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## TCP Task Force on Detainee Treatment Marks Second Anniversary of Groundbreaking Report

An examination of progress made by Congress and the Obama administration on three of the Task Force's principal recommendations reveals, at best, an uneven record

Two years ago today, The Constitution Project Task Force on Detainee Treatment, an [11-member bipartisan blue-ribbon panel](#), released a [600-page report](#) examining the treatment of suspected terrorists under the Clinton, Bush and Obama administrations. In many respects, this Task Force report is the public examination of the treatment of detainees that official Washington has been reluctant to conduct. **It remains the most comprehensive report of its kind.**

The Task Force analysis was based on a thorough examination of available public records and interviews with more than one hundred people, including former detainees, military and intelligence officers, interrogators and policymakers. In addition, Task Force members and staff conducted on-the-ground fact-finding in Afghanistan, Iraq, Libya, Lithuania, Poland and the United Kingdom, and also at Guantanamo Bay.

The TCP Task Force [found](#) that U.S. personnel engaged in torture, that the decision to do so was made at the highest levels of government, and that the public record contained no persuasive evidence that torture and abuse produced information of value. Task Force members' hoped that their report would help the country understand the terrible mistakes that were made and the wrongdoing that occurred, acknowledge and learn from them, and begin to take the steps necessary to prevent a return to torture and abuse in the face of a next crisis.

In fact, according to a [national survey](#) commissioned by TCP, an overwhelming bipartisan majority of Americans believes that torturing people is immoral and should not be done if the government might have other ways to obtain information about terrorists. More than two-thirds of them want Congress to strengthen laws prohibiting torture to make it clearer to the CIA and the military what behavior is legal, and what is not, when interrogating people who may have information about terrorists, with support for tightening the law cutting across party lines.

An examination of progress made by Congress and the Obama administration on three of the Task Force's principal recommendations reveals, at best, an uneven record:

Increasing transparency regarding the CIA's and military's abuse and torture of captives after 9/11. The Task Force called on the executive branch to declassify evidence regarding the CIA's and military's abuse and torture of captives -- beginning with the Senate Intelligence Committee's report on the CIA's former detention and interrogation program. After months of persistent lobbying by Task Force members and TCP staff, and protracted negotiations between the administration and the committee about what to include, the executive summary of the Torture Report was finally made [public](#) on December 8, 2014. The committee's report mirrored many of the findings of our Task Force. Senator Dianne Feinstein (D-Calif.) followed up release of the committee's report with a [letter](#) to President Obama proposing a series of reforms the executive branch could undertake to safeguard against a return to torture.

Unfortunately, it appears the administration is largely ignoring the report. As far as we are aware, the president has not yet responded to Senator Feinstein. Moreover, in response to a Freedom of Information Act request for the full, still-classified 6,900-page Torture Report, government lawyers wrote in late January that most of the affected executive agencies -- including Justice, State and the FBI -- have not even bothered to open their sealed copy. New Senate Intelligence Committee Chairman Richard Burr (R-N.C.) has gone so far as to tell the administration to return all copies of the full report to the committee, an apparent attempt to keep the information from the public.

Declassification and release of the Torture Report's executive summary was a critical step. But transparency should not stop there. It is time to declassify all relevant information about post-9/11 detainee abuses. In the meantime, the executive branch must meaningfully engage with the report in an effort to understand what went wrong, learn from it, and make the reforms necessary to prevent the repetition of what went wrong.

Closing the Guantanamo Prison. The Task Force recommended a process for closing Guantanamo that began with transferring to host countries those detainees who had long been cleared by unanimous decision of relevant executive branch agencies, including the military and the intelligence community. After several years of inaction, the administration is finally starting to make good on President Obama's promise to close the facility. Since late 2013, [34 detainees have been transferred out](#), leaving 122 captives still at Guantanamo, 56 of whom have been cleared for transfer by every relevant national security agency. However, the momentum towards closure that had built in 2014 and into early 2015 appears to have stalled, and a few Republicans in Congress are working tirelessly to pass [laws](#) that would prohibit *any and all* transfers.

Closure is still possible during the Obama presidency, but it will require more aggressive efforts on the administration's part and Congress not obstructing a process that is finally working. Specifically, the administration must pick up the pace significantly both of transfers and the Periodic Review Board process for those detainees not yet cleared for transfer, and Congress must ease -- not add to -- statutory restrictions on transfers.

Ending forced-feeding at Guantanamo. The Task Force said forced feeding of detainees is a form of abuse and must end. Members called on the government to adopt standards of care, policies and procedures regarding detainees engaged in hunger strikes that are in keeping with established medical professional ethical and care standards set forth as guidelines for the management of hunger strikers in the World Medical Association Declaration of Malta on Hunger Strikes. Unfortunately, forced-feeding at Guantanamo continues today, through policies and practices that violate longstanding medical ethics and standards of care. Senator Dianne Feinstein [wrote](#) recently to Secretary of Defense Ashton Carter urging an end to forced-feeding, or at least changes to the practice if it continues. So far as we know, Secretary Carter has not responded.

\* \* \*

These are but a few of the recommendations offered by the Task Force. To see the full complement of proposals, you may review the [full report online](#). We expected the efforts to implement the Task Force recommendations would take some time. With your ongoing support, we will keep up the pressure in hopes of erasing this stain on our national conscience, and helping ensure the lawful and humane treatment of suspected terrorists in the future.

Sincerely,



Virginia E. Sloan

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