

1
2 UNITED STATES DISTRICT COURT
3 FOR THE EASTERN DISTRICT OF WASHINGTON

4 SULEIMAN ABDULLAH SALIM,
5 MOHAMED AHMED BEN SOUD, OBAID
6 ULLAH (AS PERSONAL
7 REPRESENTATIVE OF GUL RAHMAN),

2:15-CV-286-JLQ

8 Plaintiffs,

DECLARATION OF
9 SENATOR RON WYDEN

10 v.

11 JAMES ELMER MITCHELL and JOHN
12 "BRUCE" JESSEN

13 Defendants.

14 I, Ron Wyden, declare under penalty of perjury as follows:

- 15 1. I am a United States Senator and senior member of the Senate Select
16 Committee on Intelligence. I have been a member of the
17 Committee for over sixteen years. The Committee was formed in
18 1976 and its tasks are to "oversee and make continuing studies of
19 the intelligence activities and programs of the United States
20 Government," to "report to the Senate concerning such intelligence
21 activities and programs," and to "provide vigilant legislative
22 oversight over the intelligence activities of the United States to
23 assure that such activities are in conformity with the Constitution
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1 and laws of the United States.” S. Res. 400, 94th Cong., 2d Sess.
2 (1976).

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- 4 2. The Senators on the Committee (and our counterparts in the House
5 of Representatives) are the only individuals outside the Executive
6 Branch charged with direct oversight of the intelligence agencies.
7 The Committee’s staff is integral to this function. Consequently,
8 Senators and the staff have deep experience with and unique access
9 to and understanding of the activities of the intelligence agencies.
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- 11 3. As part of the Committee’s oversight responsibilities, it initiated a
12 Study of the CIA’s Detention and Interrogation Program (“Study”)
13 by a 14-1 bipartisan vote. The Committee had no pre-ordained
14 findings or conclusions, but was determined to investigate and
15 arrive at findings and conclusions based on verifiable facts, which
16 is what we did.
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- 18 4. Important for our investigative work were the professionalism,
19 experience and expertise of the Committee’s Staff, which included
20 former FBI and CIA employees as well as attorneys.
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- 22 5. As I stated on the Senate Floor, the Committee’s Study was “one of
23 the most thorough investigations in the history of the United States
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1 Senate.” The final Report was “ based on a five-year review of
2 over six million pages of documents, including interrogation logs,
3 interview transcripts, internal emails and memoranda, official
4 presentations to Congress, the Justice Department and the White
5 House, and other documents.” It relied primarily on the CIA’s own
6 records created contemporaneously or close in time with events that
7 were described in them, and included a review of interviews
8 conducted, also close in time to actual events, by the CIA’s
9 Inspector General. The investigation’s “findings do not rest on
10 speculation or incriminating fragments of communications, but on a
11 vast body of documentary evidence.”
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16 6. On December 13, 2002, the Committee approved the Study by a
17 bipartisan 9-6 vote. On April 13, 2014, the Committee decided to
18 make the executive summary of the Study, the findings and
19 conclusions, and the Minority Views, public by an 11-3 bipartisan
20 vote. The Study was filed as a Senate report (S. Report 113-288) on
21 December 9, 2014. It maintained bipartisan backing, with support
22 from Senator John McCain (R-AZ). The full Study exceeds 6,700
23 pages and includes approximately 38,000 footnotes.
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1 7. New interviews were not conducted because the CIA, citing a
2 Justice Department criminal inquiry, would not instruct its
3 employees to participate in interviews. However, the Study
4 included a review of interviews conducted close in time to actual
5 events by the CIA's Inspector General.
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8 8. It is true that the minority leadership of the Committee withdrew
9 from participation in the investigation based on the Department of
10 Justice's criminal inquiry and the minority's determination that
11 many of the relevant witnesses would likely decline to be
12 interviewed by the Committee. The minority nonetheless
13 maintained access to the same millions of pages of CIA and other
14 documents that the majority reviewed. The majority provided drafts
15 of the Study's sections to the minority for review as soon as those
16 sections were complete.
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20 9. The Study's critics, including the defendants and former CIA
21 officials acting as declarants, have been unable to identify factual
22 errors in the Study or otherwise undermine the Study's reliability.
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24 10. Unfounded criticism of the Study by those who would rather keep
25 secret this chapter in our Nation's history does nothing to change
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1 the facts: the Report is meticulous, accurate, and provides the
2 American people with critical information that was long kept
3 hidden from them.
4

5 * * *

6 I declare under penalty of perjury that the foregoing is true and correct.
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9 
10 Ron Wyden

11 Dated: July 10, 2017
12 Washington, DC

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of July, 2017, I caused to be electronically filed and served the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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