving our country for, I think, 20 years. He has been confirmed by the United States Senate four times. In other words, he's been up before the Senate before and they've analyzed his talents and his capabilities and they've confirmed him.

John Bolton is a blunt guy. Sometimes people say I'm a little too blunt. John Bolton can get the job done at the United Nations. It seemed like to me it makes sense to put somebody who's capable, smart, served our country for 20 years, been confirmed by the United States Senate four times, and who isn't afraid to speak his mind in the post of the ambassador to the U.N.

See, the U.N. needs reform. If you're interested in reforming the U.N., like I'm interested in reforming the U.N., it makes sense to put somebody who's skilled and who is not afraid to speak his mind at the United Nations.

Now, I asked John during the interview process in the Oval Office, I said, before I send you up there to the Senate, let me ask you something: do you think the United Nations is important? See, I didn't want to send somebody up there who said, it's not -- it's not worth a darn; I don't think I need to go. He said, no, it's important. But it needs to be reformed.

And I think the United Nations is important. As a matter of fact, I'll give you an example. Today I met with the United Nations representative to Syria, Mr. Larsen. He's an impressive fellow. Now, he's delivered -- to Lebanon, excuse me -- he's delivered a very strong message to the Syrian leader, though, that the world expects President Assad to withdraw not only his military forces, but his intelligence services, completely from Lebanon.

And now he is in charge of following up to make sure it happens. I think that's a very important and useful role for the United Nations to play. We have played a role. France has played a role. A lot of nations have played roles. But the United Nations has done a very good job in Syria -- with Syria in Lebanon of making sure that the world expects the Lebanese elections to be free in May, without Syrian influence. He's an impressive fellow. I applaud him for his hard work.

But there's an example of why I think the United Nations is an important body. On the other hand, the United Nations has had some problems that we've all seen. And if we expect the United Nations to be effective, it needs to clean up its problems. And I think it makes sense to have somebody representing the United Nations who will -- who will be straightforward about the issues.

Stretch. You mind if I call you Stretch in front of --

Q I've been called worse.

THE PRESIDENT: Okay.

Q Getting back to Social Security for a moment, sir, would you consider it a success if Congress were to pass a piece of legislation that dealt with the long-term solvency problem, but did not include personal accounts?

THE PRESIDENT: I feel strongly that there needs to be voluntary personal savings accounts as a part of the

Social Security system. I mean, it's got to be a part of a comprehensive package. The reason I feel strongly about that is that we've got a lot of debt out there, a lot of unfunded liabilities, and our workers need to be able to earn a better rate of return on our money to help deal with that debt.

Secondly, I like the idea of giving someone ownership. I mean, why should ownership be confined only to rich people? Why should people not be allowed to own and manage their own assets who aren't the, you know, the so-called investor class? I think everybody ought to be given that right. As a matter of fact, Congress felt so strongly that people ought to be able to own and manage their own accounts, they set one up for themselves. You've heard me say, I like to say this, if it's good enough for the Congress, it is -- it ought to be good enough for the workers, to give them that option. The government is never saying, you have to set up a personal savings account. We're saying, you ought to have the right to set up a personal saving account so you can earn a better rate of return on your own money than the government can.

And it's that difference between the rate of return, between what the government gets on your money and what a conservative mix of bonds and stocks can get on your money that will make an enormous difference, and a person being able to build his or her own nest egg that the government cannot spend.

Now, it's very important for our fellow citizens to understand there is not a bank account here in Washington, D.C., where we take your payroll taxes and hold it for you and then give it back to you when you retire. Our system here is called pay-as-you-go. You pay into the system through your payroll taxes, and the government spends it. It spends the money on the current retirees, and with the money left over, it funds other government programs. And all that's left behind is file cabinets full of IOUs.

The reason I believe that this ought to work is not only should a worker get a better rate of return, not only should we encourage ownership, but I want people to have real assets in the system. I want people to be able to say, here's my mix of bonds and stocks that I own, and I can leave it to whomever I want. And I hear complaints saying, well, you know, there's going to be high -- Wall Street fees are going to fleece the people. There's ways to have fee structures that are fair. As a matter of fact, all you got to do is go to some of these states where they've got personal accounts available for their workers, and you'll find that the fees will be fair.

People say, well, I don't want to have -- take risks. Well, as I had a line in my opening statement, there are ways where you don't have to take risk. People say, I'm worried about the stock market going down right before I retire. You can manage your assets. You can go from bonds and stocks to only bonds as you get older. In other words, we're giving people flexibility to own their own asset. And I think that's a vital part of making sure America is a hopeful place in the future. So not only will these accounts make the system work better, but the accounts are a better deal. The accounts will mean something for a lot of workers that might not have assets they call their own.

David.

Q Mr. President, in your question -- your answer before about Iraq, you set no benchmarks for us to understand when it is the troops may be able to --

THE PRESIDENT: In Iraq?

Q In Iraq, yes -- about when troops may be able to come back.

THE PRESIDENT: Right.

Q Based on what you've learned now in two years of fighting the insurgency and trying to train the Iraqi security forces, can you say that within the next year you think you could have very substantial American withdrawal of troops?

THE PRESIDENT: David, I know there's a temptation to try to get me to lay out a timetable, and as you know, during the campaign and -- I'll reiterate it -- I don't think it's wise for me to set out a timetable. All that will do is cause an enemy to adjust. So my answer is, as soon as possible. And "as soon as possible" depends upon the Iraqis being able to fight and do the job.

I had a good video conference recently with General Casey and General Petraeus -- General Casey is in charge of the theater; General Petraeus, as you know, is in charge of training -- and they we're upbeat about what they're seeing with the Iraqi troops. One of the questions I like to ask is, are they able to recruit. In other words, you hear -- you see these killers will target recruiting stations, and I've always wondered whether or not that has had an effect on the ability for the Iraqis to draw their fellow citizens into the armed forces. Recruitment is high. It's amazing, isn't it, that people want to serve, they want their country to be free?

The other question that -- one of the other issues that is important is the equipping issue, and the equipment is now moving quite well. In other words, troops are becoming equipped.

Thirdly, a fundamental problem has been whether or not there's an established chain of command, whether or not a civilian government can say to the military, here's what you need to do -- and whether the command goes from top to bottom and the plans get executed. And General Petraeus was telling me he's pleased with the progress being made with setting up a command structure, but there's still more work to be done.

One of the real dangers, David, is that as politics takes hold in Iraq, whether or not the civilian government will keep intact the military structure that we're now helping them develop. And my message to the Prime Minister and our message throughout government to the Iraqis is, keep stability; don't disrupt the training that has gone on -- don't politicize your military -- in other words, have them there to help secure the people.

So we're making good progress. We've reduced our troops from 160,000 more or less to 139,000. As you know, I announced to the country that we would step up our deployments -- step up deployments and retain some troops for the elections. And then I said we'd get them out, and we've done that. In other words, the withdrawals that I said would happen, have happened.

Go ahead; I can see you've got a follow-up right there on the tip of your tongue.

Q Do you feel that the number of troops that you've kept there is limiting your options elsewhere in the world? Just today you had the head of the Defense Intelligence Agency say that he was now concerned that the North Koreans, for example, could put a weapon, a nuclear weapon on a missile that could reach Japan or beyond. Do you feel, as you are confronting these problems, the number of troops you've left tied up in Iraq is limiting your options to go beyond the diplomatic solutions that you described for North Korea and Iran?

THE PRESIDENT: No, I appreciate that question. The person to ask that to, the person I ask that to, at least, is to the Chairman of the Joint Chiefs, my top military advisor. I say, do you feel that we've limited our capacity to deal with other problems because of our troop levels in Iraq? And the answer is, no, he doesn't feel we're limited. He feels like we've got plenty of capacity.

You mentioned the Korean Peninsula. We've got good capacity in Korea. We traded troops for new equipment, as you know; we brought some troop -- our troop levels down in South Korea, but replaced those troops with more capacity. Let me talk about North Korea, if you don't mind. Is that your question?

Q Go right ahead. (Laughter.)

THE PRESIDENT: I'm surprised you didn't ask it. (Laughter.)

Look, Kim Jong-il is a dangerous person. He's a man who starves his people. He's got huge concentration camps. And, as David accurately noted, there is concern about his capacity to deliver a nuclear weapon. We don't know if he can or not, but I think it's best when you're dealing with a tyrant like Kim Jong-il to assume he can.

That's why I've decided that the best way to deal with this diplomatically is to bring more leverage to the situation by including other countries. It used to be that it was just America dealing with North Korea. And when Kim Jong-il would make a move that would scare people, everybody would say, America, go fix it. I felt it -- it didn't work. In other words, the bilateral approach didn't work. The man said he was going to do something and he didn't do it, for starters.

So I felt a better approach would be to include people in the neighborhood, into a consortium to deal with him.

And it's particularly important to have China involved. China has got a lot of influence in North Korea. We went down to Crawford with Jiang Zemin, and it was there that Jiang Zemin and I issued a statement saying that we would work for a nuclear weapons-free Korean Peninsula.

And so when Kim Jong-il announced the other day about his nuclear intentions and weapons, it certainly caught the attention of the Chinese because they had laid out a policy that was contradicted by Kim Jong-il, and it's helpful to have the Chinese leadership now involved with him. It's more -- it's better to have more than one voice sending the same message to Kim Jong-il. The best way to deal with this issue diplomatically is to have five other -- four other nations beside ourselves dealing with him. And we'll continue to do so.

Finally, as you know, I have instructed Secretary Rumsfeld -- and I work with Congress -- Secretary Rumsfeld has worked with Congress to set up a missile defense system. And we're in the process of getting that missile defense system up and running. One of the reasons why I thought it was important to have a missile defense system is for precisely the reason that you brought up, that perhaps Kim Jong-il has got the capacity to launch a weapon, and wouldn't it be nice to be able to shoot it down. And so we've got a comprehensive strategy in dealing with him.

Ed, yes.

Q Mr. President, good evening.

THE PRESIDENT: Yes.

Q Sir, you've talked all around the country about the poisonous partisan atmosphere here in Washington. I wonder why do you think that is? And do you personally bear any responsibility in having contributed to this atmosphere?

THE PRESIDENT: I'm sure there are some people that don't like me. You know, Ed, I don't know. I've thought long and hard about it. I was -- I've been disappointed. I felt that people could work -- work together in good faith. It's just a lot of politics in the town. It's kind of a zero-sum attitude. We can't -- we can't cooperate with so-and-so because it may make their party look good, and vice-versa.

Although having said that, we did have some success in the education bill. We certainly came together as a country after September the 11th. I appreciate the strong bipartisan support for supporting our troops in harm's way. There's been a lot of instances of bipartisanship, but when you bring a tough issue up like Social Security, it -- sometimes people divide into camps.

I'm proud of my party. Our party has been the party of ideas. We said, here's a problem, and here's some ideas as to how to fix it. And as I've explained to some people, I don't want to politicize this issue -- people say, you didn't need to bring this up, Mr. President, it may cost you politically. I don't think so. I think the American people appreciate somebody bringing up tough issues, particularly when they understand the stakes: the system goes broke in 2041.

In 2027, for those listening, we'll be obligated to pay \$200 billion more dollars a year than we take in, in order to make sure the baby boomers get the benefits they've been promised. In other words, this is a serious problem, and the American people expect us to put our politics aside and get it done.

You know, I can't answer your question as to why. I'll continue to do my best. I've tried to make sure the dialogue is elevated. I don't believe I've resorted to name-calling here in Washington, D.C. I find that to not be productive. But I also understand the mind of the American people. They're wondering what's going on. They're wondering why we can't come together and get an energy bill, for example. They're wondering why we can't get Social Security done. And my pledge to the American people is, I'll continue to work hard to -- with people of both parties and share credit, and give people the benefit of the credit when we get something done.

Yes, sir.

Q Thank you, Mr. President. Just to follow up on Ed's question, we like to remind you that you came to Washington hoping to change the tone, and yet, here we are, three months into your second term and you seem

deadlocked with Democrats on issues like Bolton, DeLay, judges. Is there any danger that the atmosphere is becoming so poisoned, or that you're spending so much political capital that it could imperil your agenda items like Social Security, energy?

THE PRESIDENT: I don't think so, Bill. I think when it's all said and done, we're going to get a lot done. I mean, after all, one of the issues that people have been working on for a long time is class-action lawsuit reform, and I signed that bill. An issue that people have been working on for a long time is bankruptcy law reform, and I signed that bill. And the House got an energy bill out recently, and I talked to Senator Domenici the other day and he's upbeat about getting a bill out pretty quickly and get it to conference and get the issues resolved.

I'm pretty aware of what the issues might be that will hang up a conference, and I think we can get those issues resolved. We're more than willing to help out. So I do believe I'll get an energy bill by August.

There's a budget agreement, and I'm grateful for that. In other words, we are making progress. No question the Social Security issue is a big issue, but it's -- as I said before, we hadn't talked about this issue for 20 years. And they thought we had it fixed 20 years -- 22 years ago, for 75 years, and here we are, 22 years later after the fix, talking about it again. And it's serious business. If you're a grandmother or a grandfather listening, you're going to get your check. But your grandchildren are going to have a heck of a price to bear if we don't get something done now.

You see, it's possible if nothing gets done that the payroll taxes will go up to some 18 percent. Imagine that for your children and grandchildren, living in a society where payroll taxes are up at 18 percent. Or there will be dramatic benefit cuts as time goes on. Now is the time to get it done. And my pledge to the American people is that I'm going to stay on this issue because I know it's important for you.

Fletcher.

Q Yes, Mr. President. You had talked about North Korea and you mentioned that the six-party talks allow you to bring extra leverage to the table. But do you think they're working, given North Korea's continued threats and the continuing growth of their nuclear stockpile?

Q And how long do you let it go before you go to the U.N.?

THE PRESIDENT: No, I appreciate that question. I do think it's making a difference to have China and Japan and South Korea and Russia and the United States working together with North Korea. In my judgment, that's the only way to get this issue solved diplomatically, is to bring more than one party to the table to convince Kim Jong-il to give up his nuclear ambitions. And how far we let it go on is dependent upon our consensus amongst ourselves. Condi, the other day, laid out a potential option of going to the United Nations Security Council. Obviously, that's going to require the parties agreeing. After all, some of the parties in the process have got the capacity to veto a U.N. Security Council resolution.

So this is an issue we need to continue to work with our friends and allies. And the more Kim Jong-il threatens and brags, the more isolated he becomes. And we'll continue to work with China on this issue. I spend a lot of time dealing with Chinese leaders on North Korea, as do people in my administration. And I'll continue to work with our friends in Japan and South Korea. And Vladimir Putin understands the stakes, as well.

Mark.

Q Mr. President, under the law, how would you justify the practice of renditioning, where U.S. agents who brought terror suspects abroad, taking them to a third country for interrogation? And would you stand for it if foreign agents did that to an American here?

THE PRESIDENT: That's a hypothetical, Mark. We operate within the law and we send people to countries where they say they're not going to torture the people.

But let me say something: the United States government has an obligation to protect the American people. It's in our country's interests to find those who would do harm to us and get them out of harm's way. And we will do so

within the law, and we will do so in honoring our commitment not to torture people. And we expect the countries where we send somebody to, not to torture, as well. But you bet, when we find somebody who might do harm to the American people, we will detain them and ask others from their country of origin to detain them. It makes sense. The American people expect us to do that. We -- we still at war.

One of my -- I've said this before to you, I'm going to say it again, one of my concerns after September the 11th is the farther away we got from September the 11th, the more relaxed we would all become and assume that there wasn't an enemy out there ready to hit us. And I just can't let the American people -- I'm not going to let them down by assuming that the enemy is not going to hit us again. We're going to do everything we can to protect us. And we've got guidelines. We've got law. But you bet, Mark, we're going to find people before they harm us.

John McKinnon.

Q Yes, sir. I'd just like to ask, simply, what's your view of the economy right now? First-quarter growth came in weaker than expected, there have been worries about inflation and lower spending by consumers. Are these basically just bumps in the road, in your opinion, or are they reasons for some real concern and could they affect your agenda on Social Security?

THE PRESIDENT: I appreciate that, John. I am concerned about the economy because our small business owners and families are paying higher prices at the gas pump. And that affects the lives of a lot of people. If you're a small business owner and you have to pay higher gas prices and you're -- likely you may not hire a new worker. In other words, higher gas prices, as I have said, is like a tax on the -- on the small business job creators. And it's a tax on families. And I do think this has affected consumer sentiment; I do think it's affected the economy.

On the other hand, the experts tell me that the forecast of economic growth in the coming months looks good. There's more to do to make sure that we don't slip back into slow growth or negative growth. One is to make sure taxes stay low; secondly, is to continue to pursue legal reform. I hope we can get an asbestos reform bill out of both the House and the Senate. There's some positive noises on Capitol Hill as to whether or not we can get an asbestos reform bill. That will be an important reform in order to make sure that our economy continues to grow.

We need to continue to open up markets for U.S. products. As you know, there will be a vote for the Central American Free Trade Agreement here, hopefully soon. I'm a strong believer that that's in the interest of American job creators and workers, that we open up those markets. I know it's important geopolitically to say to those Central American countries, you've got a friend in America. We said we'd have an agreement with you, and it's important to ratify it. It'll help strengthen the neighborhood.

We've also got to make sure that we continue to reduce regulation. I think an important -- I know an important initiative that we're going to be coming forth with here probably in the fall is tax reform. I was amazed by the report the other day that there is some \$330 billion a year that goes unpaid by American taxpayers. It's a phenomenal amount of money. To me, it screams for making the tax system easier to understand, more fair and to make sure that people pay their taxes -- "more fair" means pay what you owe.

And so there are a lot of things we can do, John, to make sure economic growth continues. But I'm an optimistic fellow -- based not upon my own economic forecast -- I'm not an economist -- but based upon the experts that I listen to.

Let's see here. Richard. (Laughter.) There is somebody with a bad throat back there. (Laughter.)

Q Mr. President, you've made No Child Left Behind a big part of your education agenda. The nation's largest teachers union has filed suit against it, saying it's woefully inadequately funded. What's your response to that? And do you think that No Child Left Behind is working?

THE PRESIDENT: Yes, I think it's working. And the reason why I think it's working is because we're measuring, and the measurement is showing progress toward teaching people how to read and write and add and subtract. Listen, the whole theory behind No Child Left Behind is this: if we're going to spend federal money, we expect the states to show us whether or not we're achieving simple objectives -- like literacy, literacy in math, the ability to read and write. And, yes, we're making progress. And I can say that with certainty because we're measuring,

Richard.

Look, I'm a former governor, I believe states ought to control their own destiny when it comes to schools. They are by far the biggest funder of education, and it should remain that way. But we spend a lot of money here at the federal level and have increased the money we spend here quite dramatically at the federal level. And we changed the policy: instead of just spending money and hope for the best, we're now spending money and saying, measure.

And some people don't like to measure. But if you don't measure, how do you know whether or not you've got a problem in a classroom? I believe it's best to measure early and correct problems early, before it's too late. That's why as a part of the No Child Left Behind Act we had money available for remedial education. In other words, we said we're going to measure, and when we detect someone who needs extra help, that person will get extra help.

But, absolutely, it's a good piece of legislation. I will do everything I can to prevent people from unwinding it, by the way.

Q What about the lawsuit? Which --

THE PRESIDENT: Well, I don't know about the lawsuit; I'm not a lawyer. But, you know, I'll ask my lawyers about the lawsuit. But I know some people are trying to unwind No Child Left Behind. I've heard some states say, well, we don't like it. Well, you know, my attitude about not liking it is this: If you teach a child to read and write, it shouldn't bother you whether you measure. That's all we're asking.

The system for too long had just shuffled children through and just hoped for the best. And guess what happened? We had people graduating from high school who were illiterate -- and that's just not right in America. It wasn't working. And so I came to Washington and worked with both Republicans and Democrats -- this is a case where bipartisanship was really working well. And we said, look, we're going to spend more money at the federal level. But the federal government, what, spends about 7 percent of the total education budgets around the country.

But we said, let's change the attitude. We ought to start with the presumption every child can learn, not just some; and, therefore, if you believe every child can learn, then you ought to expect every classroom to teach. I hear feedback from No Child Left Behind, by the way -- and, admittedly, I get the cook's tour, sometimes -- but I hear teachers talk to me about how thrilled they are with No Child Left Behind; they appreciate the fact that the system now shows deficiencies early so they can correct those problems. And it is working.

Okay. Mr. Knox.

Q Thank you, Mr. President. I want to make sure I understand your answer to Mike about North Korea. He asked you how long you were prepared to let the multiparty talks proceed, in the face of what might be a gathering threat from North Korea, and you said, how long -- I'm paraphrasing -- how long we let it go on is dependent on our consensus among ourselves --

THE PRESIDENT: Yes.

Q Did you mean to say that you will neither refer North Korea to the U.N. for sanctions, nor take military action unless you have the agreement of all the other partners abroad?

THE PRESIDENT: No, I didn't speak about military -- I'm speaking about diplomatically. And secondly, yes, we've got partners. This is a six-party talk; five of us on the side of convincing Kim Jong-il to get rid of his nuclear weapons, and obviously, Kim Jong-il believes he ought to have some. And my point was that it is best -- if you have a group of people trying to achieve the same objective, it's best to work with those people, it's best to consult.

His question was, are you going to -- when are you going to -- when will there be consequences. And what we want to do is to work with our allies on this issue and develop a consensus, a common approach to the consequences of Kim Jong-il. I mean, it seems counterproductive to have five of us working together, and all of a

sudden, one of us say, well, we're not going to work together.

Again, I repeat to you, our aim is to solve this problem diplomatically. And like I've said before, all options, of course, are on the table, but the best way to solve this problem diplomatically is to work with four other nations who have all agreed in achieving the same goal, and that is a nuclear-free Korean Peninsula.

Final question. Hutch. I don't want to cut into some of these TV shows that are getting ready to air. (Laughter.) For the sake of the economy. (Laughter.)

Q I wanted to ask you about your ideas --

THE PRESIDENT: Is that all right? Go ahead, Hutch. Sorry.

Q I wanted to ask you about your ideas on dealing with Social Security solvency problems. As I understand it -- I know you'll tell me if I'm wrong -- the benefits would be equal to what -- at least equal to what they are today, and then any increase in benefits would be indexed according to income, with lower-income people getting bigger increases. Two things on that: Today's benefits probably won't mean much somewhere down the road; and how far are you going to go with this means-based program? Are you talking about --

THE PRESIDENT: Yes, I appreciate that.

Q -- where a rich person, say, Dick Cheney, wouldn't get much out of it?

THE PRESIDENT: Now, wait a minute, don't get personal here, Hutch. You're on national TV; that's a cheap shot. First of all, in terms of the definition of who would get -- whose benefits would rise faster and whose wouldn't, that's going to be a part of the negotiation process with the United States Congress. There's a -- a Democrat economist had a very -- he put forth this idea and he had a level of -- I think 30 percent of the people would be considered to be in a lower-income scale.

But this is to be negotiated. This is a part of the negotiation process. My job is to lay out an idea that I think will make the system more fair.

And the second question -- or the first question --

Q It's a means-based program where the real wealthy people might not get very much out of it.

THE PRESIDENT: It is -- that's right. I mean, obviously, it is means base when you're talking about lower-income versus wealthier income. The lower-income people's benefits would rise faster. And the whole goal would be to see to it that nobody retired in poverty. Somebody who has worked all their life and paid in the Social Security system would not retire into poverty.

One other point on Social Security that people have got to understand is that it's -- the system of today is not fair for a person whose spouse has died early. In other words, if you're a two-working family like families are here in America, and -- two people working in your family, and the spouse dies early -- before 62, for example -- all of the money that the spouse has put into the system is held there, and then when the other spouse retires, he or she gets to choose the benefits from his or her own work, or the other spouse's benefits, which is ever higher but not both. See what I'm saying? Somebody has worked all their life, the money they put into the system just goes away. It seems unfair to me. I've talked to too many people whose lives were turned upside down when the spouse died early and all they got was a burial benefit.


If you have a personal savings account, a voluntary personal savings account, and your -- and you die early, that's an asset you can leave to your spouse or to your children. That's an important thing for our fellow citizens to understand. The system today is not fair, particularly if the spouse has died early, and this will help remedy that.

Listen, thank you all for your interest. God bless our country.

END 9:01 P.M. EDT

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EXHIBIT

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Remarks Upon Her Departure for Europe

Secretary Condoleezza Rice

As-Aired

Andrews Air Force Base

December 5, 2005



(7:15 a.m. EST)

Good morning. We have received inquiries from the European Union, the Council of Europe, and from several individual countries about media reports concerning U.S. conduct in the war on terror. I am going to respond now to those inquiries, as I depart today for Europe. And this will also essentially form the text of the letter that I will send to Secretary Straw, who wrote on behalf of the European Union as the European Union President.



The United States and many other countries are waging a war against terrorism. For our country this war often takes the form of conventional military operations in places like Afghanistan and Iraq. Sometimes this is a political struggle, a war of ideas. It is a struggle waged also by our law enforcement agencies. Often we engage the enemy through the cooperation of our intelligence services with their foreign counterparts.

We must track down terrorists who seek refuge in areas where governments cannot take effective action, including where the terrorists cannot in practice be reached by the ordinary processes of law. In such places terrorists have planned the killings of thousands of innocents – in New York City or Nairobi, in Bali or London, in Madrid or Beslan, in Casablanca or Istanbul. Just two weeks ago I also visited a hotel ballroom in Amman, viewing the silent, shattered aftermath of one of those attacks.

The United States, and those countries that share the commitment to defend their citizens, will use every lawful weapon to defeat these terrorists. Protecting citizens is the first and oldest duty of any government. Sometimes these efforts are misunderstood. I want to help all of you understand the hard choices involved, and some of the responsibilities that go with them.

One of the difficult issues in this new kind of conflict is what to do with captured individuals who we know or believe to be terrorists. The individuals come from many countries and are often captured far from their original homes. Among them are those who are effectively stateless, owing allegiance only to the extremist cause of transnational terrorism. Many are extremely dangerous. And some have information that may save lives, perhaps even thousands of lives.

The captured terrorists of the 21st century do not fit easily into traditional systems of criminal or military justice, which were designed for different needs. We have to adapt. Other governments are now also facing this challenge.

We consider the captured members of al-Qaida and its affiliates to be unlawful combatants who may be held, in accordance with the law of war, to keep them from killing innocents. We must treat them in accordance with our laws, which reflect the values of the American people. We must question them to gather potentially significant, life-saving, intelligence. We must bring terrorists to justice wherever possible.

For decades, the United States and other countries have used "renditions" to transport terrorist suspects from the country where they were captured to their home country or to other countries where they can be questioned, held, or brought to justice.

In some situations a terrorist suspect can be extradited according to traditional judicial procedures. But there have long

been many other cases where, for some reason, the local government cannot detain or prosecute a suspect, and traditional extradition is not a good option. In those cases the local government can make the sovereign choice to cooperate in a rendition. Such renditions are permissible under international law and are consistent with the responsibilities of those governments to protect their citizens.

Rendition is a vital tool in combating transnational terrorism. Its use is not unique to the United States, or to the current administration. Last year, then Director of Central Intelligence George Tenet recalled that our earlier counterterrorism successes included "the rendition of many dozens of terrorists prior to September 11, 2001."

-- Ramzi Youssef masterminded the 1993 bombing of the World Trade Center and plotted to blow up airlines over the Pacific Ocean, killing a Japanese airline passenger in a test of one of his bombs. Once tracked down, a rendition brought him to the United States, where he now serves a life sentence.

-- One of history's most infamous terrorists, best known as "Carlos the Jackal," had participated in murders in Europe and the Middle East. He was finally captured in Sudan in 1994. A rendition by the French government brought him to justice in France, where he is now imprisoned. Indeed, the European Commission of Human Rights rejected Carlos' claim that his rendition from Sudan was unlawful.

Renditions take terrorists out of action, and save lives.

In conducting such renditions, it is the policy of the United States, and I presume of any other democracies who use this procedure, to comply with its laws and comply with its treaty obligations, including those under the Convention Against Torture. Torture is a term that is defined by law. We rely on our law to govern our operations. The United States does not permit, tolerate, or condone torture under any circumstances. Moreover, in accordance with the policy of this administration:

-- The United States has respected -- and will continue to respect -- the sovereignty of other countries.

-- The United States does not transport, and has not transported, detainees from one country to another for the purpose of interrogation using torture.

-- The United States does not use the airspace or the airports of any country for the purpose of transporting a detainee to a country where he or she will be tortured.

-- The United States has not transported anyone, and will not transport anyone, to a country when we believe he will be tortured. Where appropriate, the United States seeks assurances that transferred persons will not be tortured.

International law allows a state to detain enemy combatants for the duration of hostilities. Detainees may only be held for an extended period if the intelligence or other evidence against them has been carefully evaluated and supports a determination that detention is lawful. The U.S. does not seek to hold anyone for a period beyond what is necessary to evaluate the intelligence or other evidence against them, prevent further acts of terrorism, or hold them for legal proceedings.

With respect to detainees, the United States Government complies with its Constitution, its laws, and its treaty obligations. Acts of physical or mental torture are expressly prohibited. The United States Government does not authorize or condone torture of detainees. Torture, and conspiracy to commit torture, are crimes under U.S. law, wherever they may occur in the world.

Violations of these and other detention standards have been investigated and punished. There have been cases of unlawful treatment of detainees, such as the abuse of a detainee by an intelligence agency contractor in Afghanistan or the horrible mistreatment of some prisoners at Abu Ghraib that sickened us all and which arose under the different legal framework that applies to armed conflict in Iraq. In such cases the United States has vigorously investigated, and where appropriate, prosecuted and punished those responsible. Some individuals have already been sentenced to lengthy terms in prison; others have been demoted or reprimanded.

As CIA Director Goss recently stated, our intelligence agencies have handled the gathering of intelligence from a very small number of extremely dangerous detainees, including the individuals who planned the 9/11 attacks in the United States, the attack on the U.S.S. Cole, and many other murders and attempted murders. It is the policy of the United States that this questioning is to be conducted within U.S. law and treaty obligations, without using torture. It is also U.S. policy that authorized interrogation will be consistent with U.S. obligations under the Convention Against Torture, which prohibit cruel, inhuman, or degrading treatment. The intelligence so gathered has stopped terrorist attacks and saved innocent

lives – in Europe as well as in the United States and other countries. The United States has fully respected the sovereignty of other countries that cooperate in these matters.

Because this war on terrorism challenges traditional norms and precedents of previous conflicts, our citizens have been discussing and debating the proper legal standards that should apply. President Bush is working with the U.S. Congress to come up with good solutions. I want to emphasize a few key points.

-- The United States is a country of laws. My colleagues and I have sworn to support and defend the Constitution of the United States. We believe in the rule of law.

-- The United States Government must protect its citizens. We and our friends around the world have the responsibility to work together in finding practical ways to defend ourselves against ruthless enemies. And these terrorists are some of the most ruthless enemies we face.

-- We cannot discuss information that would compromise the success of intelligence, law enforcement, and military operations. We expect that other nations share this view.

Some governments choose to cooperate with the United States in intelligence, law enforcement, or military matters. That cooperation is a two-way street. We share intelligence that has helped protect European countries from attack, helping save European lives.

It is up to those governments and their citizens to decide if they wish to work with us to prevent terrorist attacks against their own country or other countries, and decide how much sensitive information they can make public. They have a sovereign right to make that choice.

Debate in and among democracies is natural and healthy. I hope that that debate also includes a healthy regard for the responsibilities of governments to protect their citizens.

Four years after September 11, most of our populations are asking us if we are doing all that we can to protect them. I know what it is like to face an inquiry into whether everything was done that could have been done. So now, before the next attack, we should all consider the hard choices that democratic governments must face. And we can all best meet this danger if we work together.

Thank you.

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For Immediate Release
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Press Briefing by Scott McClellan

James S. Brady Briefing Room

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12:40 P.M. EST

MR. McCLELLAN: Good afternoon, everyone. I want to begin with two things. First of all, the President yesterday spoke about the underlying **strength of our economy**, which is powered by our American workers and their ingenuity and hard work and know-how. Our economy is growing stronger and creating more jobs each day. Two-hundred-and-fifteen-thousand jobs were created in November. Nearly 4.5 million jobs have been created since May of 2003. The third-quarter GDP growth was at 4.3 percent. Consumer confidence and business investment are up. There are a lot of good signs about our economy.

Today we received more proof that our economy is very healthy, as we learned that productivity growth was up 4.7 percent in the third quarter. This represents the fastest productivity growth over a five-year period since World War II. And it's important to look at what this means for working families. More often than not, they mean -- higher productivity growth means higher wages, something that the President is very focused on.

The reason we are encouraged and optimistic about this productivity is that higher wages for American workers would be expected to be soon to follow. What happened in the late 1990s and throughout our history is exactly that. The other factor that typically leads to higher wages is a strong job market. And we certainly have that in place right now. So we're confident about the direction of our economy. And I just wanted to draw that to -- that new information to your attention.

Secondly, let me talk about tomorrow's remarks on the war on terrorism, and our plan for victory in Iraq. The President will be speaking before the Council on Foreign Relations and talking about our plan for victory. This is the second in a series of speeches leading up to the December 15th elections in Iraq. Each of these speeches has some common themes about our strategy for success. The terrorists have made clear that Iraq is a central front in the war on terrorism. It is critical that we defeat the terrorists and prevail in Iraq. That is critical to winning the war on terrorism.

And during this time of war, the President believes it's important to talk to the American people about the different aspects of that strategy. Like I said, there's some common themes -- the importance of winning, the stakes that

are involved and why it's so important that we succeed in Iraq, to our efforts to spread democracy in the broader Middle East and change the status quo in the Middle East and how that will help lay the foundations of peace.

And so I expect he'll talk about the nature of the enemy that we're facing, the stakes involved, and how we define victory and how we achieve it. There are three elements to this comprehensive strategy that he talked about last week. They are all integrated. As we move forward on one, that helps us move forward on the other. Those three tracks are the security front, which the President talked in great detail about last week at the Naval Academy. The Iraqi security forces are more and more taking the lead in the fight, and they're controlling more territory of Iraq.

There's the political front. The Iraqi people have shown time and again that they are going to defy the terrorists and build a free and peaceful future. And it's important that we help the Iraqi people put in place an inclusive democracy based on institutions that protect the interests of all, and that's what we're working to do.

Then there's the economic side, and we are working to help the Iraqi people rebuild their infrastructure, reform their economy and build prosperity to give all Iraqis a stake in their future that is based on freedom and peace.

So tomorrow the President will talk in greater detail about our approach for helping the Iraqi people with economic reform and reconstruction. And he will talk about how we have adapted to circumstances and challenges on the ground when it comes to the economic front. The Iraqi people are making steady progress. And he'll talk about some of the examples of success, about how our approach is working and how that approach is working in some areas -- important areas of Iraq. As the security is improved in those areas, we've been able to move ahead to help the Iraqi people on the reconstruction.

There have been challenges that we have had to learn from. We are learning from our experience. And much like on the security front, our approach has changed and improved over time. We are helping local Iraqi leaders and security forces overcome those challenges, and they are making some important gains in their future.

And the President will also talk about some specific concerns that still need to be addressed, as well. So that's kind of a general overview of his remarks tomorrow, and you will hear the rest from him.

And with that, I'll be glad to go to your questions.

Q So you're saying it will basically be on **Iraq's economic progress**?

MR. McCLELLAN: Well, he'll talk about all three tracks in our comprehensive strategy for victory, like I said, and he'll reiterate some of the themes that he will be talking about in each of the remarks. But tomorrow will be focused in greater detail on the economic side.

Q The President spoke at Annapolis last week; the Vice President at Fort Drum today. Who do you expect will be in the audience tomorrow? And how has the White House -- if at all -- shaped who will be there?

MR. McCLELLAN: Well, this is the Council on Foreign Relations, and so it will be members of the Council on Foreign Relations. It is an independent, non-partisan organization that is widely respected.

Q And so they handled all the invitations?

MR. McCLELLAN: I don't know if we had some, but it's --their organization is hosting this event.

Go ahead, Goyal.

Q Scott, just came back from the **earthquake area up in Pakistan and India**. A lot of dollar amount is coming from the East and West, including from the United States, but people are saying really not reaching enough to them for what it should be. And another thing is that, as far as India is concerned, the major topic --

MR. McCLELLAN: You're talking about earthquake aid for Pakistan?

Q And India, right. And Pakistan, yes. And another topic, in India, today on the -- the topic, is that winning war on terrorism, and most Indians support President Bush as the war on terrorism is concerned. But recently last week, an Indian worker in Afghanistan was brutally beheaded by the al Qaeda terrorists. What they are saying is, really, where the Indians stand as far as support for the U.S. war on terrorism is concerned? What President Bush has to say and --

MR. McCLELLAN: Two things. Let me take the first part of your question. First of all, I think that the people in the region are seeing the true generosity and compassion of the American people. They're seeing that through the example of aid workers, through non-governmental organizations. They're seeing that through the example of our military that has provided substantial help to people, particularly in the hardest hit areas of Pakistan, providing important equipment and resources to help get people out of harm's way and to help provide much needed relief to those people.

Remember, the President just recently announced that a number of leaders from the private sector are heading up a private relief effort to provide additional funding to those organizations that are on the ground, organizations that have a proven track record of helping people in need. And certainly, India has a lot of capability to respond to the needs of their people, but we always stand ready to assist India in any way possible, as well. And so we look forward to continuing to work with both those countries to help in any way that we can. And that's what we are committed to doing.

In terms of the war on terrorism, we have a very close partner in both those countries as we move forward to winning the war on terrorism. Both those countries are committed to doing all they can to protect their citizens from the threat of terrorism, and they are taking steps to address those threats, and we are working very closely with them. And it's important that we also continue to share intelligence and cooperate in many ways to address those threats.

Q Is President Bush going to talk about --

MR. McCLELLAN: Let me keep -- let me keep going.

Q About one thing --

MR. McCLELLAN: I'm sorry?

Q Is President going to talk about, in tomorrow's speech, as far as Afghanistan and al Qaeda --

MR. McCLELLAN: Well, tomorrow is focused really on Iraq and our plan for victory there.

Go ahead, Elaine.

Q Yesterday, **Secretary Rumsfeld**, in his speech, criticized the media. I'll read his quote. "We've arrived at a strange time in this country, where the worst about America and our military seems to go -- seems to so quickly be taken as truth by the press, and reported and spread around the world, often with little context and little scrutiny, let alone direction or accountability after the fact." Does the President, as Commander-in-Chief, share Secretary Rumsfeld's feelings?

MR. McCLELLAN: Well, the Secretary is a pretty plain-spoken kind of guy, and I think he calls it like he sees them. And I think that's what he was doing yesterday. I think you've heard the President's comments, and he's talked about the real progress we're making. Sometimes there's important developments on the ground that don't necessarily make the headlines, and it's important to talk about the real progress that we're making and look at the gains that are being made on the ground. Because we're going to win in Iraq -- the President talked about that earlier -- he knows we will win; we have a very clear strategy for defeating the terrorists and for helping the Iraqi people build a free and peaceful future; and we will succeed and our troops will succeed, and they have our full support in doing that. And it's important to take into account the good progress that's being made on the ground.

Q Does the President feel that -- the same way the Secretary does, in that the media has not done a good job in portraying --

MR. McCLELLAN: I think what I will continue to do is reiterate what the President has been saying. He's been talking about the real progress that's being made on the ground. I indicated my response to your question about Secretary Rumsfeld.

Q Back in March, the President said, when asked about rendition, "We seek assurances that nobody will be tortured when we render a person back to their home country." Today he said, "We do not render to countries that torture." That sounds like a change.

MR. McCLELLAN: No, I think he was referring to what we have previously said, which was, we have an obligation not to render people to countries if we believe they're going to be tortured. And in some instances we seek further assurances to make sure that people won't be tortured.

The United States of America is strongly committed to upholding our values and our laws and our treaty obligations, and that's what the President was talking about.

Q So there's no change --

MR. McCLELLAN: No, he's referring to --

Q -- even though he's said, we don't render to countries that torture? In other words, if you don't get assurances, they won't -- you won't send us --

MR. McCLELLAN: Yes, he's referring to what we previously have said, that we have an obligation not to do so.

Q On the same subject, Scott. When you do -- **when renditions do take place**, are there procedures in place to make sure that the United States, on a regular basis, monitors the conditions of the prisoners and the way they are interrogated on a daily basis, or so forth? And, if not, are such conditions now being put in place at White House instigation or the instigation of others?

MR. McCLELLAN: Well, a couple of things. One, Secretary Rice spoke at length in response to some questions that had been raised by the European Union, in response to a letter --

Q She didn't address this issue --

MR. McCLELLAN: -- response to a letter from Secretary Snow. And we make sure that we have assurances that people won't be tortured if -- or before we render them to a country. That's something that we place high priority on.

Now, this is about protecting our citizens. And all countries have an obligation to work together to do everything we can within the law to ensure the safety and security of our people. This is a global war on terrorism, and we work cooperatively with many nations. And we respect the sovereignty of each nation. And we have and we will continue to do so. It is their choice as to how they want to -- it is their choice in terms of how they want to participate. But in terms of renditions and talking in any specific way about it, I'm just not going to do it. I'm not going to get into talking about these issues because it could compromise things in an ongoing war on terrorism. And we're not going to do that.

Q Scott, one follow-up on that: Why not take them back to U.S. soil if you are concerned that they not be tortured, where you are under clear guidelines both of U.S. law and, of course, the whole torture issues that you raised. Why move them around to foreign countries --

MR. McCLELLAN: A couple of things. Renditions have been in place for a long time.

Q Yes.

MR. McCLELLAN: Secretary Rice talked yesterday about the Jackal and others that have been rendered previously and brought to justice, and the importance of rendition as a tool that will -- can help us prevail in the

war on terrorism. And she made very clear that we are going to do everything lawful within our means to protect our citizens. And we have to recognize --

Q Render them back here?

MR. McCLELLAN: Hang on, no, hang on, I'm coming to your question. We are in a different kind of war against a different kind of enemy. This is an enemy that has no regard for innocent human life. They don't wear uniforms. They don't report to a particular state or nation. They espouse an ideology that they seek to spread throughout the world. It's a hateful and oppressive ideology.

Now, in terms -- you jumped in there a second ago, so I forgot the first part of your question I was coming to.

Q Why not -- why not render them back to the United States where there is --

MR. McCLELLAN: Response to that -- the way I would say -- respond to that is that we make decisions on a case-by-case basis, working with other countries, in terms of where individuals are rendered.

Q What is the purpose of rendition, other than, if it is not, in fact, to subject detainees to a degree of interrogation somewhat more difficult than that which they would be subjected to in the United States? And that being the case, what definition of torture does the United States understand and accept?

MR. McCLELLAN: The ones that are defined in our law and our international treaty obligations. We have laws --

Q If that's the case, then why bother to render anybody?

MR. McCLELLAN: We have laws that prohibit torture. We have treaty obligations that we adhere to. And the Convention Against Torture is a treaty obligation that we take seriously and we adhere to. And in that treaty, it -- those treaties and laws, it defines torture. And --

Q Then what's the purpose of rendition?

MR. McCLELLAN: -- so we adhere to our laws and our treaty obligations, and our values. That's very important as we move forward in conducting the war on terrorism.

But what this is about is how we conduct the war on terrorism, how we protect our people, our citizens. And each country's highest responsibility is the safety and security of their citizens. And we all must work together to prevail in this different kind of war. And intelligence helps save lives. And we have an obligation when people are picked up on the battlefield -- unlawful enemy combatants -- to do our part to question them and learn information that can help us prevent attacks from happening in the first place. And we work very closely with countries throughout the world to make sure that we are doing all we can to protect our citizens -- but we do so in a lawful way.

Q But if we are committed to international conventions against torture, what, then, is the purpose of rendition?

MR. McCLELLAN: Again, I'm not going to get into talking about specific intelligence matters that help prevent attacks from happening and help save lives. As Secretary Rice indicated yesterday, the steps we have taken have helped save lives in America and in European countries. We will continue to work with --

Q But you seem to be suggesting that --

MR. McCLELLAN: No, you're --

Q -- there's more to be gained by interrogating these people outside the United States than there is inside.

MR. McCLELLAN: It depends. It's a case-by-case basis, Bill, and in some cases they're rendered to their home country of origin. You cited two examples of past renditions yesterday, one individual that was involved in the attack on the World Trade Center in 1993; another individual that is one of the most notorious terrorists of all time.

Q But how do we know they weren't tortured? They claim they were.

MR. McCLELLAN: I'm sorry?

Q How do we know they weren't tortured?

MR. McCLELLAN: Well, we know that our enemy likes to make claims like that.

Q I want to go back to David's question about whether or not the administration is looking into any new ways of monitoring rendition activities in other countries that --

MR. McCLELLAN: I answered his question and I'm not going to --

Q You didn't answer that question, Scott.

MR. McCLELLAN: I'm not going to talk any further about it.

Q You didn't say anything about whether or not -- you said we receive assurances from other countries. You never did say anything about whether or not we, then, go further and make sure that nothing is occurring. Is the White House --

MR. McCLELLAN: Secretary Rice talked about it yesterday. And I talked about it today. And we're not going to comment further than that when it comes to intelligence matters that are helping us to prevent attacks from happening and helping us to learn important intelligence that saves lives.

Q So there's no monitoring -- so there's no mechanisms, no monitoring after --

MR. McCLELLAN: You're asking me to talk about intelligence matters that I'm just not --

Q We're not asking you to talk -- we're asking you whether there's a procedure in place --

Q To make sure --

MR. McCLELLAN: You've had your question, I've responded to it and this what I'm going to say.

Q I had my question; you haven't responded to it.

MR. McCLELLAN: Well, I've told you why. I have responded to it and I've told you the reason why. And I think the American people understand the importance of protecting sources and methods and not compromising ongoing efforts in the war on terrorism, and that's why I'm just not going to talk about it further.

Q I'm not asking you about an individual case. We're asking whether there is a procedure in the U.S. government to make sure that the system you tell us will not result in torture, in fact, doesn't.

MR. McCLELLAN: A couple of things. One, again, I'm not going to talk further about intelligence matters of this nature. So let me make that clear, again.

Q We're not asking on an intelligence matter.

MR. McCLELLAN: No, this is relating to intelligence matters; it absolutely is, David. And because of the nature of the enemy we face and the different kind of war that we're engaged in, these are matters I think the American people can understand that we're not going to talk further about because of the sensitivity and because of the fact that they could compromise our ongoing efforts.

We need to prevail in this war on terrorism. We've got to do everything we can within the law to protect our

citizens, and we need to work with other countries to help save lives, and that's what we're doing.

Q The question you're currently evading is not about an intelligence matter.

MR. McCLELLAN: You've had my response, Bill.

Go ahead.

Q Scott --

MR. McCLELLAN: It is relating to intelligence. Go ahead.

Q If the countries to which we are rendering detainees are not torturing, are we to conclude that they have some technique that is, in fact, more successful in gaining intelligence than the United States?

MR. McCLELLAN: No, I didn't say anything -- I didn't say anything to suggest that.

Q A separate issue, then, if I may.

MR. McCLELLAN: Sure. I would encourage each of you to look closely at what Secretary Rice said yesterday, because she addressed this in detail.

Q For months, discussions of a potential U.S. withdrawal were met, in this briefing room and by the administration, by a suggestion that that would send the wrong message to the troops, to the Iraqis, to the terrorists, to the world. In the last month or so, in the 35-page document last week, and your own comments, et cetera, we're now told that there -- that the administration fully expects a **conditions-based withdrawal** potentially to start next year. And today, the Vice President said that going forward we'll have fewer nationwide operations and more specialized operations against the terrorists, we'll move out of Iraqi cities, reduce the number of bases, and conduct fewer patrols and convoys. Does that not telegraph to the enemy our intentions and allow them to plan for it tactically?

MR. McCLELLAN: No, the President talked about that very issue last week in his remarks at the Naval Academy.

Q Scott, Congressman William Delahunt of Massachusetts has entered into a deal with **Hugo Chavez of Venezuela** to provide low-cost heating fuel, and apparently the State Department is furious about this, and there may be another deal in the works with the Bronx in New York. Why is -- why are not American oil companies like ExxonMobile stepping in to say, Mr. Chavez, we've just had a huge windfall profit in the last quarter; turn your tankers around, we'll take care of our own in this country. And since there was just a hearing up on Capitol Hill to discuss the windfall profits, why isn't there pressure --

MR. McCLELLAN: Well, I think -- I think the State Department has spoken out about this specific issue when it comes to Venezuela, and they've talked about that. I really don't have anything further to add to what they've already said.

In terms of oil companies here in America, we've made very clear what our views are, and that all of us have a role to do to help address high energy prices. And we are taking action to do so. This is an important need that we need to address for the American people. High energy costs harm our economy. Our economy is strong and continuing to grow stronger. And the President yesterday spoke at length in his remarks about now that we have this foundation for growth in place, we need to continue to act on pro-growth policies to help better the lives of our workers and our families. And that's what we're doing. We passed a comprehensive energy strategy. Now we need to move forward to expand refining capacity and take additional steps. And that's what we will continue to do.

Q Scott, last week the NEC director said that the White House absolutely supports the Katrina tax relief bill. But I was wondering why the White House supports **across-the-board tax relief** which would extend to certain establishments like casinos -- which they said they're going to rebuild anyway -- and certain other establishments, like massage parlors and liquor stores?

MR. McCLELLAN: I think for the reasons we've stated previously, Paula. I think you've asked this question of me - or someone else in this room has -- and I've responded to it. We don't believe you can be selective when it comes to addressing the economic needs of the region. It should apply equally and fairly to all those businesses.

Q I thought the White House, in principle, is opposed to targeted tax relief.

MR. McCLELLAN: Well, we've talked about the importance of providing tax relief to all Americans. And, yes, we have talked about that specific issue. That's why we've provided tax relief to all those who pay federal income taxes. And the last thing we need to do right now is raise taxes -- that would be a significant impact on those who are recovering in the region and it would be a significant impact on the pocketbooks of the American people.

We need to make the tax relief that we've put in place permanent; we also need to continue to take steps to help people in the region as they're rebuilding their communities and rebuilding their lives. That's what we're doing; we're working with Congress to meet their needs. We've already provided some \$60 billion in assistance to the region; \$17 billion of that we're working to reallocate to recovery and reconstruction needs in the deficit reduction package efforts. And we're working with Congress to make sure that people have their needs met.

Q Also, do you think there should be greater Medicaid rebates by drug manufacturers so that you don't have to cut so much on low-income --

MR. McCLELLAN: We believe that we need to move forward on **Medicare** reform and modernize Medicare and to close loopholes. And we can find savings and slow the growth in Medicare by addressing those important needs. And I think that's what the American people want us to do -- to make sure that people who need the help are getting the help, and to take steps to restrain spending.

Q Scott, you very graciously answered seven questions from two reporters, and I have a mere three-part question. First, at the National Christmas Tree lighting last week the President said, "Each year we gather here to celebrate the season of hope and joy, and to remember the story of one humble life that lifted the sights of humanity. Santa, thanks for coming." And the question: Will the President apologize to Christians offended by his referring to Jesus as Santa?

MR. McCLELLAN: The President meant exactly what he said, Les.

Q Second, does the President know of any way that the passport of Ramsey Clark could be revoked on grounds of his consistent actions against the United States?

MR. McCLELLAN: Look, there are procedures in place for all American citizens when it comes to those issues, and we expect those procedures to be followed for all Americans.

Q When defendants in --

MR. McCLELLAN: One more.

Q Yes, one more. When defendants in criminal cases in the United States have shouted or otherwise disrupted the court, haven't there been cases where they have been bound and gagged in court? And would the President recommend this for Saddam Hussein?

MR. McCLELLAN: It's up to the Iraqi people to **hold Saddam Hussein to account**. There is an Iraqi court, led by Iraqis. It is a special tribunal that was set up to hold Saddam Hussein and his regime leaders to account for the atrocities they committed. This was a brutal regime that was engaged in systematic torture. They had rape rooms and torture chambers. And we are hearing eyewitness accounts of the kind of brutality that this regime was engaged in. When you have an eyewitness talking about human blood being in a meat grinder, and talking about electric shocks, you see the true nature of this regime. And the court that is in place today shows the change that is coming to Iraq. This is an important step in building a democratic future for Iraq, based on the rule of law. The Iraqi people are the ones that will hold Saddam Hussein to account for the atrocities he committed against the Iraqi people, and the crimes he committed against humanity.

Q Thank you.

Q Scott, it was two years ago today that the administration fired Secretary O'Neill and Mr. Lindsey and overhauled his **economic team** ahead of the -- ahead of an election year. Given the fact that the President feels the -- feels it's necessary to promote the economy now, does that suggest that he doesn't have confidence in his current team to communicate that message?

MR. McCLELLAN: Our economic team is doing a great job helping to build on the foundation for growth that we have in place. He has a great team: Secretary Snow; Secretary Gutierrez; Secretary Chao; Al Hubbard, our Director of the National Economic Council; Ben Bernanke is leaving as Chairman of the Council of Economic Advisers to move on to the Federal Reserve. And we will move forward on replacing that position as quickly as we can when he is in place.

But we have an economic team that is doing a great job on behalf of the American people, and helping us to put in place the kind of pro-growth policies needed to continue creating jobs and creating an environment for future growth.

Go ahead.

Q In the **Vice President's speech** this morning, he said -- and this was in the context of the war in Iraq -- he said, "We weren't in Iraq on September the 11th, and the terrorists hit us anyway." Why does the Vice President continue to give the impression that Saddam Hussein's Iraq was connected with the September the 11th attacks, when the President has conceded that they were not, and the 9/11 Commission conceded they were not?

MR. McCLELLAN: I don't think that does. I don't think that does. But I think what you have to understand about September 11th is that September 11th taught us some important lessons: one, that we need to take the fight to the enemy and engage them abroad to prevent attacks from happening here at home -- that's the best way we can protect the American people. And two, to address the root causes that lead to people flying planes into buildings or strapping on bombs and blowing themselves up and killing innocent men, women, and children. And that means spreading freedom in the broader Middle East and changing the status quo.

The Middle East had become a dangerous breeding ground for terrorism, and what we're working to do is bring some hope and opportunity to the region. Iraq will inspire the rest of the Middle East by its example of building a free and democratic future for its people, and help encourage those who, around the Middle East and beyond, want to live in freedom. So I think that you have a misunderstanding of what he said.

Q "We weren't in Iraq on September 11th and the terrorists hit us anyway." Would you not agree that there's some linkage there?

MR. McCLELLAN: No, I think he's making the point that the President made last week, that those who suggest that if we weren't in Iraq, that the terrorists would just be idle. That's an absurd allegation, because the terrorists are determined to spread their fear and chaos and violence throughout the civilized world. They attacked us well before we were in Iraq; they attacked other countries well before any decisions were made to go into Iraq.

Q The Vice President --

MR. McCLELLAN: They continue to try to carry out the attacks. That's why it's so important that we're engaging the enemy in Iraq, that we're taking the fight to them there. And all you have to do is look back at the letter from Zawahiri to Zarqawi to see the nature of the enemy that we face and what they recognize is involved in Iraq, because they have said themselves that when we succeed in Iraq, it will be a major blow to their ambitions. And that's why we are going to continue to move forward toward victory, because it is critical to prevailing in the broader war on terrorism.

Q Does the Vice President now agree that Saddam Hussein's arrest was not involved in September 11th?

MR. McCLELLAN: Those questions have been gone over ad nauseam in the past. Thanks.

Q Scott, how long will it take for Iraq to achieve the level of economic stability where the U.S. will not have to be in there propping it up?

MR. McCLELLAN: Well, first of all, what we are there doing is helping the Iraqi people reform their economic institutions and move forward on reconstruction. The President spelled out in the plan for victory that we released last week for the American people the progress that we're making on the different fronts, including the economic front, and the challenges that lie ahead.

And the President, again, will talk about what **our definition of victory in Iraq** is tomorrow, and that is putting in place an Iraq that is not a safe haven for terrorists to plan and plot their attacks. That's very important for people to understand, because the terrorists want to try to create a safe haven in Iraq from which they can plan and plot attacks and spread their fear and chaos throughout the broader Middle East and attack -- or take over other parts of the Middle East. That was spelled out in the letter from Zawahiri to Zarqawi.

But victory is defined as making sure that terrorists and Saddam loyalists can no longer threaten Iraq's democracy, making sure that Iraqi security forces can defend and protect their own citizens, and making sure that Iraq is not a safe haven for terrorists to plan and plot attacks.

In terms of the progress that's being made on the economic front, I encourage you to listen closely to the President's remarks. I mean, he's going to talk about the challenges that remain and how we've really worked to adapt and change to the circumstances on the ground. But there's important success being made when it comes to the economic front. And he'll highlight some of that.

Q Does the administration have any feel, any sense --

MR. McCLELLAN: If you're trying to put some arbitrary sort of timetable on things, the President has talked about that.

Q Well, he's talked about that **in terms of troops**, but I'm asking in terms of tomorrow's topic, is there any feel at all for how long it will take to achieve these reforms that you just mentioned to achieve the kind of economic stability that this country will be able to stand on its own feet?

MR. McCLELLAN: Well, each front is -- this is an integrated approach. Go back to what I said at the beginning. The security front, the economic front, and the political front all affect one another. And as we move forward on each, it helps us move forward on the other. And that's why it's important we focus on these three areas. That makes up the comprehensive strategy for victory that the President has in place. And we need to continue to help support the Iraqi people as they build their security forces. We need to continue to help the Iraqi people as they reconstruct their country and put in place economic reforms that will lead to prosperity for the Iraqi -- for all Iraqis.

Remember, Iraq has a lot of potential when it comes to their economic future. But this was a country that for three decades was led by a brutal dictator who was more intent on putting that great wealth to the betterment of the few in power than the betterment of the people, and neglected the infrastructure and neglected the economy of that country. And so it takes time to rebuild from that.

And the international community has a responsibility. You make it sound like it's just the United States. All of us have a responsibility to help the Iraqi people as they move forward on putting in place the market reforms and establishing the institutions for democracy to succeed.

Go ahead.

Q Mr. McClellan, you mentioned a couple of times today our efforts to -- continuing efforts to spread democracy --

MR. McCLELLAN: I was calling on him, but go ahead.

Q All right, well, just to be clear about something, we didn't go to Iraq to spread democracy, did we? I mean, we didn't go to Iraq to help the Iraqi people. It was initially a security issue -- just to be clear on that.

MR. McCLELLAN: Well, we spelled out the reasons we went to Iraq, and I would encourage you to go back and look at that. We have liberated 25 million people in Iraq, and 25 million people in Afghanistan. And spreading --

Q But it wasn't the reason we went --

MR. McCLELLAN: -- spreading freedom and democracy -- well, we're not going to re-litigate the reasons why we went into Iraq. We've made very clear what the reasons were. And, no, I don't think you define them accurately by being so selective in the question.

In terms of the lessons of September 11th, again, let me reiterate what those were -- that we need to address the underlying causes that lead people to hijack airplanes and fly them into buildings, or that lead people to strap on bombs and blow themselves up. And that's what we're doing by spreading freedom in the broader Middle East. And there are different ways we can support those efforts.

The Middle East peace process -- the President has been providing a lot of strong support for the Israeli people and the Palestinian people as they move forward on the Middle East peace process. That's important for spreading hope and opportunity in the broader Middle East. We are continuing to support the people of Afghanistan as they move forward. And we'll continue to support and help the Iraqi people as they move forward, too.

Q But just to be clear, that's a different argument than was made to the American people before the war --

MR. McCLELLAN: Our arguments are very public. You can go and look at what the arguments were. That's not what I was talking about.

Go ahead.

Q In terms of the economic development of Iraq, does this mean the President is committed to a long-term post-war economic Marshal Plan over there to try to establish --

MR. McCLELLAN: Well, the international community is providing help. Remember, Iraq is moving forward on debt relief, and the international community has stepped forward. The international community has stepped forward with some significant contributions, in terms of helping Iraq with reconstruction.

Iraq has a lot of vast resources that they can help -- that they can put towards rebuilding the infrastructure and helping with their long-term economic needs, as well. And the President will talk about that in his remarks, too.

Go ahead.

Q I'm thinking -- I'm thinking, really, about the Bosnia experience. We have now pulled out of Bosnia, but it still has not been reconstructed economically. And I just wondered whether we would -- if this is another 10- or 15-year commitment for the United States --

MR. McCLELLAN: You might want to look at -- look at the planning we outlined last week. But go ahead, Kelly.

Q The President and Vice President have both been speaking very warmly about **Senator Lieberman** lately. And the Senator has suggested that the President should appoint a bipartisan working group on Iraq to meet perhaps weekly, including members of Congress, National Security officials, to talk about progress there, and to be able to report back to the American people. Is that an idea the President would welcome?

MR. McCLELLAN: Senator Lieberman has talked about the visible and practical progress that is being made on the ground, and he's talked about the importance of winning in Iraq. And I think while there may be disarray and disagreement within the Democratic Party, Senator Lieberman is someone who is firmly committed to supporting our troops and succeeding in Iraq. He recognizes the importance of victory there and the importance of succeeding.

Q So is his suggestion something the administration would embrace?


MR. McCLELLAN: I haven't had a chance to look at what he said today, Kelly, so I'll have to take a look at that. But we work very closely with him in the war on terrorism, and we appreciate his leadership, and we appreciate his ideas. And I'll take a look at that and see if there's anything else to add.

All right, thank you.

END 1:16 P.M. EST

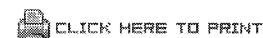
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EXHIBIT

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For Immediate Release
Office of the Press Secretary
November 16, 2006

Press Gaggle by Tony Snow

Aboard Air Force One
En route Washington, D.C.

12:15 P.M. EDT

MR. SNOW: Hello, all, let's gaggle. All right, first on the President's day, let's see -- aboard Air Force One, since we've lifted off, there have been two head-of-state calls, one to President Antonio Sacca of El Salvador, and also Peru's President-elect, Alan Garcia. The Salvadoran call, primarily about immigration. On Peru, they talked first about congratulations on winning the election, the President passed them on; talked about defending and extending democracy in the region; and also working together on issues of free trade.

Coming up today on the President's schedule: When we land he'll be meeting with bicameral Republican congressional leadership. That's a sort of standard, regular meeting on a broad range of issues. There will be a swearing in for Dirk Kempthorne as Secretary of the Interior. And then, as you know, about five different codels went to Iraq during the break. There will be a meeting with members of both Houses and both parties about Iraq.

And I believe that's everything on today's public schedule. Questions.

Q Tony, how does the President analyze the results of the 50th congressional district in California?

MR. SNOW: Well, he's happy that Brian Bilbray won. Look, it was a close and tight race all along. But it's also interesting to note that in a case like this, everybody was trying to look for a bellwether. I think a lot of critics were hoping that this would be a kind of bellwether so that they could say that the Republican Party and the presidency were in peril. And they clearly -- their hopes were clearly frustrated.

Q So not a bellwether, then?

MR. SNOW: No, it was a tight race. It was a race that in many ways was governed by a series of local issues and it was a tough race for Republicans. Here you had Duke Cunningham having to leave Congress; and you had Brian Bilbray, whose activities as a lobbyist had been brought up as a campaign issue; and having missed votes while traveling had been an issue. That's a tough election.

And, furthermore, one of the things we've noticed in looking at polling in recent weeks is that people who stick with the President on immigration, on the issue, that tends to be attractive over the long run when people hear about comprehensive reform. Representative Bilbray didn't support that -- nevertheless, we congratulate him on his victory. It was a tough race.

Q Is it true that the United States has agreed to allow Iran to have uranium conversion?

MR. SNOW: No. I would walk you back a little bit. Maybe the most important point to make about what has gone on is, number one, this is not a U.S.-Iran negotiation, period. It's still a multilateral world community with Iran. Number two, the precondition of suspending uranium enrichment-related and reprocessing activities -- that is still an absolute condition, and it is agreed upon by the United States, by the P5 plus one, by the IAEA. Everybody has agreed on that condition.

Again, Iran has to do that to get to the table to be able to discuss incentives and disincentives. I know that a lot of characterizations have been made in the press by people who may have indirect or, in some cases, incomplete knowledge of what was offered. But we're not going to go into the details; we've said that before and I'll say it

again. But I will reiterate the fundamental point, which is that the precondition of putting an end to all -- suspending all enrichment-related and reprocessing activities, that is still the precondition and it's agreed upon by all parties who have gone to talk with the government in Tehran.

Q So the answer is "no"?

MR. SNOW: The question was -- again, nothing happens -- I am not going to negotiate from here. We are not going to talk about specifics in the negotiation. And, furthermore, I'm just not going to get into any -- it was a general question that got a specific answer. I'm not going to talk about specific proffers.

Q Is it on the table that down the road, that if they come back to the table that they would be allowed to --

MR. SNOW: Again, I'm not going into specific proffers; we're just not going to do that.

Q Well, you said that our reporting is wrong.

MR. SNOW: Here's what you're supposed to take: There is no change in the administration position. There has been the insinuation that somehow there was a step back from the notion that Iran had to suspend. There is no change in that position on the part of the negotiating countries. So that's what I meant by that answer.

Q But you're not commenting on the reporting that the U.S. would contribute to uranium enrichment or --

MR. SNOW: Again, what I'm telling you is a lot of stuff has been put in play by people who may not have full knowledge of what was actually in the document. I will steer you back to my fundamental point, which is, Iran must suspend uranium enrichment-related and reprocessing activities -- you probably can say this by memory now. They have to do that to get to the table, period. That has not changed.

Q Did the President have any reaction to the reports yesterday about all those servicemen who had their records apparently compromised in that theft?

MR. SNOW: Well, I didn't talk about it -- I didn't talk to him about it, but I think -- you may recall that what happened is we got this report, and Chairman -- I mean, Secretary Nicholson -- I know, it's different jobs, at least I didn't say "Ambassador" -- Secretary Nicholson said they had to go back and they had to match between a database at the Veterans Administration and the hard drive, and said that there may be further clarifications of what's going on.

At this point, we continue to encourage people who may have concerns to contact the website or the phone number --and, unfortunately, I don't have them on me right now, but the VA has been leaning forward, so anybody who has concerns about the possible compromise of any information ought to contact the VA numbers, and they can walk them through. So far there has been no evidence of any identity theft, but we obviously remain concerned about the story.

Q What about the report out of the European watchdog group that 20-some-odd countries participated or allowed the rendition flights? And can you give us any reaction to that?

Q We can't hear the question.

MR. SNOW: He's asking about the rendition story. Several points to make on rendition. Number one, rendition is something that has been practiced by nations for a very long time. Carlos the Jackal, you may recall, by rendition ended up in a French jail. Nations have to work together on intelligence matters. It's also very important to stress that the United States does not condone torture, does not practice torture. Torture is illegal and we acknowledge and follow all international laws.

Furthermore, we will not agree to send anybody to a nation or place that practices torture. So when it comes to the rendition things, those are the important pieces to remember. It's also important to remember again that international cooperation in the war on terror is essential for winning, and rendition is not something that began with this administration, and it's certainly going to be practiced, I'm sure, in the future.

Q There are reports saying that there was human rights violations --

MR. SNOW: I am not going to respond to a report.

Q Is the President aware of a soldier, I believe, in California, who is going to become today the first person to refuse publicly his assignment to Iraq? And does the President have a position on whether he should be excused?

MR. SNOW: No, I don't. For that I'd refer you back to the Pentagon for comment on it.

Q The Senate just rejected the constitutional amendment to ban gay marriage. Leaders in the House say they still plan to take it up. Does the President think that's a good use of their time, when it's clear they don't have the votes in Congress to get it passed?

MR. SNOW: Well, I'd leave that to members of the House to decide. Again, Nedra, as you know, it's possible for members of Congress to take up a whole lot of issues at once -- in fact, it's their job. And this is an issue on which, I dare say, many members want to express themselves. I'm not going to tell them what to put on their legislative calendar.

Q Does the President have any reaction to the failure?

MR. SNOW: Well, he understands that this is an issue that people are going to want to think about. And he believes strongly that marriage is between a man and a woman. There is one more vote in the Senate than there was last time around. It is an issue he will continue to support.

Q Is he disappointed?

MR. SNOW: You know, I don't want to characterize state of mind on it. There will be a statement out later, and we'll see if there's any expression of his emotional condition.

Q He lobbied for this, or spoke out in support of it yesterday and over the weekend. So a cause that he championed has lost -- so does he --

MR. SNOW: It's fair enough, Jessica. The President understands that on an issue like this, it tends to evolve in response to things that are going on around the country. He has spoken repeatedly on the fact that nationwide, in a number of states, voters in a number of states and legislatures have defined marriage as being between a man and a woman, only to have courts overturn it. And he said that he wishes it hadn't come to this, that judicial activism is a concern. This is an issue that will play out over time, and the defeat does not mean that he's despondent or that he gives up on it. He knows that this is a long fight.

Q Tony, now that the Iranians have been presented the incentives package, are you at liberty to describe the package, the contents?

MR. SNOW: No.

Q Getting back to immigration. Are there things in the immigration bill that would prevent the President from signing it? Has he laid out what sort of the "black area" would be?

MR. SNOW: The President doesn't negotiate against himself. What he really wants to do is work with members of both Houses of Congress. As he pointed out today, a year ago, everybody was saying, put it off, don't do it, it's too hot. Now you've had the House and Senate both adopt legislation with regard to immigration. And the President is making it very clear, I think, that he wants a comprehensive bill, or new set of bills, if necessary -- comprehensive immigration reform. And that is going to continue to be his position.

I think it's also important to note that as the President gets out and talks about this, people begin to understand his position better. They get to see it. We had -- today, he had the opportunity to speak with people who had

come here and become citizens, who had started businesses. He had an opportunity to sit in on a classroom, and some of you were in there. And this helps dramatize what's going on. Today he was dramatizing not only importance, but how it happens that you do assimilation.

He's going to sign an executive order when he returns that is going to mobilize federal departments and agencies to figure out ways to make it easier for people who want to become American citizens, and who are pursuing a legal path -- that is whatever path has been so defined; I'm not going to try to get into prejudging the legislation -- make it easier for people to assimilate by learning the language, learning the culture, learning history, learning civics, and being able to integrate into American society and take full advantage of what the President described, the old phrase, the American Dream.

So that's what he's doing. He's not going to get into the process of saying, this is what I demand. The President is not making demands right now. What he's trying to do is to lead, to lay out principles. And one of the points he's been making the last two days is that there is not a lot of disagreement on the principles he's been talking about. So he's hoping that members of both Houses are going to be able to work together to go ahead and accomplish the chore of having a comprehensive immigration package.

Q There seems to be substantial disagreement on the idea of the pathway to citizenship and legalization that the President outlined. Do you see any hopes for some kind of compromise there?

MR. SNOW: That's not what -- again, you're asking me to try to engage in negotiations. I'm not going to do it. The President has made it pretty clear what he wants.

And again, I think what happens, too, is as people begin to see his position, I think it has some effect --that politicians and citizens will be taking note. They'll be getting a fuller understanding of where he stands and what he wants. And that always has an impact, when the President takes that kind of a stand.

Q At the top, you said that when he gets back he's meeting with members of the House and Senate?

MR. SNOW: There are two meetings. There's a bicameral meeting with Republican leaders, and then there's a bipartisan meeting with people who have just come back from Iraq. There were five different codels that were over in Iraq.

Q The topic is going to be Iraq, then, or --

MR. SNOW: No, no, no. The first meeting -- he meets fairly regularly with the bipartisan leadership, and they'll talk about a whole bunch of stuff. I'm sure immigration and taxes and all that stuff will come up. The second one is specifically about Iraq.

Q Do you know the times on those?

MR. SNOW: Yes. I think -- let's see, the Republican meeting is at 1:55 p.m., and the Iraq meeting is at 3:25 p.m.

Q Yesterday when the President was asked about Somalia, he said that when he gets back, he's going to strategize with Secretary Rice. Is there any plan for a meeting on Somalia, in particular?

MR. SNOW: I don't think there's a specific meeting. When the President meets with Secretary Rice -- or, for the matter, with Secretary Rumsfeld -- they tend to talk about a lot of stuff. And, obviously, with Secretary Rice, you're not going to have a meeting just on Somalia -- you've got Iran, you've got Iraq, you've got a lot of things. But it certainly will come up. And I don't know if they're going to be talking by phone. Secretary Rice comes over a lot. I don't have any specific guidance, but I'm sure it's going to come up quite soon.

Q -- on Maliki, and the President's confidence in their government, how it's evolving, and the violence in Iraq?

MR. SNOW: Well, once again, we are looking forward to the Prime Minister being able to get in place his interior and defense ministries. That's obviously an important step.

Q He's not troubled by the delay?

MR. SNOW: He understands that when you're doing government formation, especially in a brand new parliamentary system, it's a complicated chore.

Q Is the President planning to meet with Secretary Rice --

MR. SNOW: I don't -- like I said, I don't know. There's nothing on the calendar that I have. But they meet frequently and they talk frequently. There's nothing on today's calendar.

Q All right, thank you.

MR. SNOW: All right, thanks.

END 12:30 P.M. EDT

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EXHIBIT

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Jordan's Spy Agency: Holding Cell for the CIA

Foreign Terror Suspects Tell of Torture

By Craig Whitlock
Washington Post Foreign Service
Saturday, December 1, 2007; A01

AMMAN, Jordan -- Over the past seven years, an imposing building on the outskirts of this city has served as a secret holding cell for the CIA.

The building is the headquarters of the General Intelligence Department, Jordan's powerful spy and security agency. Since 2000, at the CIA's behest, at least 12 non-Jordanian terrorism suspects have been detained and interrogated here, according to documents and former prisoners, human rights advocates, defense lawyers and former U.S. officials.

In most of the cases, the spy center served as a covert way station for CIA prisoners captured in other countries. It was a place where they could be hidden after being arrested and kept for a few days or several months before being moved on to Guantanamo Bay, Cuba, or CIA prisons elsewhere in the world.

Others were arrested while transiting through Jordan, including two detained during stopovers at Amman's international airport. Another prisoner, a microbiology student captured in Pakistan in the weeks after the attacks of Sept. 11, 2001, has not been seen since he was flown to Amman on a CIA plane six years ago.

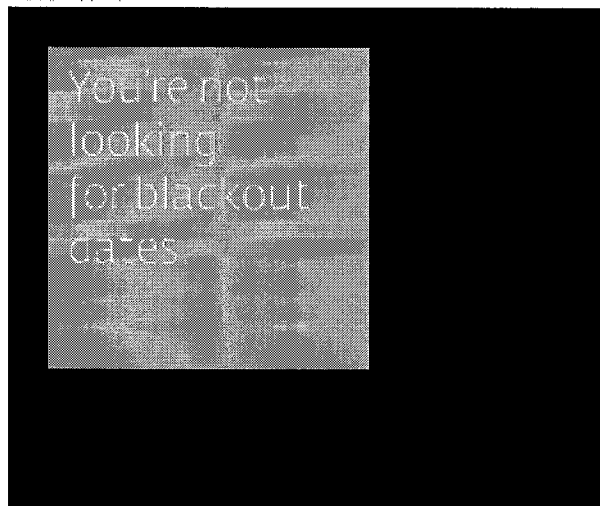
The most recent case to come to light involved a Palestinian detainee, Marwan al-Jabour, who was transferred to Jordan last year from a CIA-run secret prison, then released several weeks later in the Gaza Strip.

The General Intelligence Department, or GID, is perhaps the CIA's most trusted partner in the Arab world. The Jordanian agency has received money, training and equipment from the CIA for decades and even has a public English-language Web site. The relationship has deepened in recent years, with U.S. officials praising their Jordanian counterparts for the depth of their knowledge regarding al-Qaeda and other radical Islamic networks.

In the aftermath of Sept. 11, however, the GID was attractive for another reason, according to former U.S. counterterrorism officials and Jordanian human rights advocates. Its interrogators had a reputation for persuading tight-lipped suspects to talk, even if that meant using abusive tactics that could violate U.S. or international law.

"I was kidnapped, not knowing anything of my fate, with continuous torture and interrogation for the whole of two years," Al-Haj Abdu Ali Sharqawi, a Guantanamo prisoner from Yemen, recounted in a written account of his experiences in Jordanian custody. "When I told them the truth, I was tortured and beaten."

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Sharqawi was captured in Karachi, Pakistan, in February 2002 in a joint Pakistani-U.S. operation. Although the Guantanamo Bay prison had just opened, the CIA flew him instead to Amman, where he was imprisoned for 19 months, according to his account and flight records. He was later taken to another CIA-run secret prison, his statement says, before he was finally moved to Guantanamo in February 2004.

Sharqawi said he was threatened with sexual abuse and electrocution while in Jordan. He also said he was hidden from officials of the International Committee for the Red Cross during their visits to inspect Jordanian prisons.

"I was told that if I wanted to leave with permanent disability both mental and physical, that that could be arranged," Sharqawi said in his April 2006 statement, which was released by a London-based attorney, Clive Stafford Smith, who represents Guantanamo inmates. "They said they had all the facilities of Jordan to achieve that. I was told that I had to talk, I had to tell them everything."

Bush administration officials have said they do not hand over terrorism suspects to countries that are likely to abuse them. For several years, however, the State Department has cited widespread allegations of torture by Jordan's security agencies in its annual report cards on human rights.

Independent monitors have become increasingly critical of Jordan's record. Since 2006, the United Nations, Amnesty International and Human Rights Watch have issued reports on abuses in Jordan, often singling out the General Intelligence Department.

Former prisoners have reported that their captors were expert in two practices in particular: falaqa, or beating suspects on the soles of their feet with a truncheon and then, often, forcing them to walk barefoot and bloodied across a salt-covered floor; and farruj, or the "grilled chicken," in which prisoners are handcuffed behind their legs, hung upside down by a rod placed behind their knees, and beaten.

In a report released in January 2007, Manfred Nowak, the U.N. special investigator for torture, found that "the practice of torture is routine" at GID headquarters and concluded "that there is total impunity for torture and ill-treatment in the country."

Officials with the GID did not respond to a letter seeking an interview for this article. The Jordanian Foreign Ministry also did not respond to interview requests.

The CIA declined to comment on its relationship with the GID but defended in general the covert transfer of terrorism suspects to other countries, a practice known as rendition.

"The United States does not transfer individuals to any country if it believes they will be tortured there," said Paul Gimigliano, a CIA spokesman. "Setting aside the myths, rendition is, in fact, a lawful, effective tool that has been used over the years on a very limited scale, and is designed to take terrorists off the street."

'In Jordan, Nobody Asks'

Immediately after Sept. 11, the CIA had nowhere to hold terrorism suspects it had captured abroad. The military prison at Guantanamo did not open until January 2002. And it took the CIA until the spring of 2002 to get its own network of secret overseas prisons up and running.

Short on options, the CIA sought help from its counterparts in Jordan. Soon, CIA airplanes began

carrying prisoners to Amman.

Jamil Qasim Saeed Mohammed, a Yemeni microbiology student, was captured in a U.S.-Pakistani operation in Karachi a few weeks after 9/11 on suspicion of helping to finance al-Qaeda operations. Witnesses reported seeing masked men take him aboard a Gulfstream V jet at the Karachi airport Oct. 24, 2001.

Records show that the plane was chartered by a CIA front company and that it flew directly to Amman. Mohammed has not been seen since. Amnesty International said it has asked the Jordanian government for information on his whereabouts but has not received an answer.

About the same time, Jamal Alawi Mari, another Yemeni citizen, was apprehended at his home in Karachi by Pakistani and U.S. agents. Records show that U.S. officials suspected him of working for Islamic charities that allegedly supported al-Qaeda.

Soon after, Mari was also flown by the CIA to Amman. "They never told me where I was going," he testified later before a U.S. military tribunal. "I found out later I was in Jordan."

Mari said he was imprisoned for four months in Jordan, out of sight of visiting Red Cross officials. In early 2002, he was taken to Guantanamo and remains imprisoned there.

Defense lawyers and human rights advocates in Amman said it wasn't a surprise that the CIA turned to Jordan's security agency for assistance.

"In America, people will ask about any breach of the law," said Younis Arab, a lawyer who has represented a CIA prisoner brought to Jordan. "Here in Jordan, nobody asks. So the Americans get the Jordanians to do the dirty work."

Other Jordanian lawyers cited unconfirmed reports that the CIA had transferred high-ranking al-Qaeda leaders to Jordan for interrogation. Although hard evidence is elusive, some former inmates have reported being detained in the same wing as Ramzi Binalshibh, a key planner in the Hamburg cell that carried out the Sept. 11 hijackings, said Abdulkareem al-Shureidah, an Amman lawyer.

"He was detained in Jordanian jails, definitely," Shureidah said of Binalshibh, who was kept in CIA custody in undisclosed locations from the time of his capture in Karachi in September 2002 until September 2006, when he was transferred to Guantanamo. "The U.S. brought all kinds of persons here from around the world."

Samieh Khreis, an Amman lawyer who has represented former Guantanamo inmates from Jordan, said testimony by former prisoners and others in Jordan reinforced a long-held suspicion that the CIA ran a satellite operation inside headquarters of the General Intelligence Department.

"Of course they had a jail here, a secret jail -- of course, no question," he said. "If they were to put me in that GID building over there, in my mind, it might as well be an American jail."

Khreis said the Jordanian spy service has a well-deserved reputation for using dubious tactics to force confessions. But he said the CIA sent prisoners to Amman primarily to take advantage of the GID's knowledge of Islamic radical groups.

"Torture is not the main reason," he said.

A Flat Denial

On June 26, 2006, just after 6 p.m., Nowak, the U.N. investigator, paid a surprise visit to GID headquarters in Amman.

The Jordanian government had previously agreed to give Nowak carte blanche to inspect any prison in the country, with no preconditions and unfettered access to inmates. As a new member of the U.N. Human Rights Council, Jordan was eager to win Nowak's seal of approval. GID officials permitted Nowak to tour its prison wing. But they refused to allow him to speak with prisoners in private. When Nowak asked about allegations that the CIA had used the building as a proxy jail, department officials said the reports were untrue.

"The response was just very flat, a simple denial, 'We don't know anything about that,' " Nowak recalled in an interview.

In interviews with former GID prisoners, Nowak said, he heard repeated, credible reports of inmates being subjected to electric shocks, sleep deprivation and various forms of beatings, including farruj and falaqa.

He said several inmates reported that their chief tormentor was Col. Ali Birjak, head of the GID's counterterrorism unit and one of the officials who had denied cooperating with the CIA. Based on those interviews, Nowak recommended in his report that Birjak be investigated by Jordanian authorities on torture charges.

In a written response to Nowak's findings on Oct. 10, 2006, the Jordanian government called the torture allegations "untrue" and noted that they were lodged by people with criminal records.

"It is common for prisoners to make false allegations about torture in a pathetic attempt to evade punishment and to influence the court," the government wrote.

In interviews with The Washington Post, however, former prisoners of the GID gave similar accounts of physical abuse.

Masaad Omer Behari, a Sudanese citizen, spent 86 days in the department's custody in early 2003 after he was arrested during a stopover at Amman's international airport.

Behari said his interrogators wanted to know about his activities in Vienna, where he had lived for more than a decade. He had been asked many of the same questions previously by the FBI and Austrian security officials about an alleged plot to bomb the U.S. Embassy in Vienna in 1998, he said, though he had denied any role and was never charged.

While he was in custody in Amman, Behari said, guards meted out a combination of falaqa and farruj. They struck the soles of his feet with batons while he was handcuffed and hanging upside down, then doused him with cold water and forced him to walk over a salt-strewn floor.

"I thought they were going to kill me," he said. "I said my prayers, thinking I was going to die."

Researcher Julie Tate in Washington contributed to this report.

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November 5, 2003 Wednesday

Correction Appended

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HEADLINE: Deported Terror Suspect Details Torture in Syria;
Canadian's Case Called Typical of CIA

BYLINE: DeNeen L. Brown and Dana Priest, Washington Post Staff Writers

DATELINE: TORONTO Nov. 4

BODY:

A Canadian citizen who was detained last year at John F. Kennedy International Airport in New York as a suspected terrorist said Tuesday he was secretly deported to Syria and endured 10 months of torture in a Syrian prison.

Maher Arar, 33, who was released last month, said at a news conference in Ottawa that he pleaded with U.S. authorities to let him continue on to Canada, where he has lived for 15 years and has a family. But instead, he was flown under U.S. guard to Jordan and handed over to Syria, where he was born. Arar denied any connection to terrorism and said he would fight to clear his name.

U.S. officials said Tuesday that Arar was deported because he had been put on a terrorist watch list after information from "multiple international intelligence agencies" linked him to terrorist groups.

Officials, speaking on condition of anonymity, said that the Arar case fits the profile of a covert CIA "extraordinary rendition" -- the practice of turning over low-level, suspected terrorists to foreign intelligence services, some of which are known to torture prisoners.

Arar's case has brought repeated apologies from the Canadian government, which says it is investigating what information the Royal Canadian Mounted Police gave to U.S. authorities. Canada's foreign minister, Bill Graham, also said he would question the Syrian ambassador about Arar's statements about torture. In an interview on CBC Radio, Imad Moustafa, the Syrian chargé d'affaires in Washington, denied that Arar had been tortured.

Arar said U.S. officials apparently based the terrorism accusation on his connection to Abdullah Almalki, another Syrian-born Canadian. Almalki is being detained by Syrian authorities, although no charges against him have been reported. Arar said he knew Almalki only casually before his detention but encountered him at the Syrian prison where both were tortured.

Arar, whose case has become a cause celebre in Canada, demanded a public inquiry. "I am not a terrorist," he said. "I am not a member of al Qaeda. I have never been to Afghanistan."

He said he was flying home to Montreal via New York on Sept. 26, 2002, from a family visit to Tunisia.

"This is when my nightmare began," he said. "I was pulled aside by immigration and taken [away]. The police came and searched my bags. I asked to make a phone call and they would not let me." He said an FBI agent and a New York City police officer questioned him. "I was so scared," he said. "They told me I had no right to a lawyer because I was not an American citizen."

Arar said he was shackled, placed on a small jet and flown to Washington, where "a new team of people got on the plane" and took him to Amman, the capital of Jordan. Arar said U.S. officials handed him over to Jordanian authorities, who "blindfolded and chained me and put me in a van. . . . They made me bend my head down in the back seat. Then these men started beating me. Every time I tried to talk, they beat me."

Hours later, he said, he was taken to Syria and there he was forced to write that he had been to a training camp in Afghanistan. "They kept beating me, and I had to falsely confess," he said. "I was willing to confess to anything to stop the torture."

Arar said his prison cell "was like a grave, exactly like a grave. It had no light, it was three feet wide, it was six feet deep, it was seven feet high. . . . It had a metal door. There was a small opening in the ceiling. There were cats and rats up there, and from time to time, the cats peed through the opening into the cell."

Steven Watt, a human rights fellow at the Center for Constitutional Rights in Washington, said Arar's case raised questions about U.S. counterterrorism measures. "Here we have the United States involved in the removal of somebody to a country where it knows persons in custody of security agents are tortured," Watt said. "The U.S. was possibly benefiting from the fruits of that torture. I ask the question: Why wasn't he removed to Canada?"

A senior U.S. intelligence official discussed the case in terms of the secret rendition policy. There have been "a lot of rendition activities" since the Sept. 11, 2001, terrorist attacks in the United States, the official said. "We are doing a number of them, and they have been very productive."

Renditions are a legitimate option for dealing with suspected terrorists, intelligence officials argue. The U.S. government officially rejects the assertion that it knowingly sends suspects abroad to be tortured, but officials admit they sometimes do that. "The temptation is to have these folks in other hands because they have different standards," one official said. "Someone might be able to get information we can't from detainees," said another.

Syria, where use of torture during imprisonment has been documented by the State Department, maintains a secret but growing intelligence relationship with the CIA, according to intelligence experts.

"The Syrian government has provided some very useful assistance on al Qaeda in the past," said Cofer Black, former director of counterterrorism at the CIA who is now the counterterrorism coordinator at the State Department.

One senior intelligence official said Tuesday that Arar is still believed to have connections to al Qaeda. The Justice Department did not have enough evidence to detain him when he landed in the United States, the official said, and "the CIA doesn't keep people in this country."

With those limitations, and with a secret presidential "finding" authorizing the CIA to place suspects in foreign hands without due process, Arar may have been one of the people whisked overseas by the CIA.

In the early 1990s, renditions were exclusively law enforcement operations in which suspects were snatched by covert CIA or FBI teams and brought to the United States for trial or questioning. But CIA teams, working with foreign intelligence services, now capture suspected terrorists in one country and render them to another, often after U.S. interrogators have tried to gain information from them.

Renditions are considered a covert action. Congress, which oversees the CIA, knows of only the broad authority to carry out renditions but is not informed about individual cases, according to intelligence officials. Priest reported from Washington. Staff writers John Mintz and Glenn Kessler in Washington contributed to this report.

CORRECTION-DATE: November 6, 2003

CORRECTION:

A Nov. 5 article about the deportation of a Canadian citizen to Syria misstated the location of the Center for Constitutional Rights. It is based in New York.

LOAD-DATE: November 5, 2003

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Press Releases & Statements

Director's Statement on the CIA's Terrorist Interrogation Program

Statement to Employees by Director of the Central Intelligence Agency, General Michael V. Hayden on the CIA's Terrorist Interrogation Program

October 5, 2007

Yesterday, the press reported a classified Department of Justice opinion from May 2005 dealing with CIA's terrorist detention program. The story has sparked considerable comment, including claims that the opinion opened the door to more harsh interrogation tactics and that information about the interrogation methods we actually have used has been withheld from our oversight committees in Congress. Neither assertion is true.

As this issue continues to play out publicly, there are some important things you should bear in mind:

First, the CIA's terrorist interrogation effort has always been small, carefully run, and highly productive. Fewer than 100 hardened terrorists have gone through the program since it began in 2002, and, of those, less than a third have required any special methods of questioning. The Agency has over the years taken custody only of those terrorists thought to have information on potential attacks or unique insights into the workings of al-Qai'da and its affiliates. The United States and its allies have used the priceless intelligence from these men to disrupt plots, unravel networks, and save lives.

Second, this vital counter-terror initiative has been subject to multiple legal and policy reviews, inside CIA and beyond. The Agency has worked closely with the Department of Justice and others in our government to ensure that the interrogation program operates in strict accord with US law and takes full account of any changes to the law. We have been proactive in seeking opinions that anticipate new legislation or fresh interpretations of existing laws and treaties. We serve a democracy of laws, and we underscore our place in that democracy by acting in keeping with the law. As Director, I also have a special obligation to protect the skilled, seasoned, dedicated officers who have run this challenging effort. A clear, sustainable legal foundation for their work is the best way to do that.

Finally, a sustainable interrogation program requires not only direction and guidance from the Executive Branch, but support from Congress. Our oversight committees have been fully and repeatedly briefed on CIA's handling of detainees. They know the exceptional value that comes from the careful, lawful, and thorough questioning of key terrorists. They know what we do, and what we do not do—and we do not torture. They also know the lengths to which CIA, and our government as a whole, has gone to place and keep this source of intelligence collection, our most valuable in terms of al-Qai'da, on a sound and solid legal footing.

The American people expect us to meet threats to their safety and security, but to do so in keeping with the laws of our nation. That is something on which we as intelligence officers also insist, and something in which all of us can and should take pride.

Mike Hayden

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Press Releases & Statements

Director's Statement on the Taping of Early Detainee Interrogations

Statement to Employees by Director of the Central Intelligence Agency, General Mike Hayden on the Taping of Early Detainee Interrogations

December 6, 2007

The press has learned that back in 2002, during the initial stage of our terrorist detention program, CIA videotaped interrogations, and destroyed the tapes in 2005. I understand that the Agency did so only after it was determined they were no longer of intelligence value and not relevant to any internal, legislative, or judicial inquiries—including the trial of Zacarias Moussaoui. The decision to destroy the tapes was made within CIA itself. The leaders of our oversight committees in Congress were informed of the videos years ago and of the Agency's intention to dispose of the material. Our oversight committees also have been told that the videos were, in fact, destroyed.

If past public commentary on the Agency's detention program is any guide, we may see misinterpretations of the facts in the days ahead. With that in mind, I want you to have some background now.

CIA's terrorist detention and interrogation program began after the capture of Abu Zubaydah in March 2002. Zubaydah, who had extensive knowledge of al-Qa'ida personnel and operations, had been seriously wounded in a firefight. When President Bush officially acknowledged in September 2006 the existence of CIA's counter-terror initiative, he talked about Zubaydah, noting that this terrorist survived solely because of medical treatment arranged by CIA. Under normal questioning, Zubaydah became defiant and evasive. It was clear, in the President's words, that "Zubaydah had more information that could save innocent lives, but he stopped talking."

That made imperative the use of other means to obtain the information—means that were lawful, safe, and effective. To meet that need, CIA designed specific, appropriate interrogation procedures. Before they were used, they were reviewed and approved by the Department of Justice and by other elements of the Executive Branch. Even with the great care taken and detailed preparations made, the fact remains that this effort was new, and the Agency was determined that it proceed in accord with established legal and policy guidelines. So, on its own, CIA began to videotape interrogations.

The tapes were meant chiefly as an additional, internal check on the program in its early stages.

At one point, it was thought the tapes could serve as a backstop to guarantee that other methods of documenting the interrogations—and the crucial information they produced—were accurate and complete. The Agency soon determined that its documentary reporting was full and exacting, removing any need for tapes. Indeed, videotaping stopped in 2002.

As part of the rigorous review that has defined the detention program, the Office of General Counsel examined the tapes and determined that they showed lawful methods of questioning. The Office of Inspector General also examined the tapes in 2003 as part of its look at the Agency's detention and interrogation practices. Beyond their lack of intelligence value—as the interrogation sessions had already been exhaustively detailed in written channels—and the absence of any legal or internal reason to keep them, the tapes posed a serious security risk. Were they ever to leak, they would permit identification of your CIA colleagues who had served in the program, exposing them and their families to retaliation from al-Qa'ida and its sympathizers.

These decisions were made years ago. But it is my responsibility, as Director today, to explain to you what was done, and why. What matters here is that it was done in line with the law. Over the course of its life, the Agency's interrogation program has been of great value to our country. It has helped disrupt terrorist operations and save lives. It was built on a solid foundation of legal review. It has been conducted with careful supervision. If the story of these tapes is told fairly, it will underscore those facts.

Mike Hayden

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NAME	'Ali 'Abd al-'Aziz 'Ali
PHONETICS	ah-Lee ahbd-al-ah-ZEEZ ah-LEE
KEY ALIAS	'Ammar al-Baluchi
AFFILIATION	Al-Qa'ida
NATIONALITY	Baluchi born and raised in Kuwait

Pakistan-based al-Qa'ida operative 'Ammar al-Baluchi is a member of an extended family of extremists that has spawned such notorious terrorists as his detained uncle and 11 September mastermind Khalid Shaykh Muhammad (KSM) and cousin and incarcerated World Trade Center bomber Ramzi Yousef. 'Ammar served as a key lieutenant for KSM during the operation on 11 September and subsequently assisted his uncle on various plots against the United States and United Kingdom.

'Ammar, who is 29 years old, spent most of his teen years in Iran before moving to the United Arab Emirates (UAE) to work as a computer programmer in Dubai in 1998. Even before this move, he was gradually being influenced by his extremist relatives to become involved in terrorism; his chief mentor was Ramzi Yousef, who taught him in the early 1990s in Iran about the importance of war against the West. 'Ammar volunteered his services to KSM in 1997, and during 2000-2001 played an important role helping facilitate the operation on 11 September by transferring money to US-based operatives and acting as a travel facilitator to hijackers transiting the UAE on their way from Pakistan to the United States.

After the collapse of the Taliban in Afghanistan in late 2001, 'Ammar assisted KSM in organizing the movement of al-Qa'ida operatives and their families to safehouses in Pakistan. KSM also directed him at the forefront of planning for a variety of terrorist plots against the West, including:

- In late 2001 in Afghanistan, KSM directed 'Ammar to be the communications intermediary between al-Qa'ida and "shoe bombers" Richard Reid and Saajid Badat. In early 2002 in Pakistan, 'Ammar helped KSM prepare operatives for travel to the United States, ostensibly to carry out attacks.
- During 2002-2003 'Ammar also worked with KSM to prepare Majid Khan and others for travel to the United States to conduct terrorist operations. 'Ammar also sent Khan in late 2002 to Thailand to deliver \$50,000 to finance plotting by Jemaah Islamiya leader Hambali against US and Israeli targets in Southeast Asia.
- From late 2002, 'Ammar began plotting to carry out simultaneous attacks in Karachi against the US Consulate, Western residences, and Westerners at the local airport. After KSM's detention, 'Ammar assumed responsibility for the plot to carry out hijacking attacks from Heathrow Airport but decided to delay that plot until after the bombings in Karachi occurred. He was within days of completing preparations for the Karachi plot when he was captured.
- In 2002, 'Ammar directed Aafia Siddiqui—a US-educated neuroscientist and al-Qa'ida facilitator—to travel to the United States to prepare paperwork to ease Majid Khan's deployment to the United States. 'Ammar married Siddiqui shortly before his detention.

NAME	Ahmed Khalfan Ghailani
PHONETICS	geh-LAH-nee
KEY ALIAS(ES)	Haytham al-Kini
AFFILIATION(S)	Al-Qa'ida
NATIONALITY	Tanzanian

An al-Qa'ida document forger and travel facilitator, Ahmed Khalfan Ghailani—known in al-Qa'ida circles as Haytham al-Kini—rose in stature after 11 September 2001 to become one of al-Qa'ida's top forgers. Although Ghailani was not directly involved in operational planning, he worked for the now-deceased Hamza Rabi'a—then al-Qa'ida's chief of external operations—and forged or altered passports for many al-Qa'ida members. Most of his work involved substituting photos in passports and modifying visa stamps.

- Ghailani lived at various houses in North and South Waziristan in 2003 and 2004, which in conjunction with his forgery work, allowed him to meet many high- and low-level al-Qa'ida operatives.

Ghailani, born around 1974 in Zanzibar, Tanzania, is one of the FBI's Most Wanted terrorists and has been indicted for his role in the East Africa Embassy bombings on 7 August 1998. Ghailani, who knew many of the Africans involved in the attacks, originally met one of the operatives, Fahid Muhammad Ali Msalem, through a mutual friend; he later befriended the rest of the group after he began traveling between Dar es Salaam, Tanzania, and Mombasa, Kenya, transporting and selling various items and doing odd jobs. Msalem asked Ghailani at various times to help the group purchase a truck, gas cylinders, and TNT that would later be used to construct a car bomb, requests Ghailani fulfilled.

- Ghailani and several other operatives moved to Afghanistan—which Ghailani had wanted to do for several years—the day before the Embassy bombings.
- After arriving in Afghanistan, Ghailani attended regular training at one of al-Qa'ida's camps and served as a rank-and-file soldier. Ghailani eventually became a cook for Usama Bin Ladin before joining a group of fellow Africans in 2001 who ran al-Qa'ida's document forgery office in Kandahar, Afghanistan.
- Ghailani fled to Karachi, Pakistan, after the fall of the Taliban, but high-profile arrests in Karachi in April 2003 convinced him to move to South Waziristan.

NAME	Hambali
PHONETICS	HAM-bali
KEY ALIAS(ES)	Riduan bin Isomuddin (true name), Encep Nurjaman
AFFILIATION(S)	Jemaah Islamiya and al-Qa'ida
NATIONALITY	Born in Indonesia, ethnically Sundanese

Indonesian-born Riduan bin Isomuddin—best known among extremists as Hambali—was an operational mastermind in the Southeast Asia-based Islamic extremist group Jemaah Islamiya (JI) and also served as the main interface between JI and al-Qa'ida from 2000 until his capture in 2003. Hambali helped plan the first Bali bombings in 2002 that killed more than 200 persons and facilitated al-Qa'ida financing for the Jakarta Marriott Hotel bombing the following year. In late 2002, he also directed his subordinates Lillie and Zubair to case the British High Commission in Phnom Penh, Cambodia. Hambali was previously involved in the attempted assassination of the Philippine Ambassador to Indonesia in August 2000 and the bombings on Christmas Eve that year of some 30 churches across the archipelago. Hambali had longstanding ties to al-Qa'ida external operations chief Khalid Shaykh Muhammad (KSM). Before returning to Southeast Asia in December 2001, Hambali discussed operations with senior al-Qa'ida leaders regarding post-11 September attacks against US interests.

Hambali in 1999 established a cell of young JI operatives in Karachi, Pakistan—dubbed al-Ghuraba—which provided its members with advanced doctrinal and operational training, including at al-Qa'ida training camps in Afghanistan. Hambali tapped his younger brother, Rusman “Gun Gun” Gunawan, as deputy Ghuraba cell leader.

Hambali was born on 4 April 1964 in Cianjur, West Java, and is the eldest male of 11 children. His great-grandfather founded a local Islamic school, which Hambali attended during his early adolescence. Hambali was a devout Muslim youth who, at age 20, left Indonesia for Malaysia, ostensibly to seek work. While there, he met JI cofounders Abdullah Sungkar and Abu Bakar Bashir—fellow Indonesians who had fled the Suharto regime for Malaysia—and through them was exposed to radical Islamic teachings. Hambali tried unsuccessfully to get a scholarship to an Islamic school in Malaysia, before traveling in the mid-1980s to Afghanistan, where he fought alongside many of al-Qa'ida's future leaders. During his three-year stint in Afghanistan, he forged strong ties to Usama Bin Ladin and KSM. After returning to Malaysia in the early 1990s, Hambali and JI spiritual leader Bashir further developed their relationship and became close friends.

NAME	Mustafa Ahmad al-Hawsawi
PHONETICS	moo-STAH-fah ahl-hah-SOW-ee
KEY ALIAS(ES)	Hashim 'Abd al-Rahman, Zahir, Ayyub, Muhammad Adnan
AFFILIATION(S)	Al-Qa'ida
NATIONALITY	Saudi

Mustafa Ahmad al-Hawsawi was one of two key financial facilitators entrusted by 11 September mastermind Khalid Shaykh Muhammad (KSM) to manage the funding for the hijackings. As a trusted, respected financial facilitator known to the leadership, al-Hawsawi separately met with Usama Bin Ladin, his deputy Ayman al-Zawahiri, and al-Qa'ida spokesman Sulayman Bu Ghayth soon after the attacks on 11 September and had contact with many of al-Qa'ida's most senior managers.

Various reports suggest that al-Hawsawi had direct ties to several of the hijackers and to other operatives, including Ramzi Bin al-Shibh—who delivered some money from al-Hawsawi to the hijackers. In addition, al-Hawsawi and Bin al-Shibh served as a communications link between KSM and the hijackers. He shared a United Arab Emirates (UAE)-based financial account with one hijacker—an account that funded the hijackers' activities in the month before the attacks on 11 September. Four hijackers returned money directly to al-Hawsawi in the week before the attacks, which al-Hawsawi then redeemed in the UAE. Al-Hawsawi also wired thousands of dollars to Bin al-Shibh in the summer of 2001, per KSM's instructions. KSM also maintained his own financial links to al-Hawsawi. In 2001, KSM held a supplemental credit card linked to an al-Hawsawi account based in the UAE.

- Al-Hawsawi worked in the al-Qa'ida media center in Afghanistan from 2000—while it was under the direction of KSM—until he departed for the UAE in early 2001.

After the attacks on 11 September, al-Hawsawi fled the UAE and traveled to Afghanistan and to Pakistan, where he hid until his capture in 2003. KSM reportedly had been providing a safehouse and other logistic support to guarantee al-Hawsawi's security after he arrived in Pakistan.

- Hawsawi facilitated other operatives' travel, including Muhammad al-Qahtani, who was denied entry into the United States in the summer of 2001.
- Hawsawi's close relationship with KSM and the latter's active participation in providing for his security following 11 September suggests Hawsawi was key to KSM's operational team.

NAME	Lillie
PHONETICS	LIL-lee
KEY ALIAS(ES)	Mohammed Nazir Bin Lep (true name), Bashir Bin Lep
AFFILIATION(S)	Jemaah Islamiya and al-Qa'ida
NATIONALITY	Malaysian

Malaysian-born Mohammed Nazir Bin Lep (a.k.a. Bashir Bin Lep)—better known as Lillie—was one of Hambali's key lieutenants and had considerable operational experience. Lillie facilitated the transfer of al-Qa'ida funds used for the Jakarta Marriott Hotel bombing in 2003 and knew of the Jemaah Islamiya's (JI) targets and plans to launch attacks elsewhere in Southeast Asia. He was involved in 2002 in the JI plot against the British High Commission in Phnom Penh, Cambodia, and in mid-2002 eased targets in Bangkok and Pattaya, Thailand, at Hambali's direction. Lillie was particularly interested in the ideas of martyrdom and was slated to be a suicide operative for an al-Qa'ida "second wave" attack targeting Los Angeles. Lillie also had links to now-deceased JI bombmaker Dr. Azahari bin Husin and in 2002 received bombmaking tutorials from Azahari. Lillie spent time in Kandahar, Afghanistan, in 2000, where he trained at al-Qa'ida's al-Faruq camp in weaponry and explosives. Lillie attended Polytechnic University Malaysia in the mid-1990s, where he earned a degree in architecture.

NAME	Majid Khan
PHONETICS	MAH-jid KAHN
KEY ALIAS(ES)	Yusif
AFFILIATION(S)	Al-Qa'ida
NATIONALITY	Pakistani

Before his 2003 capture, Pakistani national Majid Khan was an al-Qa'ida operative with direct connections to the United States. In 1996, Khan moved to the United States with his family and settled in Baltimore, Maryland, but never obtained US citizenship. After graduating from high school in 1999, Khan became involved in a local Islamic organization and, in early 2002, returned to Pakistan. In Pakistan, Khan's uncle and cousin, who were al-Qa'ida operatives, introduced Khan to senior al-Qa'ida operational planner Khalid Shaykh Muhammad (KSM), who selected Khan as an operative for a possible attack inside the United States. KSM selected Khan because of his excellent English and extensive knowledge of the United States.

- During his stay in the United States, Khan worked at his family's gas station and was, therefore, able to assist KSM with his research into the feasibility of a plan to blow up gas stations in the United States. In support of this plot, Khan attended a training course at which he learned how to construct explosive timing devices.
- KSM further tasked Khan to conduct research on poisoning US water reservoirs and considered Khan for an operation to assassinate Pakistani President Musharraf. In addition, Khan passed a test that KSM orchestrated which showed that Khan was committed to being a suicide operative.
- In the fall of 2002 Khan also delivered money to Zubair, an operative who worked directly for Jemaah Islamiya (JI) leader and al-Qa'ida's South Asia representative Hamhali. The money was to support terrorist attacks against Western targets.

Khan and detained al-Qa'ida operative and facilitator 'Ammar al-Baluchi discussed with Uzair Paracha's father, Saifullah, a plan to use the New York office of Saifullah's Karachi-based textile import/export business to smuggle explosives into the United States for use with various al-Qa'ida attacks. Khan also had links to al-Qa'ida operatives and facilitators, most notably, Aafia Siddique, a US-educated neuroscientist and al-Qa'ida facilitator, who assisted Majid with documents to hide his travel to Pakistan from US authorities to reenter the United States.

In early 2003, Khan tapped Uzair Paracha, a US permanent resident alien he met in Pakistan through 'Ammar, to impersonate Khan in the United States to make it appear as if Khan had never left the United States and obtain immigration documents that would enable Khan to illegally reenter. Uzair Paracha was convicted and recently sentenced to 30 years imprisonment in the United States for material support to terrorism.

Khan recommended to KSM that Iyman Faris, a naturalized US citizen, be tasked for an al-Qa'ida operation. In 2003, Faris was convicted and sentenced to 20 years imprisonment in the United States on two counts pertaining to material support to terrorism. In 2002, Faris researched, at KSM's request, suspension bridges in New York and looked into obtaining the tools that would be necessary to cut bridge suspension cables.

NAME	'Abd al-Rahim al-Nashiri
PHONETICS	AHbd al-Rah-HEEM ah-NASH-er-REE
KEY ALIAS(ES)	Abd al-Rahim Hussein Muhammad Abdu (true name), Mullah Bilal, Bilal, Abu Bilal al-Makki, Khalid al-Safani, Amm Ahmad ("Uncle Ahmad")
AFFILIATION(S)	Al-Qa'ida
NATIONALITY	Saudi National of Yemeni descent

'Abd al-Rahim al-Nashiri was al-Qa'ida's operations chief in the Arabian Peninsula until his capture in 2002. Trained in explosives, Nashiri honed his expertise in suicide attacks and maritime operations. He led cells in Qatar, Saudi Arabia, the UAE, and Yemen, and he was the mastermind and local manager of the bombing in October 2000 of the USS Cole. The success of the USS Cole operation appeared to have propelled Nashiri into a role of greater responsibility.

Born in Mecca on 5 January 1965, Nashiri ended his formal education after intermediate school and eventually followed in the footsteps of his uncles and cousins to become an extremist. He participated in Ibn al-Khattab's Chechen and Tajik insurgencies and became a trainer at al-Qa'ida's Khaldan camp in Afghanistan in 1992. After returning from Tajikistan, Nashiri, accompanied by al-Qa'ida operative Khallad bin 'Attash, first met Usama Bin Ladin in 1994. In 1997, Nashiri fought with the Taliban in Kabul and Jalalabad. The following year, Nashiri and his cousin, Jihad Muhammad Abu Ali, were implicated in a Bin Ladin-sponsored operation to smuggle Sagger missiles into Saudi Arabia for use against an unspecified US military target. Nashiri was the leader of the plot and a major player in the Saudi cell at that time.

Nashiri was tasked by Bin Ladin in a private meeting in Afghanistan in 1998 to attack a US or Western oil tanker off the coast of Yemen. This original objective was subsequently modified by Bin Ladin in 1999 to target a US military ship in the Port of Aden. Nashiri's operatives' first attempt was unsuccessful when their boat laden with explosives sank in January 2000—they were probably targeting the USS The Sullivans. On Bin Ladin's instructions to try again, his suicide operatives successfully attacked the USS Cole in October; Nashiri was in Afghanistan at the time of the attack.

At the time of his arrest, Nashiri was arranging funding for a plot to crash a small airplane into the bridge of a Western navy vessel in Port Rashid, UAE, an operation he had hoped to execute in November or December 2002. He also was orchestrating additional attacks, one targeting a US housing compound in Riyadh, Saudi Arabia, which he had planned for mid-2003. Nashiri abandoned a plot that he was involved in earlier in 2002 to attack warships in the Strait of Hormuz, but his operatives—on orders from Bin Ladin—in October 2002 rammed the French tanker MV Limburg off the coast of Yemen with a small boat. Other plots that Nashiri was involved in included a car bomb attack against a Saudi military installation at Tabuk aimed at killing US military personnel, attacks on oil tankers in the Strait of Gibraltar and Western warships passing through the Port of Dubai, and attacks against land-based targets in Morocco, Qatar, and Saudi Arabia. Nashiri was convicted and sentenced to death by a Yemeni court, in absentia, for his part in the USS Cole bombing.

NAME	Abu Faraj al-Libi
PHONETICS	AH-boo FAH-raj ahl-LEE-bee
KEY ALIAS(ES)	Mustafa al-'Uzayti (probable true name), Mahfuz, 'Abd al-Hafiz, Abu Hamada, Tawfiq
AFFILIATION	Al-Qa'ida
NATIONALITY	Libyan

Veteran paramilitary commander and facilitator in the Pakistan-Afghanistan theater Abu Faraj took on more direct operational responsibilities following the arrest in 2003 of former al-Qa'ida external operations chief and 11 September mastermind Khalid Shaykh Muhammad (KSM). He was the organization's general manager subordinate only to Usama Bin Ladin and Ayman al-Zawahiri beginning in mid-2003, while being heavily involved in financing operatives and their families.

Abu Faraj was a communications conduit for al-Qa'ida managers to Bin Ladin from August 2003 until his capture in 2005. He was the recipient of couriered messages and public statements from Bin Ladin and passed messages to Bin Ladin from both senior lieutenants and rank-and-file members. Some of his work almost certainly required personal meetings with Bin Ladin or Zawahiri, a privilege reserved since 2002 for select members of the group.

Abu Faraj had frequent contact with now-deceased senior operational planner Hamza Rabi'a, and other senior managers involved with al-Qa'ida's external operations and paramilitary efforts. Abu Faraj searched for operatives on Rabi'a's behalf, including those who could travel to the United States for attacks, and he also asked now-deceased al-Qa'ida in Iraq leader Abu Mus'ab al-Zarqawi to target US interests outside of Iraq.

- Abu Faraj was suspected of involvement in plots to assassinate Pakistani President Musharraf.
- Abu Faraj served as a trainer in the early 1990s and later helped to administer al-Qa'ida's training camps in Afghanistan.

NAME	Zayn al-'Abidin Abu Zubaydah
PHONETIC	AH-Boo Zoo-BAY-duh
KEY ALIASES	Hani, Tariq
AFFILIATIONS	Al-Qa'ida
NATIONALITY	Palestinian, raised in Saudi Arabia

Zayn al-'Abidin Abu Zubaydah was a leading extremist facilitator who operated in the Afghanistan-Pakistan region from the mid-1990s. Bin Ladin recruited him to be one of al-Qa'ida's senior travel facilitators following Abu Zubaydah's success in 1996 at securing safe passage of al-Qa'ida members returning from Sudan to Afghanistan. In November 2001, Abu Zubaydah helped smuggle now-deceased al-Qa'ida in Iraq leader Abu Mus'ab al-Zarqawi and some 70 Arab fighters out of Kandahar, Afghanistan, into Iran.

- At the time of his capture, Abu Zubaydah was trying to organize a terrorist attack in Israel and he had enlisted the help of Zarqawi in finding a smuggling route into Israel for moving persons and materials.
- Although not believed to be directly linked to the attacks on 11 September 2001, the \$50,000 that Abu Zubaydah received from Saudi donors and passed to al-Qa'ida's senior leadership for his Israel plot may have been used for the attacks. Moreover, three of the hijackers received basic training at al-Qa'ida's Khaldan camp in Afghanistan, which was part of the "Khaldan group" of camps and guesthouses that he oversaw between 1995 and 2000.

Abu Zubaydah's early work as an extremist facilitator in the mid-1990s focused on recruiting Arabs in Pakistan and arranging their travel for various training camps in Afghanistan and the frontlines of Bosnia and Chechnya. Between 1994 and early 2000, he often smuggled both persons and chemicals—such as cyanide and nitrates for use by al-Qa'ida in making weapons—from Pakistan into Afghanistan. He learned document forgery and trained in explosives at the Khaldan camp, where he advanced to become instructor and then administrative director. In his role as a senior mujahidin facilitator and Khaldan camp director, he assisted Western-based trained extremists, including Americans.

- Abu Zubaydah established a document forgery network in Pakistan that supported al-Qa'ida and other extremist groups. In the late 1990s, he procured funds from donors in Kuwait, Saudi Arabia, and the United Arab Emirates, which he doled out to various contacts in Pakistan-based extremist networks for their terrorist activities.
- Abu Zubaydah also assisted US Millennium Plot operative Ahmad Ressaam to enter Afghanistan to attend a training camp in the late 1990s and to travel to Canada via the United States at the end of 1998. He facilitated the travel and training of the Jordanian cell that was involved in Jordan's Millennium Plot.

NAME	Ramzi Bin al-Shibh
PHONETICS	Rahm-zee bihn-uhl-SHEEB
KEY ALIASES	Abu Ubaydah, 'Umar Muhammad 'Abdallah Ba' Amar
AFFILIATION	Al-Qa'ida
NATIONALITY	Yemeni

Ramzi Bin al-Shibh, a key facilitator for the attacks on 11 September 2001, was a lead operative—until his capture in 2002—in the post-11 September plot conceived of by 11 September mastermind Khalid Shaykh Muhammad (KSM) to hijack aircraft and crash them into Heathrow Airport in the United Kingdom.

Bin al-Shibh was born in 1972 in southern Yemen. He noted that he was religious from the age of 12 and fought briefly in Yemen's civil war in 1994. After two attempts to immigrate to the United States failed, Bin al-Shibh traveled to Germany, where he applied for political asylum under an assumed name and as a Sudanese citizen. Denied his request for asylum in January 1996, he left Germany and returned to Yemen, where he applied for a visa in his true name. In December 1997, he returned to Germany, where he became a student. In Hamburg, he met hijackers Muhammad Atta, Marwan al-Shehhi, and Ziad Jarrah.

Bin al-Shibh, Atta, al-Shehhi, and Jarrah traveled to Afghanistan in 1999. In Afghanistan, the four men met Usama Bin Ladin, pledged their loyalty to him, and readily accepted Bin Ladin's proposal to martyr themselves in an operation against the United States. Bin al-Shibh was slated to be one of the 11 September hijacker pilots. He and Atta traveled to Karachi, where they met with KSM.

- After returning to Germany in early 2000, Bin al-Shibh obtained a new passport but was unable to obtain a US visa, despite four attempts. Bin al-Shibh said that in late 2000 he tried to convince a US citizen in San Diego via e-mail to marry him to gain entry into the United States, but Atta convinced him to abandon the idea.

During the eight months before the attacks, Bin al-Shibh was the primary communications intermediary between the hijackers in the United States and al-Qa'ida's leadership in Afghanistan and Pakistan. He relayed orders from al-Qa'ida senior operatives to Atta via e-mail or phone, and he met with Atta in Germany in January 2001 and in Spain in July 2001 for in-depth briefings from Atta on the progress of the plot. He also made travel plans to the United States for some of the 11 September terrorists and facilitated the transfer of money to the 11 September terrorists, including convicted terrorist Zacharias Moussaoui. After learning from Atta in late August 2001 of the date of the hijacking attacks, Bin al-Shibh passed the information to KSM.

- A week before the 11 September attacks, Bin al-Shibh left Germany and arrived in Afghanistan three or four days after the attacks. In late 2001, he fled Afghanistan after the collapse of the Taliban and began working with KSM in Karachi on follow-on plots against the West, particularly the Heathrow plot. He was tasked by KSM to recruit operatives in Saudi Arabia for an attack on Heathrow Airport, and, as of his capture, Bin al-Shibh had identified four operatives for the operation.

NAME	Zubair
PHONETICS	zoo-BEAR
KEY ALIAS(ES)	Mohd Farik bin Amin (true name), Zaid
AFFILIATION(S)	Jemaah Islamiya and al-Qa'ida
NATIONALITY	Malaysian

Al-Qa'ida and Jemaah Islamiya (JI) member Mohd Farik Bin Amin—best known as Zubair—served directly under JI operational planner Hambali. As one of Hambali's trusted associates, Zubair assisted in Hambali's operations, which included casing targets for JI planned attacks, until his capture in 2003. Hambali in November 2001 tapped Zubair to be a suicide operative for an al-Qa'ida attack targeting Los Angeles. Zubair played a role in transferring funds used to finance terrorist attacks in Southeast Asia from al-Qa'ida operations chief Khalid Shaykh Muhammad to Hambali. Zubair received small arms and combat tactics training at al-Qa'ida's al-Faruq Camp in Afghanistan in 2000 and again in 2001. While earning his degree in electronics telecommunications in Malaysia, Zubair met fellow student Bashir Bin Lap (a.k.a. Lillie), who also later became one of Hambali's lieutenants and was captured with Hambali in 2003.

NAME	Walid Bin 'Attash
PHONETICS	wah-LEED bin AH-tush
KEY ALIASES	Khallad Bin 'Attash, Silver
AFFILIATION	Al-Qa'ida
NATIONALITY	Yemeni, born and raised in Saudi Arabia

Walid Bin 'Attash, best known as Khallad, was a key al-Qa'ida operative from 1998 until his capture in 2003. Khallad, who is 27, is the scion of a prominent terrorist family: his father, Muhammad, was close to Usama Bin Ladin, and several of Khallad's brothers went to Afghanistan to train and fight in the 1990s; two of these brothers were killed—including one during US airstrikes in Afghanistan in late 2001—and another, Hassan, has been detained at Guantanamo Bay since 2004.

Khallad arrived in Afghanistan in about 1995 and trained at a number of camps. In 1996, after Bin Ladin's return to Afghanistan from Sudan, Khallad alternated between serving as a bodyguard for the al-Qa'ida leader and participating in combat against the Northern Alliance; he lost his right leg during a battlefield accident in 1997. In 1998, Bin Ladin began using Khallad operationally, first as the al-Qa'ida leader's intermediary to al-Qa'ida Arabian Peninsula network chief 'Abd al-Rahim al-Nashiri; together during 1998 and 1999, Khallad and Nashiri worked together on the maritime plot that culminated in the bombing of the USS Cole in October 2000. In early 1999, Bin Ladin reportedly selected him to become a hijacker in the operation on 11 September 2001, but he was arrested in Yemen in April of that year while attempting to obtain a US visa because local authorities suspected he was a different extremist. Although his brief imprisonment blocked his travel to the United States, Khallad otherwise assisted in the operation, including helping Bin Ladin select additional hijackers and traveling to Kuala Lumpur and Bangkok during December 1999-January 2000 to meet with hijackers Nawaf al-Hazmi and Khalid al-Mihdhar and to take two flights on a US-flagged airliner to assess in-flight security procedures.

- In late 1999, Bin Ladin asked him to help select about two-dozen experienced and reliable operatives for special training at the Mes Ainak camp in Afghanistan; Khallad supervised the training at the camp; many of these operatives went on to participate in prominent operations: one became a suicide bomber in the Cole operation; two were later 11 September hijackers; another was a cell leader who was killed during the suicide bombings in Riyadh in May 2003; and yet another gained renown for his involvement in the bombing of the Limburg in October 2002 and for his plot to assassinate the US Ambassador to Yemen.

After the attacks on 11 September, Khallad helped prepare al-Qa'ida's defenses around Tora Bora, then fled Afghanistan after the collapse of the Taliban in late 2001. In early January 2002, Khallad arrived in Karachi, where he served as a communications link between al-Qa'ida's senior leadership and the network in Saudi Arabia—particularly after the detention of al-Nashiri in late 2002—and assisted in the movement of operatives from South and Southeast Asia to the Arabian Peninsula. He also aided efforts by Khalid Shaykh Muhammad (KSM) to recruit Saudi hijackers for the al-Qa'ida plot to hijack airliners to attack Heathrow Airport.

- In the months before his arrest, Khallad and KSM's nephew 'Ammar al-Baluchi were organizing a plot to carry out simultaneous attacks in Karachi against the US Consulate, Western travelers at the airport, and Westerners residing in the Karachi area. The plot was close to execution when he was detained.

NAME	Khalid Shaykh Muhammad
PHONETICS	HAH-lid SHAKE moo-HAH-mud
KEY ALIAS	Mukhtar
AFFILIATION	Al-Qa'ida
NATIONALITY	Baluchi born and raised in Kuwait

Khalid Shaykh Muhammad (KSM) is one of history's most infamous terrorists, and his capture in 2003 deprived al-Qa'ida of one of its most capable senior operatives. He devoted most of his adult life to terrorist plotting, specifically against the United States, and was the driving force behind the attacks on 11 September 2001 as well as several subsequent plots against US and Western targets worldwide.

After graduating from North Carolina A&T State University in 1986 with a degree in mechanical engineering, KSM traveled to Afghanistan to participate in the anti-Soviet fighting there. KSM joined Yousef in the Philippines in 1994 to plan the "Bojinka" plot—the simultaneous bombings of a dozen US-flagged commercial airliners over the Pacific. After the plot was disrupted and Yousef was caught in early 1995, KSM was indicted for his role in the plot and went into hiding. By 1999, he convinced Usama Bin Ladin to provide him with operatives and funding for a new airliner plot, which culminated in the attacks on 11 September two years later.

- KSM headed al-Qa'ida's Media Committee from 2000 and he helped build close operational ties between al-Qa'ida and the Jemaah Islamiya (JI) terrorist group that was plotting against US and Israeli targets in Southeast Asia.

By late 2001, with the collapse of the Taliban regime and the dispersal of al-Qa'ida's leadership, the prestige associated with engineering the attacks on 11 September propelled KSM into the role of external operations chief for al-Qa'ida.

- In addition to plots targeting Britain, KSM launched several plots targeting the US Homeland, including a plot in late 2001 to have JI suicide operatives hijack a plane over the Pacific and crash it into a skyscraper on the US West Coast; a plan in early 2002 to send al-Qa'ida operatives to conduct attacks in the U.S.; and a plot in early 2003 to employ a network of Pakistanis—including Majid Khan—to smuggle explosives into New York and to target gas stations, railroad tracks, and a bridge in New York.

NAME	Gouled Hassan Dourad
PHONETICS	Goo-LED HAH-san Door-AHD
KEY ALIAS(ES)	Guleed Hassan Ahmad, Hanad
AFFILIATION(S)	al-Qa'ida, al-Ittihad al-Islami
NATIONALITY	Somali

Gouled Hassan Dourad was the head of a Mogadishu-based facilitation network of al-Ittihad al-Islami (AIAI) members that supported al-Qa'ida members in Somalia. Gouled was a member of a small, selective group of AIAI members who worked for the East African al-Qa'ida cell led by Abu Talha al-Sudani—Gouled's responsibilities included locating safehouses, assisting in the transfer of funds, and procuring weapons, explosives, and other supplies.

- Reporting suggests that Gouled carried out one operational mission for Abu Talha: during September–October 2003, he cased the US military base in Djibouti—Camp Lemonier—as part of Abu Talha's plot to conduct a suicide truck-bombing attack. He also was tasked by Abu Talha to purchase two rocket-propelled grenades, five AK-47 assault rifles and four 9mm pistols, which he delivered to Abu Talha in mid-2003.
- Gouled was privy to several terrorist plots under consideration by his AIAI cell, including shooting down an Ethiopian jetliner landing at an airport in Somalia in 2003 and kidnapping Western workers of nongovernmental organizations in Hargeysa, Somalia, in 2002 as a means to raise money for future AIAI operations. Following Gouled's arrest, AIAI terrorists on 19 March 2004 tried unsuccessfully to kidnap a German aid worker and murdered a Kenyan contract employee in Hargeysa.

Gouled was born in Mogadishu in 1974; when the Somali civil war erupted in 1991, his parents sent him to Germany, where he lived in a refugee camp. He traveled to Sweden and gained asylum there in 1993. In 1994, he attempted travel to the United States but was turned back in Iceland because of his fraudulent passport.

- While in Sweden, Gouled attended a Somali mosque, whose imam arranged for Gouled and his friend, future AIAI bombmaker Qasim Mohamed, to train in Afghanistan before joining the Somali war effort. Gouled trained at Khaldan camp in weapons and explosives from January through October 1996 and at another camp in Khowst in assassination techniques for several months. By late 1996, he returned to Somalia.

Gouled became a member of AIAI in 1997 out of a commitment to support the Somali war against Ethiopia and to win the Ogaden region of Ethiopia back for Somalia. He fought against the Ethiopians in Ogaden off and on from 1997 to 2002 and trained AIAI fighters. He allegedly became associated with al-Qa'ida because its members were in Somalia and his AIAI cell supported al-Qa'ida.

- Gouled was introduced to Abu Talha al-Sudani—who came to Mogadishu to hide following the Mombasa attacks in November 2002—in early 2003 by his AIAI cell leader. Gouled was recruited to work for Abu Talha, in part, because he had trained in Afghanistan; spoke Arabic, English, some Swedish, and Somali; and had a high-school education.

EXHIBIT

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'Stress and Duress' Tactics Used on Terrorism Suspects Held in Secret Overseas Facilities

BYLINE: Dana Priest and Barton Gellman, Washington Post Staff Writers

BODY:

Deep inside the forbidden zone at the U.S.-occupied Bagram air base in Afghanistan, around the corner from the detention center and beyond the segregated clandestine military units, sits a cluster of metal shipping containers protected by a triple layer of concertina wire. The containers hold the most valuable prizes in the war on terrorism -- captured al Qaeda operatives and Taliban commanders.

Those who refuse to cooperate inside this secret CIA interrogation center are sometimes kept standing or kneeling for hours, in black hoods or spray-painted goggles, according to intelligence specialists familiar with CIA interrogation methods. At times they are held in awkward, painful positions and deprived of sleep with a 24-hour bombardment of lights -- subject to what are known as "stress and duress" techniques.

Those who cooperate are rewarded with creature comforts, interrogators whose methods include feigned friendship, respect, cultural sensitivity and, in some cases, money. Some who do not cooperate are turned over -- "rendered," in official parlance -- to foreign intelligence services whose practice of torture has been documented by the U.S. government and human rights organizations.

In the multifaceted global war on terrorism waged by the Bush administration, one of the most opaque -- yet vital -- fronts is the detention and interrogation of terrorism suspects. U.S. officials have said little publicly about the captives' names, numbers or whereabouts, and virtually nothing about interrogation methods. But interviews with several former intelligence officials and 10 current U.S. national security officials -- including several people who witnessed the handling of prisoners -- provide insight into how the U.S. government is prosecuting this part of the war.

The picture that emerges is of a brass-knuckled quest for information, often in concert with allies of dubious human rights reputation, in which the traditional lines between right and wrong, legal and inhumane, are evolving and blurred.

While the U.S. government publicly denounces the use of torture, each of the current national security officials interviewed for this article defended the use of violence against captives as just and necessary. They expressed confidence that the American public would back their view. The CIA, which has primary responsibility for interrogations, declined to comment.

"If you don't violate someone's human rights some of the time, you probably aren't doing your job," said one official who has supervised the capture and transfer of accused terrorists. "I don't think we want to be promoting a view of zero tolerance on this. That was the whole problem for a long time with the CIA.."

The off-limits patch of ground at Bagram is one of a number of secret detention centers overseas where U.S. due process does not apply, according to several U.S. and European national security officials, where the CIA undertakes or

manages the interrogation of suspected terrorists. Another is Diego Garcia, a somewhat horseshoe-shaped island in the Indian Ocean that the United States leases from Britain.

U.S. officials oversee most of the interrogations, especially those of the most senior captives. In some cases, highly trained CIA officers question captives through interpreters. In others, the intelligence agency undertakes a "false flag" operation using fake decor and disguises meant to deceive a captive into thinking he is imprisoned in a country with a reputation for brutality, when, in reality, he is still in CIA hands. Sometimes, female officers conduct interrogations, a psychologically jarring experience for men reared in a conservative Muslim culture where women are never in control.

In other cases, usually involving lower-level captives, the CIA hands them to foreign intelligence services -- notably those of Jordan, Egypt and Morocco -- with a list of questions the agency wants answered. These "extraordinary renditions" are done without resort to legal process and usually involve countries with security services known for using brutal means.

According to U.S. officials, nearly 3,000 suspected al Qaeda members and their supporters have been detained worldwide since Sept. 11, 2001. About 625 are at the U.S. military's confinement facility at Guantanamo Bay, Cuba. Some officials estimated that fewer than 100 captives have been rendered to third countries. Thousands have been arrested and held with U.S. assistance in countries known for brutal treatment of prisoners, the officials said.

At a Sept. 26 joint hearing of the House and Senate intelligence committees, Cofer Black, then head of the CIA Counterterrorist Center, spoke cryptically about the agency's new forms of "operational flexibility" in dealing with suspected terrorists. "This is a very highly classified area, but I have to say that all you need to know: There was a before 9/11, and there was an after 9/11," Black said. "After 9/11 the gloves come off."

According to one official who has been directly involved in rendering captives into foreign hands, the understanding is, "We don't kick the [expletive] out of them. We send them to other countries so they can kick the [expletive] out of them." Some countries are known to use mind-altering drugs such as sodium pentathol, said other officials involved in the process.

Abu Zubaida, who is believed to be the most important al Qaeda member in detention, was shot in the groin during his apprehension in Pakistan in March. National security officials suggested that Zubaida's painkillers were used selectively in the beginning of his captivity. He is now said to be cooperating, and his information has led to the apprehension of other al Qaeda members.

U.S. National Security Council spokesman Sean McCormack declined to comment earlier this week on CIA or intelligence-related matters. But, he said: "The United States is treating enemy combatants in U.S. government control, wherever held, humanely and in a manner consistent with the principles of the Third Geneva Convention of 1949."

The convention outlined the standards for treatment of prisoners of war. Suspected terrorists in CIA hands have not been accorded POW status.

Other U.S. government officials, speaking on condition of anonymity, acknowledged that interrogators deprive some captives of sleep, a practice with ambiguous status in international law.

The U.N. High Commissioner for Human Rights, the authoritative interpreter of the international Convention Against Torture, has ruled that lengthy interrogation may incidentally and legitimately cost a prisoner sleep. But when employed for the purpose of breaking a prisoner's will, sleep deprivation "may in some cases constitute torture."

The State Department's annual human rights report routinely denounces sleep deprivation as an interrogation method. In its 2001 report on Turkey, Israel and Jordan, all U.S. allies, the department listed sleep deprivation among often-used alleged torture techniques.

U.S. officials who defend the renditions say the prisoners are sent to these third countries not because of their coercive questioning techniques, but because of their cultural affinity with the captives. Besides being illegal, they said, torture produces unreliable information from people who are desperate to stop the pain. They look to foreign allies more because their intelligence services can develop a culture of intimacy that Americans cannot. They may use interrogators who speak the captive's Arabic dialect and often use the prospects of shame and the reputation of the captive's family to goad the captive into talking.

In a speech on Dec. 11, CIA director George J. Tenet said that interrogations overseas have yielded significant returns recently. He calculated that worldwide efforts to capture or kill terrorists had eliminated about one-third of the al Qaeda leadership. "Almost half of our successes against senior al Qaeda members has come in recent months," he said.

Many of these successes have come as a result of information gained during interrogations. The capture of al Qaeda leaders Ramzi Binalshibh in Pakistan, Omar al-Faruq in Indonesia, Abd al-Rahim al-Nashiri in Kuwait and Muhammad al Darbi in Yemen were all partly the result of information gained during interrogations, according to U.S. intelligence and national security officials. All four remain under CIA control.

Time, rather than technique, has produced the most helpful information, several national security and intelligence officials said. Using its global computer database, the CIA is able to quickly check leads from captives in one country with information divulged by captives in another.

"We know so much more about them now than we did a year ago -- the personalities, how the networks are established, what they think are important targets, how they think we will react," said retired Army general Wayne Downing, the Bush administration's deputy national security adviser for combating terrorism until he resigned in June.

"The interrogations of Abu Zubaida drove me nuts at times," Downing said. "He and some of the others are very clever guys. At times I felt we were in a classic counter-interrogation class: They were telling us what they think we already knew. Then, what they thought we wanted to know. As they did that, they fabricated and weaved in threads that went nowhere. But, even with these ploys, we still get valuable information and they are off the street, unable to plot and coordinate future attacks."

In contrast to the detention center at Guantanamo Bay, where military lawyers, news reporters and the Red Cross received occasional access to monitor prisoner conditions and treatment, the CIA's overseas interrogation facilities are off-limits to outsiders, and often even to other government agencies. In addition to Bagram and Diego Garcia, the CIA has other secret detention centers overseas, and often uses the facilities of foreign intelligence services.

Free from the scrutiny of military lawyers steeped in the international laws of war, the CIA and its intelligence service allies have the leeway to exert physically and psychologically aggressive techniques, said national security officials and U.S. and European intelligence officers.

Although no direct evidence of mistreatment of prisoners in U.S. custody has come to light, the prisoners are denied access to lawyers or organizations, such as the Red Cross, that could independently assess their treatment. Even their names are secret.

This month, the U.S. military announced that it had begun a criminal investigation into the handling of two prisoners who died in U.S. custody at the Bagram base. A base spokesman said autopsies found one of the detainees died of a pulmonary embolism, the other of a heart attack.

Al Qaeda suspects are seldom taken without force, and some suspects have been wounded during their capture. After apprehending suspects, U.S. take-down teams -- a mix of military special forces, FBI agents, CIA case officers and local allies -- aim to disorient and intimidate them on the way to detention facilities.

According to Americans with direct knowledge and others who have witnessed the treatment, captives are often "softened up" by MPs and U.S. Army Special Forces troops who beat them up and confine them in tiny rooms. The alleged terrorists are commonly blindfolded and thrown into walls, bound in painful positions, subjected to loud noises and deprived of sleep. The tone of intimidation and fear is the beginning, they said, of a process of piercing a prisoner's resistance.

The take-down teams often "package" prisoners for transport, fitting them with hoods and gags, and binding them to stretchers with duct tape.

Bush administration appointees and career national security officials acknowledged that, as one of them put it, "our guys may kick them around a little bit in the adrenaline of the immediate aftermath." Another said U.S. personnel are scrupulous in providing medical care to captives, adding in a deadpan voice, that "pain control [in wounded patients] is a very subjective thing."

The CIA's participation in the interrogation of rendered terrorist suspects varies from country to country.

"In some cases [involving interrogations in Saudi Arabia], we're able to observe through one-way mirrors the live investigations," said a senior U.S. official involved in Middle East security issues. "In others, we usually get summaries. We will feed questions to their investigators. They're still very much in control."

The official added: "We're not aware of any torture or even physical abuse."

Tenet acknowledged the Saudis' role in his Dec. 11 speech. "The Saudis are proving increasingly important support to our counterterrorism efforts -- from making arrests to sharing debriefing results," he said.

But Saudi Arabia is also said to withhold information that might lead the U.S. government to conclusions or policies that the Saudi royal family fears. U.S. teams, for that reason, have sometimes sent Saudi nationals to Egypt instead.

Jordan is a favored country for renditions, several U.S. officials said. The Jordanians are considered "highly professional" interrogators, which some officials said meant that they do not use torture. But the State Department's 2001 human rights report criticized Jordan and its General Intelligence Directorate for arbitrary and unlawful detentions and abuse.

"The most frequently alleged methods of torture include sleep deprivation, beatings on the soles of the feet, prolonged suspension with ropes in contorted positions and extended solitary confinement," the 2001 report noted. Jordan also is known to use prisoners' family members to induce suspects to talk.

Another significant destination for rendered suspects is Morocco, whose general intelligence service has sharply stepped up cooperation with the United States. Morocco has a documented history of torture, as well as longstanding ties to the CIA.

The State Department's human rights report says Moroccan law "prohibits torture, and the government claims that the use of torture has been discontinued; however, some members of the security forces still tortured or otherwise abused detainees."

In at least one case, U.S. operatives led the capture and transfer of an al Qaeda suspect to Syria, which for years has been near the top of U.S. lists of human rights violators and sponsors of terrorism. The German government strongly protested the move. The suspect, Mohammed Haydar Zammar, holds joint German and Syrian citizenship. It could not be learned how much of Zammar's interrogation record Syria has provided the CIA.

The Bush administration maintains a legal distance from any mistreatment that occurs overseas, officials said, by denying that torture is the intended result of its rendition policy. American teams, officials said, do no more than assist in the transfer of suspects who are wanted on criminal charges by friendly countries. But five officials acknowledged, as one of them put it, "that sometimes a friendly country can be invited to 'want' someone we grab." Then, other officials said, the foreign government will charge him with a crime of some sort.

One official who has had direct involvement in renditions said he knew they were likely to be tortured. "I . . . do it with my eyes open," he said.

According to present and former officials with firsthand knowledge, the CIA's authoritative Directorate of Operations instructions, drafted in cooperation with the general counsel, tells case officers in the field that they may not engage in, provide advice about or encourage the use of torture by cooperating intelligence services from other countries.

"Based largely on the Central American human rights experience," said Fred Hitz, former CIA inspector general, "we don't do torture, and we can't countenance torture in terms of we can't know of it." But if a country offers information gleaned from interrogations, "we can use the fruits of it."

Bush administration officials said the CIA, in practice, is using a narrow definition of what counts as "knowing" that a suspect has been tortured. "If we're not there in the room, who is to say?" said one official conversant with recent reports of renditions.

The Clinton administration pioneered the use of extraordinary rendition after the bombings of U.S. embassies in Kenya and Tanzania in 1998. But it also pressed allied intelligence services to respect lawful boundaries in interrogations.

After years of fruitless talks in Egypt, President Bill Clinton cut off funding and cooperation with the directorate of Egypt's general intelligence service, whose torture of suspects has been a perennial theme in State Department human rights reports.

"You can be sure," one Bush administration official said, "that we are not spending a lot of time on that now."

Staff writers Bob Woodward, Susan Schmidt and Douglas Farah, and correspondent Peter Finn in Berlin, contributed to this report.

LOAD-DATE: December 26, 2002

EXHIBIT

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THE 9/11
COMMISSION
REPORT

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Ali Abdul Aziz Ali	(a.k.a. Ammar al Baluchi) Pakistani; KSM's nephew; financial and travel facilitator for 9/11 plot
Ahmad Khalil Ibrahim Samir al Ani	Iraqi intelligence officer who allegedly met with Atta in Prague, Czech Republic; currently in U.S. custody
Mohamed Atta	Egyptian; tactical leader of 9/11 plot; pilot/hijacker (AA 11) (deceased)
Mohammed Atef	(a.k.a. Abu Hafs al Masri) Egyptian; al Qaeda military commander (deceased)
Tawfiq bin Attash	(a.k.a. Khallad, Waleed bin Attash) Yemeni; senior al Qaeda operative connected to the U.S. embassy bombings, the USS <i>Cole</i> attack, and the 9/11 attacks; currently in U.S. custody
Anwar Aulaji	U.S. citizen; Imam at Rabat mosque (San Diego, CA) and later at Dar al Hijra mosque (Falls Church, VA), who associated with two 9/11 hijackers
Abdullah Azzam	Palestinian; founder of the Maktab al Khidmat, which provided logistical support to mujahideen in Afghanistan (deceased)
Jamal al Badawi	Yemeni; co-conspirator arrested in Yemen for the USS <i>Cole</i> attack
Said Bahaji	German son of Moroccan immigrant; Hamburg cell associate
Saeed al Baluchi	Saudi; candidate 9/11 hijacker
Fayez Banihammad	Emirati; 9/11 hijacker (UA 175) (deceased)
Abu Ubaidah al Banshiri	Egyptian; al Qaeda military commander until 1996 (deceased)
Abu Bara al Yemeni	(a.k.a. Abu al Bara al Ta'izi, Suhail Shurabi, and Barakat) Yemeni; potential suicide bomber in original 9/11 plot
Ramzi Binalshibh	Yemeni; Hamburg cell member; coordinator for 9/11 plot; currently in U.S. custody
Omar Hassan Ahmed al Bashir	President of Sudan, 1989–
Abu Bakar Bashir	Indonesian; spiritual leader and founder of Jemaah Islamiya, al Qaeda-affiliated terrorist group in Southeast Asia
Omar al Bayoumi	Saudi; assisted two 9/11 hijackers in San Diego, CA
Khalil Deek	U.S. citizen; created electronic version of <i>Encyclopedia of Jihad</i> ; believed to be involved in millen-

	mium plot to destroy tourist landmarks in Jordan
Caysan Bin Don	(a.k.a. Isamu Dyson, a.k.a. Clayton Morgan) U.S. citizen; met two 9/11 hijackers in Los Angeles and San Diego, CA
Zakariya Essabar	Moroccan; Hamburg cell associate
Jamal Ahmed Mohamed al Fadl	Sudanese; al Qaeda member who defected to the United States in 1996
Ahmed al Ghamdi	Saudi; 9/11 hijacker (UA 175) (deceased)
Ali Abd al Rahman al Faqasi al Ghamdi	(a.k.a. Abu Bakr al Azdi) Saudi; candidate 9/11 hijacker; currently in U.S. custody
Hamza al Ghamdi	Saudi; 9/11 hijacker (UA 175) (deceased)
Saeed al Ghamdi	Saudi; 9/11 hijacker (UA 93) (deceased)
Saeed ("Jihad") al Ghamdi	Saudi; candidate 9/11 hijacker
Hassan Ghul	Pakistani; al Qaeda facilitator; currently in U.S. custody
Abu Hafis al Masri	<i>see</i> Mohammed Atef
Abu Hafis al Mauritani	Mauritanian; senior al Qaeda theologian
Wadi al Hage	U.S. citizen; al Qaeda operative; Bin Ladin's personal assistant; convicted in embassy bombings trial
Mushabib al Hamlan	Saudi; candidate 9/11 hijacker
Hani Hanjour	Saudi; 9/11 pilot/hijacker (AA 77) (deceased)
Mustafa al Hawsawi	Saudi; al Qaeda media committee member; financial and travel facilitator for 9/11 plot
Nawaf al Hazmi	Saudi; 9/11 hijacker (AA 77) (deceased)
Salem al Hazmi	Saudi; 9/11 hijacker (AA 77) (deceased)
Ahmad al Haznawi	Saudi; 9/11 hijacker (UA 93) (deceased)
Gulbuddin Hekmatyar	Afghani; founder and leader of the Hizb-e-Islami, a Taliban opposition group; Prime Minister of Afghanistan, 1993-1994; 1996
Saddam Hussein	President of Iraq, 1979-2003
Zein al Abideen Mohamed Hussein	(a.k.a. Abu Zubaydah) Palestinian; al Qaeda associate; currently in U.S. custody
Abu Hajar al Iraqi	<i>see</i> Mamdouh Mahmud Salim
Riduan Isamuddin	(a.k.a. Hambali) Indonesian; operational leader of Jemaah Islamiya; currently in U.S. custody
Ziad Jarrah	Lebanese; 9/11 pilot/hijacker (UA 93) (deceased)
Abderraouf Jdey	(a.k.a. Faruq al Tunisi) Tunisian/Canadian; candidate 9/11 hijacker

Mohamed al Kahtani	Saudi; candidate 9/11 hijacker; currently in U.S. custody
Mir Amal Kansi	Pakistani; extremist who killed two CIA employees at CIA headquarters in Virginia in 1993 (executed)
Hamid Karzai	Interim Leader and later President of Afghanistan, Dec. 2001–
Younis Khalis	Afghani; leader of Hizb-e-Islami; hosted UBL upon his return to Afghanistan in 1996
Khallad	<i>see</i> Tawfiq bin Attash
Wali Khan Amin Shah	(a.k.a. Osama Asmurai) Turkmen; early associate of Usama Bin Ladin; convicted in Manila air (Bojinka) plot
Ibn al Khattab	Saudi; mujahid leader in Chechnya
L'Houssaine Kherchtou	(a.k.a. Joe the Moroccan, Abu Talal) Moroccan; former al Qaeda member who broke with Bin Ladin and became a U.S. government informant
Usama Bin Ladin	(UBL) Saudi; head of al Qaeda
Ibn al Shaykh al Libi	Libyan; head of jihadist training camp in Afghanistan
Ahmed al Nami	Saudi; 9/11 hijacker (UA 93) (deceased)
Sheikh Saeed al Masri	Egyptian; head of al Qaeda finance committee
Ahmed Shah Massoud	Leader of Afghanistan's Northern Alliance, a Taliban opposition group (assassinated Sept. 9, 2001)
Khalid al Mihdhar	Saudi; 9/11 hijacker (AA 77) (deceased)
Khalid Sheikh Mohammed	(KSM) (a.k.a. Mukhtar) Pakistani; mastermind of 9/11 attacks; currently in U.S. custody
Majed Moqed	Saudi; 9/11 hijacker (AA 77) (deceased)
Mounir el Motassadeq	Moroccan; Hamburg cell associate
Zacarias Moussaoui	French; arrested in the U.S. in connection with the 9/11 attacks
Hosni Mubarak	President of Egypt, 1981–
Pervez Musharraf	Leader of Pakistan, 1999–
Abdelghani Mzoudi	Moroccan; Hamburg cell associate
Qutaybah al Najdi	Saudi; candidate 9/11 hijacker
Abd al Rahim al Nashiri	(a.k.a. Mullah Bilal) Saudi; mastermind of USS <i>Cole</i> attack; currently in U.S. custody
Mullah Mohammed Omar	Leader of Afghanistan's Taliban, which ruled most of the country from 1996 to 2001
Abdul Aziz al Omari	Saudi; 9/11 hijacker (AA 11) (deceased)
Muammar Qadhafi	Leader of Libya, 1970–

EXHIBIT

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LEXSEE 2006 U.S. DIST. LEXIS 1

UNITED STATES OF AMERICA -against- UZAIR PARACHA, Defendant.

03 Cr. 1197 (SHS)

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

2006 U.S. Dist. LEXIS 1; 69 Fed. R. Evid. Serv. (Callaghan) 130

January 3, 2006, Decided

January 3, 2006, Filed

SUBSEQUENT HISTORY: Affirmed by *United States v. Paracha*, 2008 U.S. App. LEXIS 12937 (2d Cir., June 19, 2008)

PRIOR HISTORY: *United States v. Paracha*, 2004 U.S. Dist. LEXIS 16892 (S.D.N.Y., Aug. 24, 2004)

CASE SUMMARY:

PROCEDURAL POSTURE: Defendant was convicted by a jury on charges of, inter alia, providing material support to a terrorist organization (al Qaeda) in violation of 18 U.S.C.S. § 2339B; the district court subsequently set forth with greater specificity the reasoning behind three of its evidentiary trial determinations.

OVERVIEW: Concerning the defendant's access to witnesses to take pretrial depositions to preserve testimony for trial of prospective defense witnesses held outside of the United States, the district court clarified that it rejected the Government's contention that separation of powers principles placed the witnesses beyond the court's compulsory process power but held that alternative means of presenting the witnesses' testimony to the jury would satisfy the defendant's *Sixth* and *Fifth Amendment* rights. Likewise, the court found that the Government sufficiently demonstrated the reliability of its proposed terrorism expert's peer review based "vetting" methodology in forming his opinions on al Qaeda's origins, leaders, and certain tradecraft. Finally, as to the court's jury instructions on the mens rea requirement for 18 U.S.C.S. § 2339B, the court specified that to sustain a conviction the Government must prove that the defendant acted knowing that what he was providing could further the interests of al Qaeda as an organization, not simply the personal interests of its individual members and that

knowledge that what the defendant provided was, in fact, "material support" was not required.

OUTCOME: The district court set forth with greater specificity the reasoning behind its trial determinations related to defendant's conviction on charges of providing material support to a terrorist organization.

LexisNexis(R) Headnotes***Criminal Law & Procedure > Discovery & Inspection > Depositions***

[HN1] *Fed. R. Crim. P. 15(a)* authorizes a party to move for the deposition of a prospective witness in order to preserve testimony for trial and authorizes a court to grant that motion because of exceptional circumstances and in the interest of justice. Exceptional circumstances generally exist if the testimony is material and the witness is unavailable.

Constitutional Law > Bill of Rights > Fundamental Rights > Criminal Process > Compulsory Process

[HN2] The *Sixth Amendment* guarantees that in all criminal prosecutions, the accused shall enjoy the right to have compulsory process for obtaining witnesses in his favor. *U.S. Const. amend. VI*. The United States Supreme Court has recognized that few rights are more fundamental than that of an accused to present witnesses in his own defense, indeed, this right is an essential attribute of the adversary system itself. At a minimum, the *Sixth Amendment* encompasses the right of criminal defendants to the Government's assistance in compelling the attendance of favorable witnesses at trial and the right to put before a jury evidence that might influence the determination of guilt.

material and the witness is unavailable. *See United States v. Johnpoll*, 739 F.2d 702, 709 (2d Cir. 1984); *see also United States v. Grossman*, 2005 U.S. Dist. LEXIS 3135, No. S2 03 Cr. 1156, 2005 WL 486735, at *2 (S.D.N.Y. Mar. 2, 2005) (quoting *United States v. Cohen*, 260 F.3d 68, 78 (2d Cir. 2001)). Paracha asserted on information and belief that the three individuals were unavailable for trial because they were being held in the custody of the United States government in Afghanistan. (*See* Def's Mem. of Law in Support of Pretrial Motions, at 21).

On November 15, 2004, the Court denied that motion on the ground that Paracha had failed to establish that the witnesses were likely to provide material testimony. (Tr. of Nov. 15, 2004 Conf. at 11). [*9] The government did acknowledge that Saifullah Paracha was being held in the custody of the U.S. Department of Defense at the U.S. Naval Base in Guantanamo Bay, Cuba and subsequently disclosed statements made by him during a hearing before the Combatant Status Review Tribunal at Guantanamo Bay. Certain of those statements tended to exculpate Uzair Paracha from involvement in the charged crimes. Following the release of those statements to defendant, Paracha moved for reconsideration of the denial of his *Rule 15* motion.

In response to Paracha's motion, the government -- appropriately -- conceded that the declassified materials demonstrated the materiality of Saifullah Paracha's testimony to the defense of this action. (Tr. of Feb. 15, 2005 Conf. at p. 3-5). Thereafter, the parties reached agreement regarding procedures for a deposition of Saifullah Paracha at Guantanamo Bay and this Court ordered that a *Rule 15* deposition of Saifullah be taken in accordance with those procedures. (Stipulation and Order, dated May 20, 2005). Four months later, by letter dated September 16, 2005, Paracha's counsel informed the government that the defense had decided not to depose Saifullah [*10] Paracha, (*see* Letter from Edward D. Wilford to Karl Metzner, dated Sept. 16, 2005), despite the fact that a deposition had been scheduled to take place twelve days later. (*See* Letter from Karl Metzner to the Court, dated September 19, 2005, at 1). After declining to take the Court sanctioned *Rule 15* deposition of Saifullah Paracha, the defendant sought the issuance of a writ *ad testificandum* directing the government to produce Saifullah Paracha to testify at trial.

After the release of Saifullah's statements to the Combatant Status Review Tribunal, Paracha had also renewed his motion to depose Majid Khan and Khalid Sheik Mohammed, but asserted that his ability to demonstrate the materiality of their testimony continued to be hindered by his lack of access to those individuals or any statements attributed to them. The government indicated that an additional review of information in its possession was warranted to ensure that all exculpatory materials

regarding Khan and Mohammed were disclosed; resolution of defendant's motion for access to Khan and Mohammed was deferred until the government completed that review. (Tr. of Feb. 15, 2005 Conf. at 7-8, 11-12).

[*11] On June 13, 2005, the government filed, *ex parte* and under seal, a Motion for a Protective Order Pursuant to Section 4 of the Classified Information Procedures Act, 18 U.S.C. App. 3, § 4, and *Rule 16 of the Federal Rules of Criminal Procedure*, seeking an order from the Court authorizing disclosure of unclassified summaries of certain classified documents, in lieu of disclosure of the classified documents themselves, in connection with the government's disclosure obligations pursuant to *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963).

A week later, the government, appearing *ex parte*, provided the Court with the underlying classified materials for the Court's review. The Court reviewed those materials, asked for and received clarification regarding certain information and identified certain additional information that the government was required to include in the unclassified summaries to satisfy the government's *Brady* obligations. (Order, dated July 8, 2005). Pursuant to the Court's Order dated July 8, 2005, the government disclosed the unclassified summaries with the additions required by the Court to the defense. [*12] Those unclassified summaries consisted of statements attributed to three individuals: (1) Majid Khan; (2) an individual known to defendant as "Mustafa" who has subsequently been identified as Ammar al Baluchi and (3) an individual known to defendant as "Uzair," who has subsequently been identified as Khalid Sheik Mohammed.

Based on these summaries, the defense again moved pursuant to *Fed. R. Crim. P. 15(a)(1)* for access to Majid Khan and Khalid Sheik Mohammed for the purpose of securing and preserving their testimony for trial and for the first time also sought permission to depose Ammar al Baluchi. The government continued to oppose the request for access to Mohammed on grounds that his testimony would not be material to the defense and opposed the request for access to Khan or al Baluchi on national security grounds. In light of the conceded materiality of Khan and al Baluchi's testimony, however, the government proposed that the crafting of some substitution for their live testimony was warranted.

The Court first addresses Paracha's request for access to Mohammed, Khan and al Baluchi and then turns to the request for the trial writ for [*13] Saifullah Paracha.

B. Access to Khalid Sheik Mohammed, Majid Khan and Ammar al Baluchi

Three of the witnesses to whom Paracha seeks access -- Khalid Sheik Mohammed, Majid Khan and Ammar al Baluchi -- are presumed to be al Qaeda associates (see Unclassified Summaries, Ex. A to Def's Notice of Mot. to Compel *Rule 15* Depositions of Certain Individuals & for Bail, "Unclassified Summaries") and are asserted by Paracha to be held in the custody of the United States government in undisclosed locations abroad in connection with the conflict against al Qaeda. Although the government takes the position that national security concerns prohibit it from confirming or denying that it has access to, or custody of, any of these three individuals, it agrees that *solely for the purposes of this motion* they may be presumed to be held in the custody of the United States abroad. (See Govt's Mem. in Opp. to Paracha's Pretrial Mots., at 15). Paracha asserts a right to compel the production of these individuals to testify in his defense at trial pursuant to the *Sixth Amendment's Compulsory Process clause* and the *Fifth Amendment's Due Process clause*. The government insists that even assuming [*14] that the individuals are in United States custody, separation of powers principles place them outside the Court's compulsory process power, and thus the *Sixth Amendment* affords Paracha no right of access to those individuals. The government concedes, however, that the *Fifth Amendment* may entitle defendant the right to present their testimony in some form. The questions the Court must resolve are (1) whether the individuals are within this Court's compulsory process power; (2) whether Paracha is entitled to an order compelling their production at trial or permitting access for a *Rule 15* deposition; and (3) whether some alternative means of presenting the witnesses' testimony to the jury will satisfy Paracha's *Sixth* and *Fifth Amendment* rights. The Court addresses each question in turn.

1. The Prospective Witnesses Are Within the Court's Process Power

[HN2] The *Sixth Amendment* guarantees that "in all criminal prosecutions, the accused shall enjoy the right ... to have compulsory process for obtaining witnesses in his favor." *U.S. Const. amend. VI*. The United States Supreme Court has recognized that "few rights are more fundamental than that of an accused to present witnesses in his [*15] own defense," noting that "indeed, this right is an essential attribute of the adversary system itself." *Taylor v. Illinois*, 484 U.S. 400, 408, 108 S. Ct. 646, 98 L. Ed. 2d 798 (1988). "At a minimum," the *Sixth Amendment* encompasses the right of "criminal defendants . . . to the government's assistance in compelling the attendance of favorable witnesses at trial and the right to put before a jury evidence that might influence the determination of guilt." *Id.* (quoting *Pennsylvania v. Ritchie*, 480 U.S. 39, 56, 107 S. Ct. 989, 94 L. Ed. 2d 40 (1987)).

[HN3] The *Sixth Amendment* affords a right to compulsory process, however, "only where it is within the power of the federal government to provide it." *United States v. Greco*, 298 F.2d 247, 251 (2d Cir. 1962). Although the subpoena power of the Court -- the power generally invoked to compel the presence of witnesses at trial pursuant to *Fed. R. Crim. P. 17(b)* -- does not extend to foreign nationals outside the United States, see *United States v. Zabaneh*, 837 F.2d 1249, 1259-60 (5th Cir. 1988); see also *United States v. Herbert*, 2005 U.S. Dist. LEXIS 731, No. 03 Cr. 211, 2005 WL 106909, *1 (S.D.N.Y. Jan. 19, 2005), [*16] when a prospective witness is held in custody -- as each of the prospective witnesses here is presumed to be only for purposes of this argument -- the proper procedure is for the defendant to seek the issuance of a writ *ad testificandum*. See 28 U.S.C. § 2241(c)(5) ("the writ of habeas corpus shall not extend to a prisoner unless . . . it is necessary to bring him into court to testify or for trial"); *United States v. Cruz-Jiminez*, 977 F.2d 95, 99-100 (3rd Cir. 1992); *United States v. Gotti*, 784 F. Supp. 1011, 1012-13 (E.D.N.Y. 1992). The proper analysis in this case is not whether the Court can reach the witness through its subpoena power, but whether the Court has the power to issue a writ of habeas corpus *ad testificandum* to the witnesses' custodian. *United States v. Moussaoui*, 382 F.3d 453, 464 (4th Cir. 2004), cert. denied, 544 U.S. 931, 125 S. Ct. 1670, 161 L. Ed. 2d 496 (Mar. 21, 2005).

[HN4] Ordinarily, a habeas writ must be served on a prisoner's immediate custodian. However, where, as here, the immediate custodian is unknown, a writ may properly be served on the [*17] prisoner's ultimate custodian. See *Demjanjuk v. Meese*, 251 U.S. App. D.C. 310, 784 F.2d 1114, 1116 (D.C. Cir. 1986) (cited in *Rumsfeld v. Padilla*, 542 U.S. 426, 450, n. 18, 124 S. Ct. 2711, 159 L. Ed. 2d 513 (2004)); see also *Moussaoui*, 382 F.3d at 465. Here, as in *Moussaoui*, the Court assumes for the purposes of the motion that the three prospective witnesses are within the custody of the United States military; in such a case, the witnesses' ultimate custodian, the Secretary of Defense, would be "indisputably within the process power" of this Court and "thus a proper recipient of a testimonial writ directing production of the witnesses." See *Moussaoui*, 382 F.3d at 465. Moreover, even if it were necessary to serve the writ on an immediate custodian, the assumption that the witnesses are held abroad does not place them beyond this Court's compulsory process power because -- as several courts have recognized -- testimonial writs can be issued extraterritorially. See *Moussaoui*, 382 F.3d at 465-66; (citing *Carbo v. United States*, 364 U.S. 611, 81 S. Ct. 338, 5 L. Ed. 2d 329 (1961) [*18] and *Muhammad v. Warden*, 849 F.2d 107, 114 (4th Cir. 1988) (explaining why the Supreme Court's historical and statutory analysis in *Carbo* addressing the extraterritorial application of the writ *ad*

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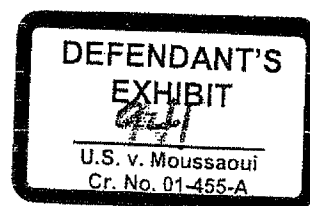
V

SUBSTITUTION FOR THE TESTIMONY OF
KHALID SHEIKH MOHAMMED

Khalid Sheikh Mohammed (“Sheikh Mohammed”), a.k.a. Mukhtar, was a high-ranking member of al Qaeda, who served as the “emir” or “mastermind” of the September 11, 2001, attacks. He was appointed to that role by Usama Bin Laden (“Bin Laden”). Sheikh Mohammed was intimately involved in the planning and execution of the September 11 attacks, as well as a central planner in al Qaeda’s post-September 11 terrorist plots.

Sheikh Mohammed was captured in March 2003, and has been interrogated over the course of years on multiple occasions since his capture. None of the attorneys for either the prosecution or defense have been allowed access to Sheikh Mohammed, who is not available to testify either in person or by video for national security reasons. However, the lawyers have been given numerous written summaries of Sheikh Mohammed’s oral statements made in response to extensive questioning.

Listed below are some of the statements Sheikh Mohammed made in response to questioning. You should assume that if Sheikh Mohammed were

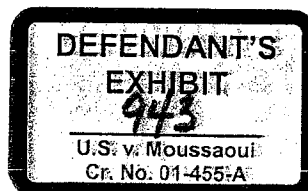


SUBSTITUTION FOR THE TESTIMONY OF
MUSTAFA AHMED AL-HAWSAWI

Hawsawi ("Hawsawi") is a named unindicted supporting conspirator in this case. Specifically, Hawsawi was a member of al-Qaeda who served as a "financier" of the September 11 attacks, a role given to him by the "mastermind" of the attacks, Khalid Sheikh Mohammed ("Sheikh Mohammed"). In that role, Hawsawi provided funds to a "coordinator" of the September 11 attacks, Ramzi Binalshibh, maintained bank and credit card accounts for at least one of the September 11 hijackers, and arranged lodging for and purchased plane tickets to the United States for some of the hijackers.

Hawsawi was captured in March 2003, and has been interrogated over the course of years on multiple occasions since his capture. None of the attorneys for either the prosecution or defense have been allowed access to Hawsawi, who is not available to testify either in person or by video for national security reasons. However, the lawyers have been given numerous written summaries of Hawsawi's oral statements made in response to extensive questioning.

Listed below are some of the statements Hawsawi made in response to questioning. You should assume that if Hawsawi were available to testify in this

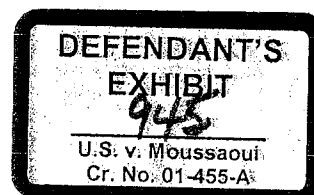


UNITED STATES v. MOUSSAOUI (NO. 01-455)
SUBSTITUTION FOR THE TESTIMONY OF
WALID MUHAMMAD SALIH BIN ATTASH ("KHALLAD")

Walid Muhammad Salih Bin Attash, a.k.a. Khallad, was a senior al Qaeda operative who was trained by Khalid Sheikh Mohammed ("Sheikh Mohammed") and who assisted Usama Bin Laden, Sheikh Mohammed, and other high-ranking al Qaeda leaders with several terrorist plots. He has been connected with the August 1998 East African embassy bombings, and has been described as the purported mastermind of the October 2000 suicide attack on the USS *Cole*.

Khallad worked under Sheikh Mohammed's direction to formulate the plan and case the flights for the Southeast Asia component of Sheik Mohammed's "planes operation." The Southeast Asia component was to hijack and crash or destroy U.S.-flagged commercial airliners in Southeast Asia at the same time as the attacks that occurred in the U.S. With respect to the September 11 attacks on the U.S., Khallad, again working directly under Sheik Mohammed's control, personally assisted some of the September 11 hijackers. Khallad actually wanted to be part of the group sent to the U.S., but was unable to participate because of his inability to obtain a U.S. visa.

Khallad was captured in April 2003, and has been interrogated over the course of years on multiple occasions since his capture. None of the attorneys for



either the prosecution or defense has been allowed access to Khallad, who is not available to testify either in person or by video for national security reasons.

However, the lawyers have been given numerous written summaries of Khallad's oral statements made in response to extensive questioning.

Listed below are some of the statements Khallad made in response to questioning. You should assume that if Khallad were available to testify in this courtroom under oath and subject to perjury he would have said what is contained in these statements.

Although you do not have the ability to see the witness's demeanor as he testifies, you must approach these statements with the understanding that they were made under circumstances designed to elicit truthful statements from the witness. In evaluating the truthfulness of these statements, you should consider all other evidence in this case, including all exhibits, regardless of which side may have produced the exhibit, and all other witness testimony including summarized statements of other enemy combatant witnesses, that tends to either corroborate or contradict the accuracy of this witness's statements. It is solely up to the jury to decide how much, if any, of any witness's testimony to credit.

1. Khallad said that Zacarias Moussaoui was nicknamed "Al-Sahrawi,"

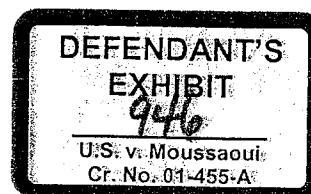
Khallad saw Moussaoui several times in Afghanistan during 2000, both at

UNITED STATES v. MOUSSAOUI (NO. 01-455)
SUBSTITUTION FOR THE TESTIMONY OF
RIDUAN ISAMUDDIN ("HAMBALI")

Riduan Bin Isamudin, a.k.a. Hambali, was a member of Jemaah Islamiah ("JI"), a Southeast Asian terrorist organization whose goal was to establish a radical Islamist regime in that region. Hambali's role within JI was as operational leader for the Malaysia/Singapore region. He also was the key coordinator between JI and al Qaeda.

Because they shared a common goal in waging war against Christians and Jews, JI and al Qaeda coordinated on many terrorist plans. For instance, JI and al Qaeda arranged for JI members to receive training in Afghanistan at al Qaeda's camps. Al-Qaeda and JI also shared resources, such as when JI would perform the necessary casing activities and locate bomb-making materials and other supplies and al Qaeda would underwrite the operations, provide bomb-making expertise, and deliver suicide operatives.

In the relationship between JI and al-Qaeda, Hambali played the critical role of coordinator, and saw to it that al Qaeda's financial and technical strengths were married with JI's access to materials and local operatives.



Hambali was captured in August 2003, and has been interrogated over the course of years on multiple occasions since his capture. None of the attorneys for either the prosecution or defense has been allowed access to Hambali, who is not available to testify either in person or by video for national security reasons. However, the lawyers have been given numerous written summaries of Hambali's oral statements made in response to extensive questioning.

Listed below are some of the statements Hambali made in response to questioning. You should assume that if Hambali were available to testify in this courtroom under oath and subject to perjury he would have said what is contained in these statements.

Although you do not have the ability to see the witness's demeanor as he testifies, you must approach these statements with the understanding that they were made under circumstances designed to elicit truthful statements from the witness. In evaluating the truthfulness of these statements, you should consider all other evidence in this case, including all exhibits, regardless of which side may have produced the exhibit, and all other witness testimony including summarized statements of other enemy combatant witnesses, that tends to either corroborate or contradict the accuracy of this witness's statements. It is solely up to the jury to decide how much, if any, of any witness's testimony to credit.

EXHIBIT

W

REPORT
OF THE
SELECT COMMITTEE ON INTELLIGENCE
ON
**POSTWAR FINDINGS ABOUT IRAQ'S WMD PROGRAMS AND
LINKS TO TERRORISM AND HOW THEY COMPARE WITH
PREWAR ASSESSMENTS**
together with
ADDITIONAL VIEWS

September 8, 2006 - Ordered to be printed

REPORT

ON

POSTWAR FINDINGS ABOUT IRAQ'S WMD PROGRAMS AND LINKS TO TERRORISM AND HOW THEY COMPARE WITH PREWAR ASSESSMENTS

together with

ADDITIONAL VIEWS

September 8, 2006 - Ordered to be printed

SELECT COMMITTEE ON INTELLIGENCE

United States Senate

109th Congress

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JOHN D. ROCKEFELLER IV, WEST VIRGINIA, VICE CHAIRMAN

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[REDACTED]

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AND CHAMBLISS** Page 145



[REDACTED]

credible reporting that al-Qa'ida leaders sought help from Baghdad in acquiring WMD capabilities and that Iraq provided training in bomb-making and, according to one detainee, in the area of chemical and biological agents."²⁰⁶

2. SSCI July 2004 Report Conclusions - CBW Training

(U) In July 2004, the Senate Select Committee on Intelligence concluded that the CIA reasonably and objectively assessed that the most problematic area of contact between Iraq and al-Qa'ida were the reports of training in the use of non-conventional weapons, specifically chemical and biological weapons. The Committee noted that after the war, a key detainee (al-Libi) had recanted his claim that al-Qa'ida members traveled to Iraq for chemical and biological weapons training. The Committee noted that no other reporting found in Iraq after the war began had corroborated the CBW training reports.²⁰⁷

3. Postwar Information - CBW Training

([REDACTED]) In January 2004, Ibn al-Shaykh al-Libi, the source of reports on al-Qa'ida's efforts to obtain CBW training in Iraq, recanted the information he provided. Al-Libi said he had a "strong desire to tell his entire story and identify why and how he fabricated information since his capture."²⁰⁸ Al-Libi claimed that he fabricated "all information regarding al-Qa'ida's sending representatives to Iraq to try to obtain WMD assistance."²⁰⁹ Al-Libi claimed that to the best of his knowledge al-Qa'ida never sent any individuals into Iraq for any kind of support in

²⁰⁶ NIE, *Non-Traditional Threats to the U.S. Homeland Through 2007*, Nov 2002, p. 17. Note: The NIE did not include a cite for this information, but the only detainee known have discussed this issue was al-Libi.

²⁰⁷ *Report on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq*, Senate Select Committee on Intelligence, S. Rept. 108-301, July 7, 2004. p. 339.

²⁰⁸ CIA operational cable, February 4, 2004.

²⁰⁹ CIA operational cable, February 4, 2004.

[REDACTED]

chemical or biological weapons, as he had claimed previously. [REDACTED]

[REDACTED]²¹⁰

([REDACTED]) Al-Libi told CIA debriefers in January 2004 that when he was detained by the United States in early 2002 one of his American debriefers told him that he had to tell “where bin Laden was and about future operations or the U.S. would give al-Libi to [another foreign service.]” [REDACTED] Al-Libi claimed that the debriefers told al-Libi that he would have to sleep on the floor of his cell if he did not talk. Later, according to al-Libi, debriefers repeated the threat to send al-Libi to a foreign country [REDACTED], instructed him to remove his heavy socks and gloves, and placed him on the floor of his cell. Although al-Libi only remained on the cold floor for fifteen minutes, he claimed he “decided he would fabricate any information the interrogators wanted in order to gain better treatment and avoid being handed over to [a foreign government.] [REDACTED]

[REDACTED]²¹¹

(U) According to al-Libi, after his decision to fabricate information for debriefers, he “lied about being a member of al-Qa’ida. Although he considered himself close to, but not a member of, al-Qa’ida, he knew enough about the senior members, organization and operations to claim to be a member.”²¹² “Once al-Libi started fabricating information,” he claimed, “his treatment improved and he experienced no further physical pressures from the Americans.”²¹³

([REDACTED]) After his transfer to a foreign government [REDACTED], al-Libi claimed that during his initial debriefings “he lied to the [foreign government service] [REDACTED] about future operations to avoid torture.”²¹⁴ Al-Libi told the CIA that

²¹⁰ CIA operational cable, February 19, 2004.

²¹¹ CIA operational cable, February 5, 2004.

²¹² CIA operational cable, February 5, 2004.

²¹³ CIA operational cable, February 5, 2004.

²¹⁴ CIA operational cable, February 5, 2004.

[REDACTED]

the foreign government service [REDACTED] explained to him that a “long list of methods could be used against him which were extreme” and that “he would confess because three thousand individuals had been in the chair before him and that each had confessed.”²¹⁵

([REDACTED]) According to al-Libi, the foreign government service [REDACTED] “stated that the next topic was al-Qa’ida’s connections with Iraq. . . . This was a subject about which he said he knew nothing and had difficulty even coming up with a story.” Al-Libi indicated that his interrogators did not like his responses and then “placed him in a small box approximately 50cm x 50cm.” He claimed he was held in the box for approximately 17 hours. When he was let out of the box, al-Libi claims that he was given a last opportunity to “tell the truth.” When al-Libi did not satisfy the interrogator, al-Libi claimed that “he was knocked over with an arm thrust across his chest and he fell on his back.” Al-Libi told CIA debriefers that he then “was punched for 15 minutes.”²¹⁶

(U) Al-Libi told debriefers that “after the beating,” he was again asked about the connection with Iraq and this time he came up with a story that three al-Qa’ida members went to Iraq to learn about nuclear weapons. Al-Libi said that he used the names of real individuals associated with al-Qa’ida so that he could remember the details of his fabricated story and make it more believable to the foreign intelligence service. Al-Libi noted that “this pleased his [foreign] interrogators, who directed that al-Libi be taken back to a big room, vice the 50 square centimeter box and given food.”²¹⁷

([REDACTED]) According to al-Libi, several days after the Iraq nuclear discussion, the foreign intelligence service debriefers [REDACTED] brought up the topic of anthrax and biological weapons. Al-Libi stated that he “knew nothing about a biological program and did not even understand the term biological.” Al-

²¹⁵ CIA operational cable, February 5, 2004.

²¹⁶ CIA operational cable, February 5, 2004.

²¹⁷ CIA operational cable, February 5, 2004.

[REDACTED]

Libi stated that “he could not come up with a story and was then beaten in a way that left no marks.” According to al-Libi, he continued “to be unable to come up with a lie about biological weapons” because he did not understand the term “biological weapons.”²¹⁸

(U) In February 2004, the CIA reissued the intelligence reporting from al-Libi to reflect the recantations.

(U) The other reports of possible al-Qa’ida CBW training from Iraq were never considered credible by the Intelligence Community. No other information has been uncovered in Iraq or from detainees that confirms this reporting.

4. Terrorist Training at Salman Pak

(U) The Salman Pak Unconventional Warfare Training Facility was established in the late 1970's. Iraqi officials told UNSCOM inspectors that a counterterrorist unit was established at Salman Pak in 1985. Iraqi officials reiterated the claims and indicated that the IIS established the facility to train counterterror units.

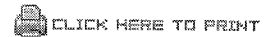
(U) The January 2003 *Iraqi Support for Terrorism* noted that uncorroborated reporting since 1999 indicated that Iraq sponsored terrorism training for al-Qa’ida at the Salman Pak facility. *Iraqi Support for Terrorism* also said that:

Reporting about al-Qa’ida activity at Salman Pak—ultimately sourced to three Iraqi defectors—surged after 11 September. The defectors claimed that al-Qa’ida and other non-Iraqis engaged in special operations training at Salman Pak. It was subsequently determined, however, that at least one of these defectors, whose story appeared in [REDACTED] magazine, had embellished and exaggerated his access.

²¹⁸ CIA operational cable, February 5, 2004.

EXHIBIT

X



For Immediate Release
Office of the Press Secretary
August 14, 2003

Press Gaggle by Scott McClellan and a Senior Administration Official

Aboard Air Force One
En route MCAS Miramar, California

- [Introduction of Senior Administration Official](#)
- [Background of Ryuduan bin Isomuddin \(Hambali\)](#)
- [Hambali facilitated meeting in Malaysia](#)
- [Al Qaeda provided money to Hambali](#)
- [Information will help with ongoing threats](#)
- [Hambali capture is a significant victory](#)
- [President visits Marine Corps Air Station in Miramar](#)
- [President's schedule and announcements](#)
- [UN Involvement in Iraq](#)
- [Support of ECOMIL mission in Liberia](#)
- [President will talk about National Parks Legacy Project](#)

12:48 P.M. CDT

MR. McCLELLAN: **All right, good afternoon, everybody.** I want to start with an important news development. And what I want to do is I'm going to have some brief remarks on this, and then I'm going to have a senior administration official give you a little bit more information. And then we can do the rest of the gaggle, and I will authorize you all to go ahead and call this in to your desks, this news.

Earlier this week, Ryuduan bin Isomuddin, known as Hambali, was captured. He is now in custody of the United States government. Hambali was al Qaeda's chief representative and senior planner in Southeast Asia. He was operational chief of Jemaah Islamiya, the violent Islamic extremist group based in Indonesia. Hambali's capture is another important victory in the global war on terrorism and a significant blow to the enemy. The United States will be relentless in its pursuit of terrorists, in order to rid the world of the scourge of terrorism.

And now I want to bring in a senior administration official to give you a little bit more information.

Q Can you spell the name?

MR. McCLELLAN: This will be in the transcript: Ryuduan, R-y-u-d-u-a-n, then bin, b-i-n, and then Isomuddin, I-s-o-m-u-d-d-i-n. And Hambali, H-a-m-b-a-l-i. That's what he -- he is known as Hambali.

Now let me switch to the senior administration official. He'll give you a little bit more information.

SENIOR ADMINISTRATION OFFICIAL: **Hambali is one of the world's most lethal terrorists.** He's a 39-year old. The 39-year old Hambali was al Qaeda's chief representative in Southeast Asia and operational chief of Jemaah Islamiya. His lengthy terrorist credentials include the Bali nightclub bombings in October, 2002, that killed nearly 200 people.

Q He was the main guy for that? Is that what you're saying?

Q Mastermind?

SENIOR ADMINISTRATION OFFICIAL: Yes. Hold on a second. And a deadly series of church bombings in Indonesia and the Philippines in December 2000. He's a leading suspect in the bombing of the J.W. Marriott Hotel in Jakarta earlier this month. He's also -- Hambali is a close associate of the September 11th mastermind, Khalid Shaykh Muhammad, KSM.

Q You said -- I'm sorry, I missed that. What's the connection there?

SENIOR ADMINISTRATION OFFICIAL: He's a close associate.

Q And spell that other person's name, please?

SENIOR ADMINISTRATION OFFICIAL: KSM, Khalid Shaykh Muhammad, K-h-a-l-i-d, S-h-a-y-k, M-u-h-a-m-m-e-d. Again, he's who we previously captured.

Q Would you mind spelling the name of that syndicate? What's the name of that al Jemaah? Can you spell that, too?

SENIOR ADMINISTRATION OFFICIAL: Jemaah Islamiya. J-e-m-a-a-h, I-s-l-a-m-i-y-a.

Q And he is a chief in that organization?

SENIOR ADMINISTRATION OFFICIAL: **He's the operational chief of Jemaah Islamiya.** Hang on a second, I'm going to give you a little bit more information. As I was saying, he is the leading suspect in the bombing of the J.W. Marriott Hotel in Jakarta and close associate of Khalid Shaykh Muhammad. Hambali facilitated the January 2000 meeting in Malaysia that included two of the September 11th hijackers.

Q KSM did?

SENIOR ADMINISTRATION OFFICIAL: Information obtained from a senior al Qaeda detainee and corroborated by other sources indicates al Qaeda tasked Hambali shortly after September 11th with recruiting pilots to participate in additional hijackings inside the United States.

Q Can you repeat it, from the Malaysia meeting?

SENIOR ADMINISTRATION OFFICIAL: Yes: facilitated the January 2000 meeting in Malaysia that included two of the September 11th hijackers.

Q And who was this? Is this the guy you talked --

SENIOR ADMINISTRATION OFFICIAL: **We'll see what additional information I can get you.** Let me continue. As I was talking about, on these additional attacks that Hambali was involved and participating in, the sources also indicate that an al Qaeda leader in Pakistan earlier this year provided Hambali a large sum of money for a major attack. Information obtained from Hambali will assist in our ongoing efforts to neutralize the threat.

Again, as was previously stated, this is a significant victory in the global war on terrorism and a devastating blow to the enemy. He was one of the few remaining senior planners of al Qaeda and their most important link to terrorist groups in Southeast Asia.

Q Their most important link, I-i-n-k?

SENIOR ADMINISTRATION OFFICIAL: Yes. His detention effectively diminishes the group's lethal capabilities and global reach. It's still important to remember that this fight has captured -- that al Qaeda remains a threat to the United States, our allies and interests around the world.

Q Can you go over that key sentence: it effectively diminishes the group's --

SENIOR ADMINISTRATION OFFICIAL: Their lethal capabilities and global reach.

Q That's al Jemaah or al Qaeda?

SENIOR ADMINISTRATION OFFICIAL: It's -- the importance of which is magnified in the series of high profile arrests of al Qaeda operatives around the world in recent months. It effectively diminishes the group's lethal capabilities and --

Q Which group?

SENIOR ADMINISTRATION OFFICIAL: What I'm trying to tell you is that -- al Qaeda. This is a significant victory.

Q al Qaeda.

Q Can you go over again -- after September 11th, Hambali was recruited to find pilots for further attacks? Is that what you were saying?

SENIOR ADMINISTRATION OFFICIAL: That's right, to participate in additional hijackings inside the United States.

Q That's something that we have known before. I know we've known about the meeting in Malaysia.

SENIOR ADMINISTRATION OFFICIAL: That's why I wanted to put this in perspective, the importance of this, the importance of the capture of Hambali.

Q Is there new indication that there were plans --

SENIOR ADMINISTRATION OFFICIAL: I think you can double-check some of this with the Central Intelligence Agency.

Q And the Pakistani money for further attacks was in 2003, what you just said about that --

SENIOR ADMINISTRATION OFFICIAL: It was earlier this year, that's correct.

Q Was that major attack thwarted, or was that J.W. Marriott?

SENIOR ADMINISTRATION OFFICIAL: That's what I said, information attained from Hambali will assist in efforts to neutralize the threat.

Q When you said, sources indicate al Qaeda leader of Pakistan provided him a large sum of money for a major attack.

SENIOR ADMINISTRATION OFFICIAL: That's right.

Q Was that attack --

SENIOR ADMINISTRATION OFFICIAL: **Information obtained from Hambali is going to assist** us in our ongoing efforts to neutralize that threat. We have ongoing efforts to neutralize the threat, among many others.

Q -- is going to assist us or has assisted us?

SENIOR ADMINISTRATION OFFICIAL: I said, information obtained from him will assist us in our ongoing efforts to neutralize this threat.

Q Can you tell us anything about where he was captured, or any of the details of the operation? A U.S. military

operation, other helpful countries?

SENIOR ADMINISTRATION OFFICIAL: It was a joint operation, but I cannot get into the details of that operation at this point. It did involve others.

Q In Indonesia?

SENIOR ADMINISTRATION OFFICIAL: Yes.

Q Other governments?

SENIOR ADMINISTRATION OFFICIAL: I cannot get into those details, those specifics at this point.

Q When did he actually --

SENIOR ADMINISTRATION OFFICIAL: Earlier this week.

Q Are you -- is this the first news that any --

SENIOR ADMINISTRATION OFFICIAL: Remember, this is going to be very helpful in helping us obtain information about current and future threats, this capture.

Q Are you telling us this, the first news of this coming out from anywhere? Like, DOD isn't briefing on this or anything like that? Is this --

SENIOR ADMINISTRATION OFFICIAL: I am announcing it. I am announcing it.

Q Where was the capture?

SENIOR ADMINISTRATION OFFICIAL: Again, I can't get into the specific details of that.

Q Was it in the U.S.?

SENIOR ADMINISTRATION OFFICIAL: Southeast Asia.

Q Can you tell us in what part of the world he is being held right now?

SENIOR ADMINISTRATION OFFICIAL: No, I can't get into those kind of details at this point.

Q Is he being held by the U.S. government?

SENIOR ADMINISTRATION OFFICIAL: That's what was said, he's in the custody of the United States government.

Q Why did you choose to make this announcement instead of CIA or --

SENIOR ADMINISTRATION OFFICIAL: This is a significant announcement. This is a significant victory in our global war on terrorism. And as you have heard from -- as you have heard what an evil person he is, that's what I wanted to describe for you, the importance of the capture of Hambali.

Q Will the President be making reference to this today?

SENIOR ADMINISTRATION OFFICIAL: Well, listen to his remarks. I expect he may.

Q Do you know when he was told about this?

SENIOR ADMINISTRATION OFFICIAL: Yesterday.

Q Do you know by whom? Condi Rice?

SENIOR ADMINISTRATION OFFICIAL: In his briefings, his intelligence briefings.

Q He was told yesterday?

SENIOR ADMINISTRATION OFFICIAL: Yes.

Q Do you know anything about his reaction?

SENIOR ADMINISTRATION OFFICIAL: Well, again, you might want to listen to his remarks.

Q I want to make sure I'm a thousand percent clear on something. He says, an al Qaeda leader in Pakistan provided him a large sum of money for a major attack. Is that something that we thwarted or one that may still be brewing, or what?

SENIOR ADMINISTRATION OFFICIAL: That's what I said. We have ongoing efforts to neutralize such a threat. And we are -- the information that we will obtain from Hambali will help us in those efforts.

Q So it wasn't the J.W. Marriott or something that's already happened?

SENIOR ADMINISTRATION OFFICIAL: **At this point, he is going to be interrogated.** We will be able to learn more information about current and future threats. But we take all threats seriously and we confront those threats. We address those threats. Intelligence is something that we take very seriously. And that's why this is such an important victory.

Now, do we want to go back to Scott for -- are we through with this?

Q Hambali, himself, provided the information about the Pakistani-al Qaeda funding, or that information came from somewhere else?

SENIOR ADMINISTRATION OFFICIAL: No, I said -- I believe you're talking about -- which part are you talking about?

Q The Pakistan money. Who was the source of that information?

SENIOR ADMINISTRATION OFFICIAL: Sources, sources that we have. We had senior -- we had information -- that's what I pointed out -- information from a senior al Qaeda detainee, and corroborated by other sources, about the initial efforts where Hambali was tasked with recruiting pilots to participate in additional hijackings. And then I said, those sources -- referring to the same sources -- also indicate that a large sum of money --

Q The beginning of that sentence was, information --

Q And he --

SENIOR ADMINISTRATION OFFICIAL: He will be interrogated about current and future threats in our custody, and that's why I said, in that context, we will be able to obtain additional information from him to help us in our ongoing efforts to neutralize this threat.

Q One last time. You have from sources, detainees, that al Qaeda provided Hambali with a large sum of money for a major attack?

SENIOR ADMINISTRATION OFFICIAL: Right.

Q Where? Here, in the United States? What do you know about the attack?

SENIOR ADMINISTRATION OFFICIAL: That's -- the information that I'm sharing with you at this time is what I have here. We have ongoing efforts to -- we will seek more information from Hambali on that.

Q What's the language on the other part -- the first part of the sentence, information obtained --

SENIOR ADMINISTRATION OFFICIAL: I've been through this. I've been through this. We're going to have a transcript on this.

Q I just want to make sure I get it right. Was information obtained by --

SENIOR ADMINISTRATION OFFICIAL: We're going to have a transcript on this.

Q I just want to make sure --

MR. McCLELLAN: No, I think --

Q -- got it right: information obtained by U.S. government says --

SENIOR ADMINISTRATION OFFICIAL: Will help us in our ongoing efforts to neutralize the threat.

Q Not what I'm asking, sorry. The part about him recruiting 9/11 hijackers. How do you know that?

SENIOR ADMINISTRATION OFFICIAL: From a senior al Qaeda detainee and other sources that corroborated that account.

Q He wasn't recruiting 9/11 hijackers, he was recruiting future hijackers post-9/11?

SENIOR ADMINISTRATION OFFICIAL: That's correct.

Q All right.

Q I thought this was the January 2000 meeting.

Q No, no, no, that was the Malaysia meeting.

Q Malaysia meeting.

SENIOR ADMINISTRATION OFFICIAL: Yes, different meeting. That was two of the September 11th hijackers.

Q Can you be precise about --

SENIOR ADMINISTRATION OFFICIAL: We'll have a transcript for this.

Q What was precise alleged role in the Bali nightclub? Bali mastermind, facilitator?

SENIOR ADMINISTRATION OFFICIAL: He's their -- as I said Jemaah Islamiya's is chief operational planner in southeast Asia.

Q Would it be an over-statement to call him the mastermind of that attack?

Q He's responsible --

SENIOR ADMINISTRATION OFFICIAL: He's the operational chief, I would describe him as the operational chief of -- is Jemaah Islamiya. They have been linked to the Bali bombings.

Q Linked?

Q He has been linked, or Jemaah --

SENIOR ADMINISTRATION OFFICIAL: Jemaah Islamiya -- look, Central Intelligence Agency can probably provide you additional information that -- but this is already, this is information that is already out.

Q And as a senior administration official, does the White House -- are you doing this here because the White House is eager to take partial credit or a large share of the credit for this?

SENIOR ADMINISTRATION OFFICIAL: We're announcing this because of the significance of this capture. We're announcing this because there's a significant development in our ongoing war on terrorism. And to provide you with information about this individual and the fact that he is someone who has a long history of wanting to harm America and our allies and others around the world.

Q I just can't recall another occasion where the White House announced a capture like this. I'm sure it's happened, but I can't recall.

Q Why did you announce it today, and not yesterday, when the President was informed? Was this in order to link up with the remarks at Miramar or not to step on --

SENIOR ADMINISTRATION OFFICIAL: We're announcing it as soon as we are able to make this information public. A lot of times there are -- well, for a number of reasons, sometimes these announcements are not made exactly when they happen, and that involves national security issues, other reasons about why. But we were able to go ahead and make this announcement public and wanted to share the information with you.

Q Does this person, Hambali, go into a judicial process now? What happens there?

SENIOR ADMINISTRATION OFFICIAL: He's being detained and interrogated at this point.

Q Indefinitely?

Q Can you say, his detention, which agency is interrogating him?

SENIOR ADMINISTRATION OFFICIAL: He's in the custody of the United States government.

Q Can I ask one --

SENIOR ADMINISTRATION OFFICIAL: All right, we're going to go back -- other matters?

Q Back to Scott.

MR. McCLELLAN: **All right, thank you everybody. The President had his usual briefings** this morning. Now we are on our way to the **Marine Corps Air Station in Miramar**, where the President will thank our men and women in the Armed Services, and their families for all that they are doing, and provide an update on the war on terrorism.

Let me give you a little bit of information about the Marine Corps Air Station in Miramar. First of all, there are going to be about 12,000 military personnel and families there, and they include personnel and families from the Marine Corps Air Station in Miramar, Camp Pendleton, and the Naval Base Coronado.

Following the remarks, the President will have lunch with military personnel.

Miramar Marine Corps Air Station is a 24,000 acre installation, located in the northern suburbs of San Diego. It is one of the largest military bases in the area. Miramar maintains a military personnel force of more than 10,000 and an additional 2,000 civilians. It's home to approximately 225 aircraft, and is the headquarters for the 3rd Marine Air Wing and the Commander of the Marine Corps Air Base's western area.

Following his remarks there --

Q Can you --

MR. McCLELLAN: The President, again, will have lunch with military personnel. Then this afternoon, also at Miramar, he'll have an interview with the Armed Forces Radio and Television. And once all that has been aired by the Armed Forces Radio and Television, we'll make the transcript available -- that probably won't be until this weekend, from what I understand.

Q When is the transcript going to be available?

MR. McCLELLAN: After it's aired on Armed Forces Television.

Q This weekend?

Q Can you just make a transcript available?

MR. McCLELLAN: As we always do.

Q -- on a day like today, that might be --

MR. McCLELLAN: No, you will not have it before it airs on Armed Forces Radio and Television, it'll be after it airs. That's the way we always do it, because they're the ones he's doing the interview with -- just like if it would be with you.

Q Is that broadcast around the world by that network, the Armed Forces Network?

MR. McCLELLAN: I think it's wherever they broadcast, yes, I believe so. I'll double-check that.

Then he makes remarks at the Bush-Cheney 2004 dinner in San Diego this evening, before we depart for Newport Beach, where he overnights.

Q Does this Marine base have a special connection to the Iraq war?

MR. McCLELLAN: There a number -- and I think the President will talk about it in his remarks -- there are a number of military personnel at this base that have recently returned from Iraq. And, you know, I think there are more than 70,000 men and women from bases in southern California that were deployed in Iraq. So you've got these other bases that will have military personnel and families there, as well.

Q Is he going to say anything new today, in terms of this update? I mean, I was led to believe earlier -- like, a week or two ago -- that he was going to make some sort of significant military speech. Is that not the case today?

MR. McCLELLAN: He will provide an update on the war on terrorism and talk about the important work that we are doing both in Afghanistan and Iraq and elsewhere in the world to win the war on terrorism.

Q So it's a new speech?

MR. McCLELLAN: I'm sorry?

Q Is it a new speech?

MR. McCLELLAN: It's an update. It's an update on the war on terrorism. So listen to his remarks, he'll provide an update.

Q Is he going to track closely with the 100-day report we got last week?

MR. McCLELLAN: Let him make his remarks and you'll hear from him directly. But, certainly, yes, he'll talk about the progress being made, talking about the difficulties that remain. It'll be that type of --

Q Is he going to go beyond what he said with Rumsfeld and the military advisors last week? Is it going to be any different than that?

MR. McCLELLAN: Wait for his remarks. You'll hear them all shortly --

Q Is he going to --

MR. McCLELLAN: -- as soon as we land --

Q All right. Is he going to mention Arnold's name?

MR. McCLELLAN: I think that he made -- we've made very clear our position on the California recall election. I think you have what our view is on that.

Q Will he even joke about it, do you think?

MR. McCLELLAN: Well, listen to his remarks.

Q The campaign says there will not be a single candidate at either fundraiser, today, tomorrow. Is that your understanding?

MR. McCLELLAN: Well, double-check with the campaign. I'm not aware of any.

Q Scott, there was a report in the paper this morning that the administration has decided to sort of not seek further U.N. endorsement in order to gain the support of more --

MR. McCLELLAN: **Yes, I know. I saw the article.** Our policy remains the same. First of all, the U.N. is involved in Iraq. They have a special representative, Sergio de Mello, who is working closely with Ambassador Bremer. I think we have also pointed out that under Resolution 1483, countries are participating in the stabilization and reconstruction of Iraq. That resolution provides authority for countries to participate and help. Again, this is a coalition-led effort. The U.N. is involved in Iraq. And there are a number of countries participating in Iraq under Resolution 1483.

Q But is it a challenge for the President to explain to these military personnel and their families that they're going to have these long deployments, a year at least, without, perhaps, what some people would say, if you got more U.N. support, you would get more foreign troops and could alleviate some of the stress and --

MR. McCLELLAN: I wanted to finish on one point. We are continuing to talk with other countries that want to participate in Iraq and help, and we will continue to do so. But in terms of Iraq, the President will continue to express our gratitude to our men and women in uniform and their families for the sacrifices they are making. This is an important cause, it's a just cause, that's part of our global war on terrorism and bringing democracy and security and freedom to Iraq will help bring peace and stability to the Middle East. And that will be significant in our overall efforts in the global war on terrorism. The President will continue to express our appreciation for all our troops are doing, and for their families.

What else?

Q I've got a quick Liberia question, and I wonder if you can preview tomorrow, as well. Rebels handed over parts of Monrovia, Liberia today. They were holding some of these important places, including a vital port. Is the President watching these developments day by day? Is that --

MR. McCLELLAN: Oh, absolutely.

Q -- that changed?

MR. McCLELLAN: **Now, I do understand that the rebels are -- have been pulling back.** We are, as the President said, doing what we can to support the ECOWAS mission in Liberia, ECOMIL, in their efforts to provide humanitarian assistance to the people of Liberia. And we will continue to work closely with ECOMIL about how we can help facilitate their efforts. But again, ECOMIL is in the lead, and we are there to provide support.

Q This would seem to be encouraging development today. Do you know enough about it to say what --

MR. McCLELLAN: Well, I think you ought to stay in touch with the Pentagon on the latest developments. But I do understand that the rebel forces are pulling back. The President noted yesterday that it's important to secure and open the port so that humanitarian assistance can be provided to those who have been suffering in Liberia, to the people of Liberia. That's what we're working to do.

Q One more question for you or the Senior Administration Official. Do you know if in the intelligence briefing the President got yesterday, was it on-site briefers, or was he -- I know he usually talks to Tenet and --

MR. McCLELLAN: Video-conferencing.

Q It was video-conferencing?

MR. McCLELLAN: Yes.

Q Can you talk about tomorrow's tour at all --

MR. McCLELLAN: Well, let me get you -- I'll get you more on that later. But, again, that's to -- well, the short version, **the President will talk about National Parks Legacy Project** and our initiatives to reduce the backlog and improve maintenance of our national parks, which are --

Q Backlog --

MR. McCLELLAN: I'm sorry?

Q The backlog?

MR. McCLELLAN: Yes, there's been a backlog on maintenance and repair projects at national parks, it goes back years. And we've taken significant steps to reduce that backlog and improve maintenance and make our parks where they are -- make our parks where they are enjoyable for all Americans.

Q Part of the \$5 billion pledge over certain --

MR. McCLELLAN: That's \$4.9 billion, yes, we've made significant steps in that direction, are continuing to work with Congress to provide additional funding in those efforts.

Q Do you recall how many years that was? Four point nine billion over --

MR. McCLELLAN: I'll double check it. All right. Thanks everybody.

END 1:15 P.M. CDT

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EXHIBIT

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Bush Aware of Advisers' Interrogation Talks

President Says He Knew His Senior Advisers Discussed Tough Interrogation Methods

By JAN CRAWFORD GREENBURG, HOWARD L. ROSENBERG and ARIANE de VOGUE

April 11, 2008—

President Bush says he knew his top national security advisers discussed and approved specific details about how high-value al Qaeda suspects would be interrogated by the Central Intelligence Agency, according to an exclusive interview with ABC News Friday.

"Well, we started to connect the dots in order to protect the American people." Bush told ABC News White House correspondent Martha Raddatz. "And yes, I'm aware our national security team met on this issue. And I approved."

As first reported by ABC News Wednesday, the most senior Bush administration officials repeatedly discussed and approved specific details of exactly how high-value al Qaeda suspects would be interrogated by the CIA.

The high-level discussions about these "enhanced interrogation techniques" were so detailed, these sources said, some of the interrogation sessions were almost choreographed -- down to the number of times CIA agents could use a specific tactic.

These top advisers signed off on how the CIA would interrogate top al Qaeda suspects -- whether they would be slapped, pushed, deprived of sleep or subjected to simulated drowning, called waterboarding, sources told ABC news.

The advisers were members of the National Security Council's Principals Committee, a select group of senior officials who met frequently to advise President Bush on issues of national security policy.

At the time, the Principals Committee included Vice President Dick Cheney, former National Security Adviser Condoleezza Rice, Defense Secretary Donald Rumsfeld and Secretary of State Colin Powell, as well as CIA Director George Tenet and Attorney General John Ashcroft.

As the national security adviser, Rice chaired the meetings, which took place in the White House Situation Room and were typically attended by most of the principals or their deputies.

The so-called Principals who participated in the meetings also approved the use of "combined" interrogation techniques -- using different techniques during interrogations instead of using one method at a time -- on terrorist suspects who proved difficult to break, sources said.

Contacted by ABC News, spokesmen for Tenet and Rumsfeld declined to comment about the interrogation program or their private discussions in Principals meetings. The White House also declined comment on behalf of Rice and Cheney. Ashcroft could not be reached.

ABC News' Diane Sawyer sat down with Powell this week for a previously scheduled interview and asked him about the ABC News report.

Powell said that he didn't have "sufficient memory recall" about the meetings and that he had participated in "many meetings on how to deal with detainees."

Powell said, "I'm not aware of anything that we discussed in any of those meetings that was not considered legal."

In his interview with ABC News, Bush said the ABC report about the Principals' involvement was not so "startling." The president had earlier confirmed the existence of the interrogation program run by the CIA in a speech in 2006. But before Wednesday's report, the extraordinary level of involvement by the most senior advisers in repeatedly approving specific interrogation plans -- down to the number of times the CIA could use a certain tactic on a specific al Qaeda prisoner -- had never been disclosed.

Critics at home and abroad have harshly criticized the interrogation program, which pushed the limits of international law and, they say, condoned torture. Bush and his top aides have consistently defended the program. They say it is legal and did not constitute torture.

In interview with ABC's Charles Gibson last year, Tenet said: "It was authorized. It was legal, according to the Attorney General of the United States."

The discussions and meetings occurred in an atmosphere of great concern that another terror attack on the nation was imminent. Sources said the extraordinary involvement of the senior advisers in the grim details of exactly how individual interrogations would be conducted showed how seriously officials took the al Qaeda threat.

It started after the CIA captured top al Qaeda operative Abu Zubaydah in spring 2002 in Faisalabad, Pakistan. When his safe house was raided by Pakistani security forces along with FBI and CIA agents, Zubaydah was shot three times during the gun battle.

At a time when virtually all counterterrorist professionals viewed another attack as imminent -- and with information on al Qaeda scarce -- the detention of Zubaydah was seen as a potentially critical breakthrough.

Zubaydah was taken to the local hospital, where CIA agent John Kiriakou, who helped coordinate Zubaydah's capture, was ordered to remain at the wounded captive's side at all times. "I ripped up a sheet and tied him to the bed," Kiriakou said.

But after Zubaydah recovered from his wounds at a secret CIA prison in Thailand, he was uncooperative. "I told him I had heard he was being a jerk," Kiriakou recalled. "I said, 'These guys can make it easy on you or they can make it hard.' It was after that he became defiant."

The CIA wanted to use more aggressive -- and physical -- methods to get information. The agency briefed high-level officials in the National Security Council's Principals Committee, led by then-National Security Adviser Condoleezza Rice and including then-Attorney General John Ashcroft, which then signed off on the plan, sources said. It is unclear whether anyone on the committee objected to the CIA's plans for Zubaydah.

The CIA has confirmed Zubaydah was one of three al Qaeda suspects subjected to waterboarding. After

he was waterboarded, officials say Zubaydah gave up valuable information that led to the capture of 9/11 mastermind Khalid Sheik Mohammad and fellow 9/11 plotter Ramzi bin al-Shibh.

Mohammad, who is known as KSM, was also subjected to waterboarding by the CIA.

In the interview with ABC News Friday, Bush defended the waterboarding technique used against KSM.

"We had legal opinions that enabled us to do it," Bush said. "And no, I didn't have any problem at all trying to find out what Khalid Sheikh Mohammed knew."

The president said, "I think it's very important for the American people to understand who Khalid Sheikh Mohammed was. He was the person who ordered the suicide attack -- I mean, the 9/11 attacks."

At a hearing before a military tribunal at Guantanamo Bay March 10, 2007, KSM, as he is known, said he broke under the harsh interrogation. **COURT:** *Were any statements you made as the result of any of the treatment that you received during that time frame from 2003 to 2006? Did you make those statements because of the treatment you receive from these people?*

KSM: *Statement for whom??*

COURT: *To any of these interrogators. ?*

KSM: *CIA peoples. Yes. At the beginning, when they transferred me...?*

Lawyers in the Justice Department had written a classified memo, which was extensively reviewed, that gave formal legal authority to government interrogators to use the "enhanced" questioning tactics on suspected terrorist prisoners. The August 2002 memo, signed by then head of the Office of Legal Counsel Jay Bybee, was referred to as the so-called "Golden Shield" for CIA agents, who worried they would be held liable if the harsh interrogations became public.

Old hands in the intelligence community remembered vividly how past covert operations, from the Vietnam War-era "Phoenix Program" of assassinations of Viet Cong to the Iran-Contra arms sales of the 1980s were painted as the work of a "rogue agency" out of control.

But even after the "Golden Shield" was in place, briefings and meetings in the White House to discuss individual interrogations continued, sources said. Tenet, seeking to protect his agents, regularly sought confirmation from the NSC principals that specific interrogation plans were legal.

According to a former CIA official involved in the process, CIA headquarters would receive cables from operatives in the field asking for authorization for specific techniques. Agents, worried about overstepping their boundaries, would await guidance in particularly complicated cases dealing with high-value detainees, two CIA sources said.

Highly placed sources said CIA directors Tenet and later Porter Goss along with agency lawyers briefed senior advisers, including Cheney, Rice, Rumsfeld and Powell, about detainees in CIA custody overseas.

"It kept coming up. CIA wanted us to sign off on each one every time," said one high-ranking official who asked not to be identified. "They'd say, 'We've got so and so. This is the plan.'"

Sources said that at each discussion, all the Principals present approved. "These discussions weren't adding value," a source said. "Once you make a policy decision to go beyond what you used to do and conclude it's legal, [you should] just tell them to implement it."

Ashcroft was troubled by the discussions. He agreed with the general policy decision to allow aggressive tactics and had repeatedly advised that they were legal. But he argued that senior White House advisers should not be involved in the grim details of interrogations, sources said.

According to a top official, Ashcroft asked aloud after one meeting: "Why are we talking about this in the White House? History will not judge this kindly."

The Principals also approved interrogations that combined different methods, pushing the limits of international law and even the Justice Department's own legal approval in the 2002 memo, sources told ABC News.

At one meeting in the summer of 2003 -- attended by Cheney, among others -- Tenet made an elaborate presentation for approval to combine several different techniques during interrogations, instead of using one method at a time, according to a highly placed administration source.

A year later, amid the outcry over unrelated abuses of Iraqi prisoners at Abu Ghraib, the controversial 2002 legal memo, which gave formal legal authorization for the CIA interrogation program of the top al Qaeda suspects that was leaked to the press. A new senior official in the Justice Department, Jack Goldsmith, withdrew the legal memo -- the Golden Shield -- that authorized the program.

But the CIA had captured a new al Qaeda suspect in Asia. Sources said CIA officials that summer returned to the Principals Committee for approval to continue using certain "enhanced interrogation techniques."

Rice, sources said, was decisive. Despite growing policy concerns -- shared by Powell -- that the program was harming the image of the United States abroad, sources say she did not back down, telling the CIA: "This is your baby. Go do it."

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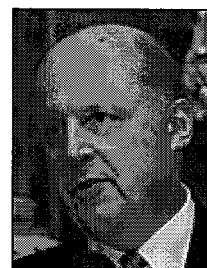
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Q&A: JOHN NEGROPONTE No Hand-Wringing, Please

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Friday, Jan. 25, 2008

“My view [on Iraq and Afghanistan] is that we underestimated the security challenges. We moved into a reconstruction phase while we were still in a conflict situation.”

— John Negroponte



Ambassador **John Negroponte** has been a firsthand witness to events that shook the world and transformed the U.S. government. Just days after the 9/11 terrorist attacks, he was named U.S. ambassador to the United Nations, where he helped manage the international response. Negroponte was appointed the first U.S. ambassador to Iraq in June 2004, and beginning in April 2005 he was the first person to serve in the new position of director of national intelligence after reforms of the spy community. Negroponte currently serves as the deputy secretary of State, the department's second-ranking official. He spoke recently with *National Journal* Staff Correspondent **James Kitfield**. Edited excerpts follow.

Q: When foreign-affairs experts look at the global landscape, they see an unusual amount of chaos and instability -- nation building and counterinsurgency warfare in Iraq and Afghanistan, confrontation with Iran, assassination and political paralysis in Pakistan and Lebanon, violence and genocide in Africa, populist upheaval in Latin America, a rapidly rising China and increasingly belligerent Russia, and new sanctuaries for terrorist groups such as Al Qaeda. Do you agree that these are particularly challenging times?

Negroponte: Well, first of all I would say that we live in an era when a rapid and intense news cycle has the effect of magnifying events so that they seem to come at us with a vengeance, intensifying the feelings you describe. Also I would ask, an unusual period compared to what? When I was a freshman in college in the fall of 1956, for instance, we witnessed the invasion of the Suez and the Hungarian revolution at the same time. Talk about troubled times. So sometimes the world does look like a very troubled place.

On the positive side of the ledger, however, I would note that our democracy agenda is doing quite well in many places, such as Africa and Latin America. When you look around the world, economies are generally growing, and there is real prosperity out there. So by and large we are working off pretty solid fundamentals.

Q: Yet when you look at the difficulty of establishing functioning democracies in Afghanistan and Iraq, haven't we seen major challenges and setbacks precisely where the U.S. military is most heavily engaged?

Negroponte: There's no question that the major challenge is the Middle East. But even there, if you look at Iraq, you'll see a more promising perspective. Iraq is getting better. We have indications that the situation between Turkey and the Iraqi Kurds is calming somewhat. Lebanon is still stalemated, and that is a problem. On the other hand, for the first time in years the Lebanese army is acting like a national force and has even established a presence in the south, where Hezbollah traditionally dominated. And, of course, there is the administration's full-court press to try and promote the Middle East peace process. So I see some hopeful signs and am pretty upbeat generally. There are certainly issues that need our attention, but I don't see any cause for hand-wringing at this point.

Q: What do you say to experts who look at our missteps in Afghanistan and Iraq and conclude that the Bush administration vastly underestimated the challenges of establishing democracy and civil-society institutions in those countries?

Negroponte: I have some personal experience in that regard. I don't know whether or not it conforms to conventional wisdom, but my view is that we underestimated the security challenges. We moved into a reconstruction phase while we were still in a conflict situation. So it was not a question of underestimating the difficulty of establishing democracy, as much as we underestimated the extent of the insurgency. As a result, we put a lot of resources into reconstruction projects when we should have been in more of a counterinsurgency mode. I think we've

corrected that mistake.

Q: Do you think the administration erred in stressing the "global war on terror" as the central focus of U.S. foreign policy for so long, making us seem too militaristic to much of the world?

Negroponte: Well, I've got to stress that terrorism is still a serious threat. There are still people plotting against us and planning to do harm to the United States and our interests around the world. Some of them reside in the tribal areas of Pakistan and along the Pakistan-Afghan border. We have to curtail that activity. But if you're suggesting that we have to deal with the threat of terrorism in a multifaceted way and that military means alone are not sufficient, then I agree. The solution requires the military but also good intelligence. We also have to address the root causes that serve as the breeding ground for terrorism.

Q: When we as a nation are still debating the morality and efficacy of "harsh" interrogation techniques that much of the world consider torture, and indefinite detainment that lies outside the rule of international law, can the United States really win the "war of ideas" that President Bush insists is crucial to this conflict?

Negroponte: I get concerned that we're too retrospective and tend to look in the rearview mirror too often at things that happened four or even six years ago. We've taken steps to address the issue of interrogations, for instance, and waterboarding has not been used in years. It wasn't used when I was director of national intelligence, nor even for a few years before that. We've also taken significant steps to improve Guantanamo. People will tell you now that it is a world-class detention facility. But if you want to highlight and accent the negative, you can resurface these issues constantly to keep them alive. I would rather focus on what we need to do going forward.

Q: Is closing Guantanamo Bay an important part of that future agenda, as President Bush and Secretary of State Condoleezza Rice have suggested?

Negroponte: I think closing Guantanamo is a long-term goal, though I don't know when it will be possible. In the meantime, we as a nation have to address the issue of what we do with people who pose a terrorist threat and cannot just be let loose on our society. There is a very high rate of recidivism with some of these people. If we let them go and they carry out similar terrorist actions in the future, we will have only ourselves to blame.

Q: One of the signature and most controversial aspects of the Bush foreign policy has been your great reluctance to engage in negotiations with adversaries, most notably Iran. Given that we talked constantly with the Soviet Union throughout the Cold War, why refuse to engage Iran?

Negroponte: Well, there is perhaps a little more contact with some of these societies than we are given credit for. In the case of Iran, we've certainly engaged indirectly in an intense way through the E.U.-3 [the European Union's Britain, France, and Germany], the United Nations, and the International Atomic Energy Agency. It's true we haven't had direct talks, except in Iraq on issues specific to that situation. That's probably the best approach, because we have to focus on where we can best advance our interests. Our nuclear interests are best covered in the E.U.-3 dialogue. Iraq issues we have with Iran are dealt with by ambassadorial engagement in Baghdad.

Q: But given that the United States reached a deal on North Korea's nuclear weapons program only after the administration relaxed its refusal to talk on a bilateral basis, why not just sit down with Iranian leaders and negotiate directly?

Negroponte: The flip side of that approach is that unless you have an indication that Iran is really prepared to talk about its destabilizing activities in the region -- whether in Iraq, Lebanon, Afghanistan, or in terms of the Middle East peace process -- direct, high-level talks might simply encourage them. They may feel that talks give them a free pass to continue behaving badly. If they are serious about improving the atmosphere between our countries, I would hope that Iran would address some of the security issues we have raised during our ambassadorial-level talks in Baghdad. As far as Iran's nuclear program, Secretary Rice has made it very clear that if Iran suspends its uranium enrichment, that would open the way for direct, high-level contacts between us.

Q: Given polls that show a significant increase in isolationist sentiment among Americans as a result of the Iraq war, how worried are you that the public will not support global U.S. leadership in the future?

Negroponte: I do worry about that attitude among the public. We need to remind ourselves constantly that Americans make up only around 4 percent of the world's population. We have to engage with the other 96 percent of people who live outside our borders, and work with them constructively toward peace and stability. Because even though we make up only 4 percent of the world's population, we account for 25 percent of the world's economy, and we are by far the world's largest military power. Practically every country I've ever dealt with sees its

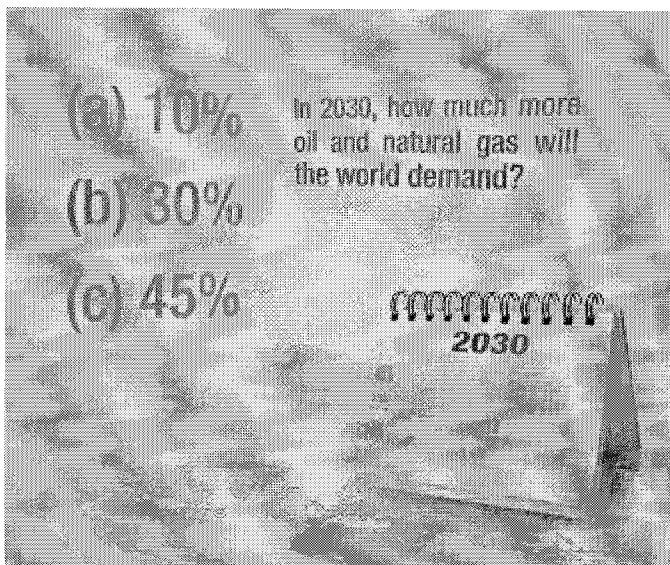
relationship with the United States as its most important bilateral relationship. Whether they are friends or adversaries, every country has to take the U.S. point of view into account. So we have to try and make the case continually to the American people that our society and economy benefit from engagement with other countries, and what we stand for and advocate really counts around the world.

Q: If you had one piece of advice for the next president, what would it be?

Negroponte: I would certainly counsel whoever the next president is to have patience with respect to Iraq. Let's not throw out the baby with the bathwater in that regard.

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