United States Senate
WASHINGTON, DC 20510

February 26, 2010

President Barack Obama
The White House
1600 Pennsylvania Ave NW
Washington, D.C. 20500

Dear President Obama:

On January 22, 2009, shortly after taking office, you issued Executive Order (E.O.) 13491. This E.O. essentially restricted the Intelligence Community (IC) to the use of the interrogation tactics laid out in the Army Field Manual (AFM), which is readily available online. Given the testimony provided earlier this month by Director of National Intelligence Dennis Blair that "an attempted attack…is certain," we write today to ask you to revisit your decision to issue E.O. 13491.

Gaining timely and accurate intelligence will be a decisive factor in protecting the homeland as well as defeating the Taliban and al-Qaeda in Afghanistan, Iraq, Yemen, and throughout the entire Middle East. However, by limiting our IC to only those techniques in the AFM, we have removed one important tool the IC has to use against al-Qaeda—the fear of the unknown. Terrorists now know exactly what our interrogation methods and limitations are, and based on that knowledge they can train and prepare themselves to successfully resist interrogation efforts.

The restrictions which have been put in place by E.O. 13491 handcuff the IC and have created an atmosphere of uncertainty where members of the Intelligence Community will not conduct any interrogations for fear of prosecution. As the DNI has made clear, even the newly formed High Value Detainee Interrogation Group (HIG) will use only FBI interrogators and rely on personnel from the CIA and DIA to provide intelligence support only. This seems to limit the IC even further to use only those interrogation methods approved by the FBI. The decision to limit our interrogators will lead to lost intelligence. By removing the restrictions of E.O. 13491 we can give the IC the tools it needs to prosecute this war and also prove to members of the IC that we have faith and confidence in their ability to collect intelligence necessary to combat al-Qaeda.

Additionally, we would like to applaud your remarks from January, 5, 2010, regarding al-Qaeda and intelligence when you stated that *"Time and again, we've learned that quickly piecing together information and taking swift action is critical to staying one step ahead of a nimble adversary. So we have to do better -- and we will do better. And we have to do it quickly. American lives are on the line. Just as al-Qaeda and its allies are constantly evolving and adapting their efforts to strike us, we have to constantly adapt and evolve to defeat them, because as we saw on Christmas, the margin for error is slim and the consequences of failure can be catastrophic."* Limiting the IC to those interrogation methods available in the AFM, however, does not allow us to evolve and adapt to meet this asymmetric enemy. We know that al-Qaeda and its affiliates are trained in interrogation resistance techniques. The public availability of the AFM has only given our enemies a guidebook to enhance their training.

The Christmas Day bomb plot, the attack at Fort Hood, as well as the arrests of Najibullah Zazi in Colorado and his associates in New York and the arrest of Boston resident Tarek Mehanna remind us that there are Islamic terrorists intent upon killing Americans both at home and abroad. The gathering and dissemination of timely and accurate intelligence is critical not only toward stopping terrorist attacks here in America but also in achieving our goals in Afghanistan and ensuring that our soldiers, sailors, airmen, and Marines return home safely.

Sincerely,

Mike Crapo