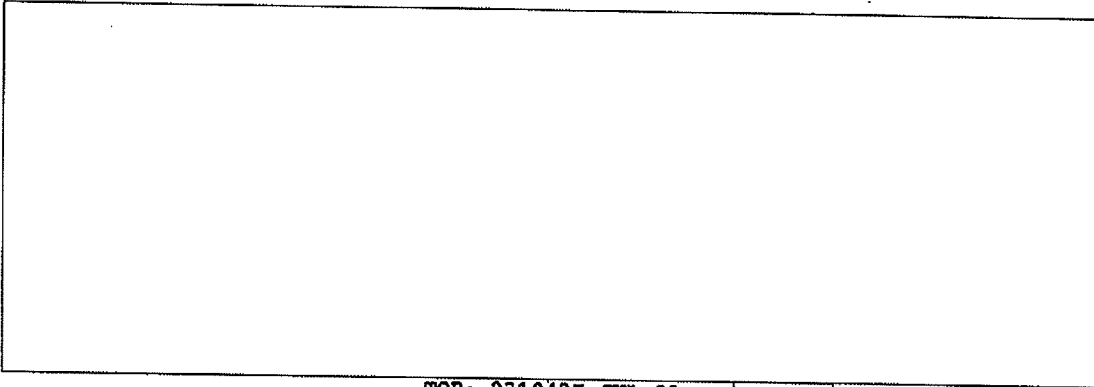


# **Exhibit 40**

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TOR: 231043Z JUL 02 [redacted] 73208

~~SECRET~~ 231045Z JUL 02 [redacted]

CITE [redacted] 73208

TO: [redacted]

FOR: [redacted]

SUBJECT: EYES ONLY - COMMENTS ON PROPOSED ENHANCED INTERROGATION  
PROCESS

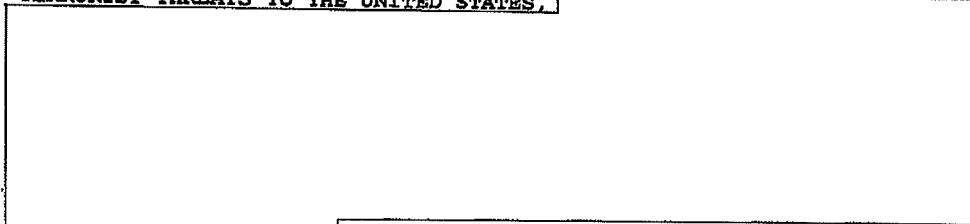
REF: DIRECTOR 375769 [redacted]

TEXT:

1. ACTION REQUIRED: REQUEST HQS GUIDANCE.



THERE IS  
INFORMATION AND ANALYSIS TO INDICATE THAT SUBJECT HAS INFORMATION ON  
TERRORIST THREATS TO THE UNITED STATES, [redacted]



WE ARE A NATION OF LAWS AND WE DO NOT WISH  
TO PARSE WORDS. A BOTTOM LINE IN CONSIDERING THE NEW MEASURES  
PROPOSED FOR USE AT [redacted] IS THAT SUBJECT IS BEING HELD IN SOLITARY  
CONFINEMENT, AGAINST HIS WILL, WITHOUT LEGAL REPRESENTATION, AS AN  
ENEMY OF OUR COUNTRY, OUR SOCIETY AND OUR PEOPLE. THEREFORE, WHILE  
THE TECHNIQUES DESCRIBED IN HQS MEETINGS AND BELOW ARE ADMINISTERED  
TO STUDENT VOLUNTEERS IN THE U.S. IN A HARMLESS WAY, WITH NO  
MEASURABLE IMPACT ON THE PSYCHE OF THE VOLUNTEER, WE DO NOT BELIEVE

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WE CAN ASSURE THE SAME HERE FOR A MAN FORCED THROUGH THESE PROCESSES AND WHO WILL BE MADE TO BELIEVE THIS IS THE FUTURE COURSE OF THE REMAINDER OF HIS LIFE. STATION, [REDACTED] COB AND [REDACTED] PERSONNEL WILL MAKE EVERY EFFORT POSSIBLE TO INSURE THAT SUBJECT IS NOT PERMANENTLY PHYSICALLY OR MENTALLY HARMED BUT WE SHOULD NOT SAY AT THE OUTSET OF THIS PROCESS THAT THERE IS NO RISK.

[REDACTED] HE IS AN INCREDIBLY STRONG WILLED INDIVIDUAL WHICH IS WHY HE HAS RESISTED THIS LONG

3. THE ABOVE SAID, WE DEFER TO EXPERTS AND AS REQUESTED REF, BELOW -- IN PARAS FOUR AND FIVE -- PLS FIND COMMENTS DRAFTED BY INTERROGATION TEAM MEMBERS, IC SERE PSYCHOLOGISTS [REDACTED] OF REF B, CONCERNING POINTS RAISED REF A. WE HOPE HQS FINDS THIS CLARIFICATION HELPFUL.

4. IC SERE PSYCHOLOGISTS FEEDBACK: OUR ASSUMPTION IS THE OBJECTIVE OF THIS OPERATION IS TO ACHIEVE A HIGH DEGREE OF CONFIDENCE THAT SUBJECT IS NOT HOLDING BACK ACTIONABLE INFORMATION CONCERNING THREATS TO THE UNITED STATES BEYOND THAT WHICH SUBJECT HAS ALREADY PROVIDED. GIVEN HIS DEMONSTRATED ABILITIES, HIS CURRENT LEVEL OF CONFIDENCE, AND HIS RELUCTANCE TO PROVIDE THREAT INFORMATION -- AGAIN BEYOND THAT WHICH HE HAS ALREADY PROVIDED -- IC SERE PSYCHOLOGISTS RECOMMEND USING AN ESCALATING INTERROGATION STRATEGY THAT HAS A HIGH PROBABILITY OF OVERWHELMING SUBJECT'S ABILITY TO RESIST. TO ACCOMPLISH THIS, THE ESCALATION MUST CULMINATE WITH PRESSURE WHICH IS ABSOLUTELY CONVINCING. WE PROPOSE TO EMPLOY THE PRESSURES/TECHNIQUES IDENTIFIED AT HQS (MINUS THE MOCK BURIAL--SEE PARA SIX BELOW) IN CONCERTED FASHION TO OVERWHELM SUBJECT'S ABILITY TO RESIST BY LEADING HIM TO BELIEVE THAT HE CANNOT PREDICT OR CONTROL WHAT HAPPENS TO HIM. THE PLAN IS TO RAPIDLY OVERWHELM SUBJECT, WHILE STILL ALLOWING HIM THE OPTION TO CHOOSE TO COOPERATE AT ANY STAGE AS THE PRESSURE IS BEING RATCHETED UP. THE PLAN HINGES ON THE USE OF AN ABSOLUTELY CONVINCING TECHNIQUE. THE WATERBOARD MEETS THIS NEED. WITHOUT THE WATERBOARD, THE REMAINING PRESSURES WOULD CONSTITUTE A 50 PERCENT SOLUTION AND THEIR EFFECTIVENESS WOULD DISSEATE PROGRESSIVELY OVER TIME AS SUBJECT FIGURES OUT THAT HE WILL NOT BE PHYSICALLY BEATEN AND AS HE ADAPTS TO CRAMPED CONFINEMENT.

5. EFFECTIVE USE OF THE WATERBOARD OVERWHELMS THE INDIVIDUAL'S ABILITY TO RESIST. IC SERE PSYCHOLOGISTS CONCUR WITH THE JPRA REPRESENTATIVE'S ASSERTION THAT IF USED TO PUSH STUDENTS TOO FAR IN TRAINING PROGRAMS, THE WATERBOARD CAN HAVE THE UNWANTED SIDE EFFECT OF REDUCING THE STUDENT'S CONFIDENCE IN HIS OR HER ABILITY TO RESIST IN ACTUAL CAPTIVITY AND INTERFERE WITH LEARNING. THE FACT THAT THE WATERBOARD OVERWHELMS MOST PEOPLE'S ABILITY TO RESIST IS PRECISELY WHY IC SERE PSYCHOLOGISTS THINK THIS PROCEDURE WOULD BE EFFECTIVE AGAINST THE RESISTANCE STRATEGIES SUCCESSFULLY EMPLOYED BY SUBJECT TO DATE. IC SERE PSYCHOLOGISTS ARE NOT AWARE OF ANY SPECIFIC STATISTICS REGARDING LONG TERM MENTAL HEALTH OUTCOMES OR CONSEQUENCES FROM USE OF WATERBOARD IN TRAINING. IC SERE PSYCHOLOGISTS DO KNOW THAT THE NAVY HAS NOT REPORTED ANY SIGNIFICANT LONG TERM MENTAL HEALTH CONSEQUENCES FROM USE OF THE WATERBOARD IN TRAINING. IC SERE PSYCHOLOGISTS ARE ALSO AWARE THAT JPRA -- WHICH IS THE OPR FOR EXECUTIVE OVERSIGHT OF ALL DEPARTMENT OF DEFENSE (DOD) SERE SCHOOLS AND CHARGED WITH INSURING SAFETY OF THE TECHNIQUES USED IN TRAINING -- HAS NOT REPORTED ANY SIGNIFICANT LONG TERM MENTAL HEALTH CONSEQUENCES ASSOCIATED WITH USE OF THE WATERBOARD. ADDITIONAL INFORMATION CONCERNING THE USE OF THE WATERBOARD IN NAVY SERE SCHOOLS

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CAN BE OBTAINED FROM [REDACTED], THE JPRA SERE PSYCHOLOGIST; AND [REDACTED], THE WEST COAST NAVY SERE SCHOOL PSYCHOLOGIST. SPEAKING DIRECTLY TO THE ISSUE OF INDUCING SEVERE MENTAL PAIN OR SUFFERING, ANY PHYSICAL PRESSURE APPLIED TO EXTREMES CAN CAUSE SEVERE MENTAL PAIN OR SUFFERING. HOODING, THE USE OF LOUD MUSIC, SLEEP DEPRIVATION, CONTROLLING DARKNESS AND LIGHT, SLAPPING, WALLING, OR THE USE OF STRESS POSITIONS TAKEN TO EXTREME CAN HAVE THE SAME OUTCOME. THE SAFETY OF ANY TECHNIQUE LIES PRIMARILY IN HOW IT IS APPLIED AND MONITORED.

6. STATION [REDACTED] DEFER TO HQS ON USE OF THE MOCK BURIAL WHICH IS LESS CRUCIAL TO THE PROCESS. THIS APPROACH WAS SUGGESTED AT HQS AS ONE/ONE METHOD FOR TRANSITIONING SUBJECT FROM HIGH PRESSURE INTERROGATIONS TO A MORE DEBRIEFING-LIKE SETTING IN THE UNLIKELY EVENT THAT SUBJECT COULD SUCCESSFULLY RESIST THE WATERBOARD DURING THE HIGH PRESSURE PHASE. THERE ARE OTHER WAYS TO TRANSITION SUBJECT AND WE DO NOT NEED TO PURSUE THIS OPTION IF IT HOLDS UP THE APPROVAL PROCESS INORDINATELY.

[REDACTED]

END OF MESSAGE

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