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September 30, 2004

The Honorable Porter Goss
Director
Central Intelligence Agency
Washington, D.C. 20505

Dear Director Goss:

Congratulations on your recent confirmation to serve as Director of the Central Intelligence Agency. I look forward to working with you in your new capacity.

I am writing you at this time because on September 29, 2004 I received by messenger a letter, dated September 23, 2004, from Stanley M. Moskowitz, Director of Congressional Affairs for the CIA (see Enclosure 1). This letter was sent in response to a July 15, 2004 letter that I sent the then-Acting Director asking a series of questions about the issue of "extraordinary rendition" and requesting the Agency to provide response to those questions by August 16, 2004 (see Enclosure 2).

In his response letter, Mr. Moskowitz failed to provide answers to any of the questions posed in my letter. Instead, he merely stated:

Your concerns about renditions and the questions about them raised in your letter are matters that are subject to the regular and necessary oversight functions of the various congressional oversight committees, as well as to the applicable laws and conventions of the United States. I can assure you that it remains the policy and practice of this Agency to be fully and promptly compliant with these authorities as they apply to the matter of renditions.

I find it rather curious that the Central Intelligence Agency would take more than two months to provide a completely non-responsive letter to my inquiry which failed to answer, or even directly address, any of my questions. Mr. Moskowitz is quite correct that the matters raised in my letter are matters that are subject to the oversight of the Congress, and to the applicable laws and conventions signed by the United States. I am a Member of the Select Homeland Security Committee, and I serve on its Intelligence Subcommittee. As such, I am trying to better understand how the Agency, as well as other U.S. Government Agencies, have been carrying out their responsibilities under the applicable laws and conventions governing the proper treatment of detainees. I have also introduced legislation on this subject, H.R. 4674, which would affect future renditions. In my letter, I ask the Agency both for information about current rendition practices, its analysis of the applicable laws and conventions, and its views on my proposed

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legislation. This issue has particular importance now, as the House is now poised to take up legislation, H.R.10, which actually contains provisions (Sections 3032 and 3033), which would make it easier for the U.S. to transfer suspects to countries which engage in torture. I intend to offer an amendment to strike this language and replace it with the text of my bill.

The letter that I sent to then-Acting Director McLaughlin on July 15, 2004 therefore was aimed at enabling me to obtain information that I require in order to carry out my legislative and oversight responsibilities as a Member of Congress, including those incurred due to my service on the Homeland Security Committee. As you can see by reviewing the questions in the attached letter, many of them relate to matters which former Director Tenet has discussed in unclassified testimony (such as numbers of renditions), or which request information on the Agency's views on matters of international law or about proposed legislation. All of them involve matters which I consider to be highly relevant to understanding U.S. policy and practice in this area. I would therefore respectfully request that you direct your staff to prepare responses to the questions posed in my July 15, 2004 letter and provide them to me in an expeditious fashion.

Thank you for your assistance and cooperation in this matter. Should your staff have any questions about this request, please have them contact Mr. Jeff Duncan or Dr. Katie Donnelly of my staff at 202-225-2836.

Sincerely,



Edward J. Markey

Member

Select Committee on Homeland Security

Enclosure