

**OPEN HEARING: NOMINATION OF GINA HASPEL
TO BE THE DIRECTOR OF THE CENTRAL
INTELLIGENCE AGENCY**

HEARING
BEFORE THE
SELECT COMMITTEE ON INTELLIGENCE
OF THE
UNITED STATES SENATE
ONE HUNDRED FIFTEENTH CONGRESS
SECOND SESSION

WEDNESDAY, MAY 9, 2018

Printed for the use of the Select Committee on Intelligence



Available via the World Wide Web: <http://www.govinfo.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

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[Established by S. Res. 400, 94th Cong., 2d Sess.]

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WEDNESDAY, MAY 9, 2018

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC.

The Committee met, pursuant to notice, at 9:38 a.m. in Room SH-219, Hart Senate Office Building, Hon. Richard Burr (Chairman of the Committee) presiding.

Present: Senators Burr, Warner, Risch, Rubio, Collins, Blunt, Lankford, Cotton, Cornyn, Feinstein, Wyden, Heinrich, King, Manchin, Harris, and Reed.

**OPENING STATEMENT OF HON. RICHARD BURR, CHAIRMAN, A
U.S. SENATOR FROM NORTH CAROLINA**

Chairman BURR. I'd like to call this hearing to order. I'd like to say at the beginning of this hearing it is the tradition of this committee to have nominees in front of us in open and closed session. It's also incumbent on those who attend in the audience that they recognize the order that we expect. The Chair would announce now, I will not be lenient. If there are outbursts, you will be cleared from the room and it will be done immediately. So for the benefit of members and for the benefit of our witnesses, if you're going to do it, do it fast, do it early, and be gone.

I'd like to welcome our witness today, Acting Director of the Central Intelligence Agency, Ms. Gina Haspel. Gina, congratulations on your nomination.

Our goal in conducting this hearing is to enable the committee to begin consideration of Ms. Haspel's qualifications and to allow for thoughtful deliberation by all members. She's already provided substantive written responses to more than 100 questions presented by the committee and its members. Today, of course, members will be able to ask additional questions and to hear from Ms. Haspel in open and closed session.

Gina, you've been asked to lead what I believe is one of our most treasured assets in this Nation during a period of profound change. The Central Intelligence Agency is one of the principal members of the United States intelligence community and is tasked with collecting foreign intelligence through human sources and by appropriate other means.

The CIA operates in the shadows. Its officers are often undercover and sometimes work in hostile and austere environments. It's

not simply a job for many, but it's a lifestyle, one that you have lived honorably for more than 30 years.

The clandestine nature of the Agency's work, however, is both its greatest capability and its most challenging liability, as its activities are outside the public view. We address that liability by calling upon the President to nominate individuals with unwavering integrity, and the Senate approves only those who we are assured will lead this organization lawfully, ethically, and morally.

Gina Haspel was born in Kentucky, the oldest of five children, where she returned after attending high school in England. She originally told her father, who served in the United States Air Force, that she wanted to attend West Point, only to be gently reminded that West Point at the time did not admit women.

That didn't dilute her sense of service and, after graduating from the University of Kentucky, Gina went on to work as a contractor with the Tenth Special Forces Group. It was in Fort Devos that Gina learned about the CIA, a place where she could serve along with other women doing clandestine work around the world.

Since her departure in 1985, Gina has developed an extensive overseas experience and served as chief of station in many locations. In Washington, she's held numerous senior leadership positions, including Deputy Director, Deputy Director of National Clandestine Service.

Gina, I've reviewed the material provided by you and have spoken to you personally many times. I believe your intellectual rigor, your honorable service, and outstanding judgment make you a natural fit to lead the CIA.

I can assure you that this committee will continue to faithfully follow its charter and conduct vigorous and real-time oversight over CIA's operations and activities. We will ask difficult and probing questions of you and your staff, and we will expect honest, complete, and timely responses. The American people allow the CIA to operate in the shadows because they have a trust in oversight and I take that responsibility seriously.

Now, some may seek to turn this nomination into a trial about a long-shuttered program. I'd like to set the record straight and make clear to those in attendance and the American people that this hearing's about—this hearing's not about programs already addressed by executive order, legislation, and a court of law. It's about the woman seated in front of us.

Gina, I've reviewed your records closely. I've read your detailed and thoughtful answers to the committee's prehearing questions, and I've spoken with you many times over the years. You are without a doubt the most qualified person the President could have chosen to lead the CIA and the most prepared nominee in its 70-year history. You have acted morally, ethically, and legally over a distinguished 30-plus year career. You have operated under authorities signed and granted by the President of the United States, at the direction of the Director of the Central Intelligence Agency, and according to the legal guidance provided by the Attorney General of the United States.

Those who have issues with programs or operations conducted years ago should address those concerns and their questions to former Presidents, former Directors, and former Attorney Generals.

This hearing is about how you will lead the Central Intelligence Agency into the future, not how you faithfully executed missions in the past.

Moreover, you conducted yourself in such a way that your supervisors have uniformly praised your conduct over your lengthy career. Those supervisors commended you for frankness, firmness, and fairness, your moral courage, your integrity, your operational judgment and professional presence. They have commented on your leadership skills and success in creating a more inclusive and fair workplace, and admired your operating at great personal risk to collect intelligence necessary to keep America safe.

Gina, you have the unique experience one only gains from growing up in the CIA. You have the moral strength to speak truth to power. You have learned from the past mistakes of your organization and made clear they will not be repeated.

In the days after 2001, you did not just talk about what should be done, you personally volunteered to help with CIA's response to attacks. You dared to step into the arena when our country needed you, and you have done so again today. For that, I am eternally grateful.

I look forward to supporting your nomination and to ensuring its consideration without delay. I want to thank you for your willingness to serve your country, for your years of service, and I look forward to your testimony.

I now recognize the Vice Chairman for any comments he might make.

**OPENING STATEMENT OF HON. MARK R. WARNER, VICE
CHAIRMAN, A U.S. SENATOR FROM VIRGINIA**

Vice Chairman WARNER. Thank you, Mr. Chairman. I'd like to join you in welcoming Ms. Haspel.

Gina, it's nice to see you again and congratulations on your nomination. The position of Director of the Central Intelligence Agency is one of the most important in our government. The CIA Director serves as a key figure in our intelligence community. He or she leads the premier human intelligence agency in the world, the largest all-source analysis workforce in the intelligence community.

The CIA Director is responsible for providing the intelligence that informs policymakers working on every major national security and foreign policy problem facing our country. As former Director Pompeo's recent trip to North Korea demonstrated, the Director can also be tasked with unusual diplomatic missions. Directors also represent the face of the U.S. intelligence community to the entire world and they should be qualified for that task.

Gina Haspel is among the most experienced people to be nominated for the position of Director of the CIA. While I remain disappointed that the Agency was not more forthcoming in providing and declassifying information about her service, she has served our Nation for 33 years in a variety of roles all over the world.

I also understand that Ms. Haspel is the first operations officer in more than five decades who has been nominated to lead the Agency. And, as we see with some of the folks who are here, I know she enjoys broad support within its workforce.

But many people, and I include myself in that number, have questions about the message the Senate would be sending by confirming someone for this position who served as a supervisor in the Counterterrorism Center during the time of rendition, detention, and interrogation programs. Ms. Haspel has acknowledged the history of the program. She stated that the law has changed and the RDI program is no longer legal. She is committed to upholding the law. I appreciate that, but it is not enough. The secrecy inherent in the CIA's work demands that the Director honor and follow the law, particularly in the dark spaces where the IC often operates and where the glaring light of public scrutiny is nonexistent. No one should get credit for simply agreeing to follow the law. That's the least we should expect from any nominee and certainly from the Director of the CIA.

For those in the chamber who have argued that no one who participated in the RDI program should ever be promoted—I know there are some who feel that—and while I have expressed on many occasions my own objections to the RDI program, I think we have to recognize at that time, the country had just been attacked. People throughout the government were frightened of more imminent attacks and did not know what to do, and the RDI program was absolutely an outgrowth of that fear. There are many at the Agency who participated in the program who believed that what they were doing was both legal and authorized by the then-President.

What I'm not willing to do, however, is to justify this dark period in our history or to sweep away the decision to engage in torture. I believe the RDI program was wrong and we need to make sure it never happens again.

Ms. Haspel, what the committee must hear and what I must hear is in your own view of the RDI program today, given the benefit of time and hindsight, should the United States ever permit detainees to be treated the way the CIA treated detainees under the program, even if you believed it was technically legal? Most importantly, in your view was that program consistent with American values?

We must hear how you would react if the President asked you to carry out some morally questionable behavior that might seem to violate a law or treaty. How will you respond if a secret DOJ opinion authorizes such behavior and gives you a quote, "Get Out of Jail Free Card"? On that day, if ordered to take such actions that are inconsistent with American values, will you say yes and follow the orders? Will you keep Congress in the dark?

Ms. Haspel, I encourage you to take these issues seriously and to address them at length. My vote on your confirmation will be greatly influenced by how you address these questions today.

I know the committee and I in particular would want to hear about also your interaction with respect to the 2005 decision to destroy the CIA interrogation tapes. What role did you play? And if given the chance, would you do it again?

In the same vein, I would like to know your views from that time on about informing Congressional leadership. Given the necessary secrecy of the Agency's activities, it is fundamental to our system of checks and balances that you be extremely forthcoming with this committee, with the Chairman, and with me as Vice Chairman. I

expect you to look for reasons to read us in rather than looking for excuses to keep us out of the loop.

Ms. Haspel, you should consider carefully how you might deal with morally questionable requests in the future. If confirmed, you will face a White House and frankly, in my belief, a President who does not always seem interested in hearing, much less speaking, the truth. The President seems incapable or unwilling to accept the facts that might contradict his views or his policy preferences. Indeed, there have been some in this Administration, even some in the President's own appointees, who have been attacked for telling a truth in public that contradicts the White House narrative. You simply cannot allow the prospects of such attacks from dissuading you of speaking truth to power. I am interested to know how you view your relationship with the President and how you will approach encouraging him and engaging with him.

We have seen on many occasions that this President has no qualms about completely circumventing members of his own Administration, even when making policy that falls within their agencies' jurisdictions. At the end of the day, do you believe you'll be in the room when it matters? And if you're in the room, will the President listen to you when you tell him something is a bad idea?

Finally, Ms. Haspel, I will end with what I hope is an easy, but critical, request. As you know, this committee continues its investigation into Russian interference in the 2016 election. I will expect your commitment to continuing cooperation with us and with the Mueller investigation in the future. I hope you will agree that it is critical that both of these investigations be permitted to proceed independently and completely towards their own conclusions without White House interference.

Gina, again congratulations on your nomination and for your very important work on behalf of our country.

Thank you, Mr. Chairman. I yield back.

Chairman BARR. I thank the Vice Chairman.

It's now an honor to recognize two of our former colleagues. Welcome to each of you, and I will recognize Senator Chambliss and then Senator Bayh for their introductions.

Senator Chambliss.

**STATEMENT OF SAXBY CHAMBLISS, FORMER U.S. SENATOR
FROM GEORGIA**

Senator CHAMBLISS. Thank you, Mr. Chairman, and to you, Vice Chairman Warner, distinguished members of the committee. It's an honor for me to be here with you today along with my dear friend and former colleague Senator Bayh and also with our mutual friend Gina Haspel, obviously President Trump's nominee to be the leader at the CIA.

It's hard to believe it's been a little over three years since I sat on your side of the dais and, while I miss my personal relationship with each one of you, I do not miss the daily decisions that you're having to make. But thank goodness all of you are here to do that.

I've known and admired Gina Haspel for many years. In fact, I met her as a member of this committee, no doubt traveling to one of the many garden spots that CIA officers have been deployed around the globe. Gina is a consummate intelligence professional

who is unwaveringly honest and objective, which is exactly the type of person we need leading the men and women of the CIA today.

The world in which we live gets more complex each and every day. Today we're fighting terrorism on several different continents, major world powers like China and Russia are becoming increasingly more aggressive, the threats from rogue regimes, cyber attacks and weapons of mass destruction are increasing. All the while, the international cooperation and stability continue to deteriorate. The world in which we live needs experience at the helm of the CIA.

Gina Haspel joined the CIA during the Cold War and has played a part in keeping our country safe ever since. She has served with distinction for over 30 years, working at almost every level of the National Clandestine Service. For her contribution, she's been awarded the Intelligence Medal of Merit, the George H.W. Bush Award for Excellence for Counterterrorism, the Donovan Award, and a Presidential Rank Award.

Gina's nomination is also significant because, if confirmed, she would be the first female Director of the CIA in the Agency's history, an achievement that is long overdue considering the incredible contribution over the years that women have made to the mission at the CIA.

Throughout her career at the CIA, Gina has held many leadership positions, but also taken on some of the most demanding and least rewarding assignments that the Agency has to offer. Gina joined the CIA's Counterterrorism Center in the wake of 9-11, putting herself at risk when her country needed her the most. As the committee well knows, these jobs require long hours, are nerve-racking, and come with great personal risk.

It's difficult to talk about all of Gina's accomplishments over her 30-plus year career at the CIA in an open setting, but I know that each of you has reviewed her extensive record. Gina has been criticized in the press for some of her work done at the CIA's Counterterrorism Center. Frankly, I find this criticism very troubling. In 2011, as you all know, Mike Morell reviewed Ms. Haspel's conduct related to the CIA's destruction of the interrogation tapes and determined her actions to be appropriate and found no fault in the performance of her duties.

We all have very strong feelings about the counterterrorism programs that the CIA carried out following 9-11. However, responsibility for these programs rests with the Commander in Chief and the senior leadership at the CIA, not Gina Haspel. When a CIA officer is carrying out authorities granted to them by the President, at the direction of their superiors, in a way that is determined to be lawful by the Attorney General, they should not be punished, period.

I hope I've made the case for Gina, but I also hope you won't just take my word for it. Gina's nomination is being supported by a broad spectrum of national security professionals who have served in both Republican and Democratic administrations. Intelligence community leaders like Henry Kissinger, Jim Clapper, Bob Kerry, Mike McConnell, Mike Hayden, Leon Panetta, John Brennan, and many others. In today's political climate, I cannot name the last

time that so many former intelligence professionals agreed on a single nominee.

Everything I've said to this point is part of the public record and I now want to close by putting a personal touch on this nomination. During my 2 years on the HPSCI and 12 years on this committee, I traveled overseas extensively for the purpose of conducting oversight of the intelligence community. A lot of that travel was with Chairman Burr and with Senator Feinstein. With only a couple of obvious exceptions, we visited with the intelligence community personnel in every hot spot in the world. On several of those stops, we visited with Gina Haspel. Never were we less than significantly impressed by the leadership that Gina was giving to the Agency.

Every member here knows the mission of the CIA, but I'd just like to say to the general public the written stated mission at the CIA, which is: to preempt threats and further U.S. national security objectives by collecting intelligence that matters; producing objective all-source analysis; conducting effective covert action as directed by the President; and safeguarding the secrets that help keep our Nation safe.

No one is better prepared, more focused, or more capable to carry out that mission than is Gina Haspel. Mr. Chairman, Gina is a proven leader who knows the Agency and the threats we face. She is ideally suited to become the next and first female Director of the CIA. Everybody on this committee has an obligation to vet her nomination thoroughly and I know you will. But at the end of the day, I urge you to support her nomination and send it to the floor so that her nomination can be confirmed by the Senate of the United States.

Thank you, Mr. Chairman.

Chairman BURR. Thank you, Senator Chambliss.

Senator Bayh.

STATEMENT OF EVAN BAYH, FORMER U.S. SENATOR FROM INDIANA

Senator BAYH. Thank you, Chairman Burr, Vice Chairman Warner, members of the committee, former colleagues, and current friends. Let me begin by thanking each of you for your service and vital work performed in the Senate Select Committee on Intelligence. Senator Chambliss and I know firsthand the important responsibility each of you bears, and I'm sure I speak for millions of our fellow citizens when I thank you for carrying it out in such an exemplary manner.

It's a pleasure to be with you again to introduce Gina Haspel. My connection to this committee, Mr. Chairman, is longstanding. In fact, my father Birch Bayh served on this panel when it was first created in the aftermath of the Church hearings, which documented the essential need for Congressional oversight of our intelligence community, a role this nominee strongly supports.

My own decade of service on the Senate Select Committee on Intelligence, including with many of you, was, to say the least, eventful. Like today, we faced Russian hostility, Iranian regional ambitions, an expansionist China, an erratic North Korea, cyber threats, and much, much more.

But unlike today, and thank God for that, on September 11, 2001, we experienced a tragedy that indelibly defined those years when a group of suicidal fanatics killed almost 3,000 innocent men, women, and children. It was the deadliest attack on our homeland in half a century.

Who can forget the image of the Twin Towers falling? Who can forget the images of people leaping to their deaths to escape the flames? When would the next attack come? How many more Americans would die?

Throughout it all, this committee was an oasis of bipartisanship—no Democrats, no Republicans, just Americans working together to protect our country. Gina Haspel has done and if confirmed, will do likewise.

She is a lifelong intelligence professional, does not come from the world of politics, and may be the most nonpartisan individual ever nominated for Director of Central Intelligence. It is instructive that former DCIs of both parties endorse her nomination, including Leon Panetta, John Brennan, and Michael Hayden. Each of these men has been blunt in their criticism of some aspects of the current Administration, but all support Gina Haspel.

Ms. Haspel, as has been noted, is without question the most qualified person ever nominated for this position. For 33 years, she has worked to defend America from those who would harm us. She has served on the front lines and she has served with some who now are memorialized with gold stars on the wall in Langley, in tribute to their ultimate sacrifice. She knows the cost of freedom.

She is a clear-eyed, hard-nosed expert on Russia at a time of mounting threats from that nation. And if confirmed, as Senator Chambliss noted, she would be the first woman to serve as DCIA, sending a clear message that advancement in the intelligence community is based on merit, not impeded by prejudice.

Finally, she had the unenviable, weighty responsibility of protecting American lives during times of maximum danger, while also remaining true to our core values. As Senator Warner indicated, questions will be asked today, and they should be asked today, about whether the right decisions were always made. And you should probe deeply to determine whether, if mistakes occurred during that difficult time, were lessons learned, and whether the hard-won wisdom will inform our future conduct. Under a Director Haspel, I am confident it will.

If approved by this panel and confirmed by the Senate, Gina Haspel will obey the rule of law. She has the experience and strength to speak truth to power. She's devoted to protecting Americans from those who would harm us and doing so consistent with our fundamental values, because she knows that it is those ideals that are our ultimate source of strength and those principles that make America the exceptional Nation she has sworn to defend.

Thank you, Mr. Chairman. Thank you, Mr. Vice Chairman.

Chairman BARR. Thank you, Senator Bayh.

On behalf of the committee, I thank both of you for your service to the country and to your willingness to be here for the introduction. I would now excuse you from that table.

Ms. Haspel, I'd ask you to stand and raise your right hand.

Do you solemnly swear to give the committee the truth, the full truth, and nothing but the truth, so help you God?

Ms. HASPEL. I do.

Chairman BURR. Thank you. Please be seated.

**TESTIMONY OF GINA HASPEL, NOMINATED TO BE DIRECTOR
OF CENTRAL INTELLIGENCE**

Chairman BURR. Ms. Haspel, before we move to your statement, I'll ask you to answer five standard questions the committee poses to each nominee who appears before us. They just require a simple yes or no answer for the record.

One: Do you agree to appear before the committee here or in any other venue when invited?

Ms. HASPEL. I do.

Chairman BURR. Two: If confirmed, do you agree to send officials from your office to appear before the committee and designated staff when invited?

Ms. HASPEL. I do.

Chairman BURR. Three: Do you agree to provide documents or any other materials requested by the committee in order to carry out its oversight and legislative responsibilities?

Ms. HASPEL. I do.

Chairman BURR. Four: Will you both ensure that your office and your staff provide such materials to the committee when requested?

Ms. HASPEL. I will.

Chairman BURR. And five: Do you agree to inform and fully brief to the fullest extent possible all members of the committee of intelligence activities and covert action, rather than only the Chair and the Vice Chairman?

Ms. HASPEL. I do.

Chairman BURR. Thank you very much.

We'll now proceed to your opening statement. Ms. Haspel, the floor is yours.

Ms. HASPEL. Thank you, Mr. Chairman. Chairman Burr, Vice Chairman Warner, and members of the committee: Thank you for the opportunity to appear before you today. I want to thank Senators Chambliss and Bayh for the kind words and support.

I would also like to take just a moment to recognize a few guests who have come today, including: Principal Deputy Director of National Intelligence and my good friend, Sue Gordon; CIA Chief Operating Officer, Brian Bulatao; Mrs. Susan Pompeo—thank you for coming—the best ambassador I ever worked for, Ambassador Louis Susman; and two dear mentors of mine, senior CIA officers and then later senior IC officials, Mary Margaret Graham and Charlie Allen.

I am here because I have been nominated to lead the extraordinary men and women at the Central Intelligence Agency. Men and women who are our country's silent warriors. These dedicated professionals spend much of their careers in difficult far-flung outposts of the globe, striving to make our fellow Americans more secure at home. It has been the privilege of my professional life to be one of those CIA officers.

Now, I have been asked by President Trump to lead this workforce and to continue the work that Mike Pompeo and I began a little more than a year ago, ensuring that CIA is postured to meet the complex challenges our Nation faces. Those challenges include: a changing, but still lethal, threat from terrorist groups; a nuclear threat against the continental United States from a rogue state; destabilizing Iranian adventurism; an aggressive and sometimes brutal Russia; and the long-term implications of China's ambitions on the global stage.

While these challenges are daunting and offer few easy answers, I am confident the United States and the American people have the resolve to meet them head-on. If I am confirmed as Director, you have my solemn commitment that I will position this Agency to provide the intelligence support our country needs to meet the challenges of today and those of tomorrow.

I welcome the opportunity to introduce myself to the American people for the first time. It is a new experience for me, as I spent over 30 years undercover and in the shadows. I don't have any social media accounts, but otherwise I think you will find me to be a typical middle class American, one with a strong sense of right and wrong and one who loves this country.

I was born in Kentucky and, while my family has deep roots there, I was an Air Force brat, and we followed my father to postings all over the world. My childhood overseas instilled in me a deep love for foreign languages and cultures, but also a deep understanding of the vital role of American leadership in combating aggression abroad.

I joined CIA in 1985 as a case officer in the Clandestine Service. From my first days in training, I had a knack for the nuts and bolts of my profession. I excelled in finding and acquiring secret information that I obtained in brush passes, dead drops, or in meetings in dusty alleys of third world capitals.

I recall very well my first meeting with a foreign agent. It was on a dark, moonless night, with an agent I'd never met before. When I picked him up, he passed me the intelligence and I passed him an extra \$500 for the men he led. It was the beginning of an adventure I had only dreamed of.

The men who ran CIA in those days leaned forward in giving me the right opportunities to succeed or fail. When a very tough, old-school leader announced that I was his pick to be chief of station in a small but important frontier post, a few competitors complained to me directly: Why would they send you? I owe that leader much for believing in me at a time when few women were given these opportunities.

While I could have done without some of the long nights sleeping on the floor of my station, I was proud of the work we did there, including the successful capture of two major terrorists in the wake of the Africa embassy bombings, a counter-proliferation operation that went our way, and the dismantlement of a local terrorist cell.

Altogether, I have served seven tours in the field, four as chief of station, including hardship assignments in distant posts and more recently in the capital of a major U.S. ally. By any standard, my life at the Agency—and it has been my life—has exceeded all

of my expectations from that January day when I first took the oath to today.

There were few senior women leading at CIA in those days, and we are stronger now as an organization because that picture is changing. I did my part, quietly and through hard work, to break down some of those barriers. And I was proud to be the first woman to serve as the number two in the Clandestine Service.

It is not my way to trumpet the fact that I am a woman up for the top job at CIA, but I would be remiss in not remarking on it, not least because of the outpouring of support from young women at CIA and indeed across the IC, because they consider it a good sign for their own prospects.

My experience and success as an operations officer led to three leadership positions in the Clandestine Service, and one year ago I was asked to serve as Deputy Director of CIA. The reaction of the workforce to a rare nomination of one of their own to be Director, someone who has been in the trenches with them, has been overwhelming. I am humbled by their confidence that I can successfully lead this Agency and inspired to work harder than ever to maintain that trust.

They know that I don't need time to learn the business of how CIA works. I know CIA like the back of my hand. I know them, I know the threats we face, and I know what we need to be successful in our mission.

I have played a leading role this past year in setting us on the right path, and I intend on continuing on that path if I am confirmed as Director. Our strategy starts with strengthening our core business, collecting intelligence that helps policymakers protect our country, and advance American interests across the globe. It includes raising our investment against the most difficult intelligence gaps, putting more officers in the foreign field where our adversaries are, and emphasizing foreign language excellence. Finally, it involves investing in our partnerships, both within the U.S. Government and around the globe.

We must do everything we can to follow through on these investments and to make CIA as effective as it can possibly be, because the American people deserve no less than CIA's best effort. This is especially true when it comes to confronting threats from North Korea, Iran, Russia and China. Today CIA officers are deployed across the globe, sometimes at significant personal risk, collecting critical human and technical intelligence. I have spent my entire career driving operations and if confirmed, I will be able to leverage that experience beginning on day one.

I knew that accepting the President's nomination would raise questions about CIA classified activities and my career at the Agency. I also understand that it is important for the American people to get to know me so they are able to judge my fitness for this position. So over the last few weeks we have leaned forward to make more information about my record public. We have also shared details on every aspect of my career through classified channels with this committee, as well as with the rest of the Senate.

I think it is important to recall the context of those challenging times immediately following 9/11. For me, I had just returned to Washington from an overseas posting and I reported for duty on

the morning of 9/11. I knew in my gut when I saw the video of the first plane hitting the tower in Manhattan that it was bin Laden.

I got up and I walked over to the Counterterrorism Center as the CIA compound was evacuated and I volunteered to help. I didn't leave for three years. We worked seven days a week and I even had friends who postponed weddings and having babies. The men and women of CIA were driven and charged with preventing another attack.

The first boots on the ground in Afghanistan were my colleagues'. The first casualty in Afghanistan was a CIA officer and colleague. And it was CIA who identified and captured the mastermind of 9/11 in a brilliant operation. I am proud of our work during that time. The hard lessons we learned from that experience inform my leadership of CIA today.

In light of my counterterrorism experience, I understand that what many people want to know about are my views on CIA's former detention and interrogation program. I have views on this issue and I want to be clear. Having served in that tumultuous time, I can offer you my personal commitment clearly and without reservation, that under my leadership, on my watch, CIA will not restart a detention and interrogation program.

CIA has learned some tough lessons from that experience. We were asked to tackle a mission that fell outside our expertise. For me, there is no better example of implementing lessons learned than what the Agency took away from that program. In retrospect, it is clear, as the SSCI Majority report concluded, that CIA was not prepared to conduct a detention and interrogation program.

Today, the U.S. government has a clear legal and policy framework that governs detentions and interrogations. Specifically, the law provides that no individual in U.S. custody may be subjected to any interrogation technique or approach that is not authorized by and listed in the Army Field Manual. I fully support the detainee treatment required by law and, just as importantly, I will keep CIA focused on our collection and analysis missions that can best leverage the expertise we have at the Agency. Like I said, we learned important lessons following 9/11.

As both a career intelligence officer and as an American citizen, I am a strong believer in the importance of oversight. Simply put, experience has taught us that CIA cannot be effective without the people's trust, and we cannot hope to earn that trust without the accountability that comes with Congressional oversight.

If we cannot share aspects of our secret work with the public, we should do so with their elected representatives. For CIA oversight is a vital link to the open society we defend. It's a defining feature of the U.S. intelligence community and one of the many things that distinguishes us from the hostile services we face in the field.

If confirmed as Director, I will uphold the Agency's obligations to Congress and ensure that oversight works on behalf of the American people. Mr. Chairman, I want to thank you and the committee for the hard work that is put into the oversight process and for the vital support that this committee provides the officers at CIA.

CIA has given me a lot over the past three decades: a calling and service to my country; some real-life adventures; and the profound satisfaction of serving with some of the most talented and honor-

able men and women in our government. If confirmed, I hope to repay the debt I owe to this remarkable Agency by drawing on my experience. I know what my fellow officers need from me and I know what our Nation needs from CIA, and that is truth, integrity, and courage.

Again thank you for allowing me the opportunity to appear before you today and I look forward to your questions.

[The prepared statement of Ms. Haspel follows:]

**Statement for the Record
Senate Select Committee on Intelligence**

Deputy Director of Central Intelligence Agency Gina Haspel
May 9, 2018

Chairman Burr, Vice Chairman Warner, members of the committee: Thank you for the opportunity to appear before you today. I am here because I have been nominated to lead the extraordinary men and women at the Central Intelligence Agency – men and women who are our country’s silent warriors. These dedicated professionals spend much of their careers in difficult, far-flung outposts of the globe, striving to make our fellow Americans more secure at home. It has been the privilege of my professional life to be one of those CIA officers.

Now, I have been asked by President Trump to lead this workforce and to continue the work that Mike Pompeo and I began a little more than a year ago: ensuring that CIA is postured to meet the complex challenges our nation faces. Those challenges include a changing but still lethal threat from terrorist groups; a nuclear threat against the continental United States from a rogue state; destabilizing Iranian adventurism; an aggressive and sometimes brutal Russia; and the long-term implications of China’s ambitions on the global stage.

While these challenges are daunting and offer few easy answers, I am confident the United States and the American people have the resolve to meet them head on. If I am confirmed as Director, you have my solemn commitment that I will position this Agency to provide the intelligence support our country needs to meet the challenges of today, and those of the future.

I welcome the opportunity to introduce myself to the American people for the first time – it is a new experience for me as I spent over 30 years under cover and in the shadows. I don’t have any social media accounts, but otherwise I think you will find me to be a typical middle class American – one with a strong sense of right and wrong and one who loves this country.

I was born in Kentucky, and while my family has deep roots there, I was an Air Force “brat” and followed my father to postings all over the world. My childhood overseas instilled in me an appreciation for foreign languages and cultures, but also a deep understanding of the vital role of American leadership in confronting aggression abroad.

I joined the CIA in 1985 as an operations officer in the Clandestine Service. From my first days in training, I had a knack for the nuts and bolts of my profession. I excelled in finding and acquiring secret information that I obtained in brush passes, dead drops, or in meetings in dusty back allies of third world capitals. I recall my first foreign agent meeting was on a dark, moonless night with an agent I’d never met before. When I picked him up, he passed me the intelligence and I passed him extra money for the men he led. It was the beginning of an adventure I had only dreamed of.

The men who ran CIA in those days leaned forward in giving me the right opportunities to succeed or fail. When a very tough, old school leader announced that I was his pick to be Chief

of Station in a small but important frontier post, a few competitors complained to me directly “*why would they send you?*” I owe that leader much for believing in me at a time when few women were given these opportunities. While I could have done without the long nights, sleeping on the floor of my station, I was proud of the work we did there including the successful capture of two major terrorists, a counterproliferation operation that went our way, and the dismantlement of a local terrorist cell.

Altogether, I have served seven tours in the field—four as Chief of Station—including hardship assignments in distant posts and, more recently, in the capital of a major US ally.

By any standard, my life at the Agency – and it has been my life – has exceeded all of my expectations, from that January day when I took my oath to today. There were few senior women leading at CIA in those days, and we are stronger now because that picture is changing. I did my part – quietly and through hard work – to break down those barriers. And I was proud to be the first woman to serve as the number-two in the Clandestine Service. It is not my way to trumpet the fact that I am a woman up for the top job, but I would be remiss in not remarking on it – not least because of the outpouring of support from young women at CIA who consider it a good sign for their own prospects.

My experience and success as an operations officer led to three leadership positions in the Clandestine Service, and one year ago, I was asked to serve as Deputy Director of CIA. The reaction of the workforce to a rare nomination of one of their own to be Director – someone who has been in the trenches with them – has been overwhelming. I am humbled by their confidence that I can successfully lead this Agency and inspired to work harder than ever to maintain that mutual trust.

They know that I don’t need time to learn the business of what CIA does. I know CIA like the back of my hand. I know them, I know the threats we face, and I know what we need to be successful in our mission.

I have played a leading role this past year in setting us on the right path and I intend on continuing on that path if I am confirmed as Director.

Our strategy starts with strengthening our core business: collecting intelligence to help policymakers protect our country and advance American interests around the globe. It includes raising our investment against the most difficult intelligence gaps, putting more officers in the foreign field where our adversaries are, and emphasizing foreign language excellence. And, finally, it involves investing in our partnerships – both within the US Government and around the globe.

We must do everything we can to follow through on these investments and to make CIA as effective as it can possibly be, because the American people deserve no less than CIA’s best effort.

This is especially true when it comes to confronting threats from North Korea, Iran, Russia, and China. Today, CIA officers are deployed across the globe, sometimes at significant personal

risk, collecting critical human and technical intelligence. I have spent my entire career driving operations and, if confirmed, I will be able to leverage that experience against these hard targets beginning on day one.

I knew that accepting the president's nomination would raise questions about CIA classified activities and my career at the Agency. I also understand that it is important for the American people to get to know me so they are able to judge my fitness for this position. So over the last few weeks, we have leaned forward to make more information about my professional record public. We have also shared details on every aspect of my career through classified channels with this Committee, as well as with the rest of the Senate.

I think it is important to recall the context of those challenging times immediately following 9/11. For me, I had just returned to Washington from an overseas posting and I reported for duty the morning of 9/11. I knew in my gut when I saw the video of the first plane hitting the Tower in Manhattan that it was Bin Ladin. I got up from my desk and, like many others, walked over to the Counterterrorism Center and volunteered to help. I didn't leave for three years. We worked seven days a week, and I even had friends who postponed weddings and having babies. The men and women of CIA were driven to prevent another attack. The first boots on the ground in Afghanistan were my colleagues. The first U.S. casualty in Afghanistan was a CIA officer and it was CIA who identified and captured the mastermind of 9/11 in a brilliant operation. I am proud of our work during that time. The hard lessons we learned from that experience inform my leadership of CIA today.

In light of my counterterrorism experience, I understand that what many people around the country want to know about are my views on CIA's former detention and interrogation program. I have views on this issue, and I want to be clear. Having served in that tumultuous time, I can offer you my personal commitment, clearly and without reservation, that under my leadership CIA will not restart such a detention and interrogation program.

CIA has learned some tough lessons, especially when asked to tackle missions that fall outside our expertise. For me, there is no better example of implementing lessons learned than what the Agency took away from the detention and interrogation program. In retrospect it is clear, as the SSCI Majority Report concludes, that CIA was not prepared to conduct a detention and interrogation program.

Today, the US Government has a clear legal and policy framework that governs detentions and interrogations. Specifically, the law provides that no individual in US custody may be subjected to any interrogation technique or approach that is not authorized by and listed in the Army Field Manual. I fully support the standards for detainee treatment required by law, and just as importantly, I will keep CIA focused on our collection and analysis missions that can best leverage the expertise found at the Agency.

Like I said, we learned important lessons following 9/11. As both a career intelligence officer and an American citizen, I am a strong believer in the importance of oversight. Simply put, experience has taught us that CIA cannot be effective without the people's trust. And we cannot hope to earn that trust without the accountability that comes with Congressional oversight.

If we can't share aspects of our secret work with the public, we should do so with their elected representatives. For CIA, oversight is a vital link to the open society we defend. It's a defining feature of the US Intelligence Community, and one of the many things that distinguishes us from the hostile services we face in the field.

If confirmed as Director, I will uphold the Agency's obligations to Congress and ensure that oversight works on behalf of the American people.

Mr. Chairman, I want to thank you and the Committee for the hard work that is put into the oversight process, and for the vital support that you provide to my fellow officers.

CIA has given a lot to me over the past three decades—a calling in service to my country, some real-life adventures, and the profound satisfaction of serving with some of the most talented and honorable men and women anyone could ever meet.

If confirmed, I hope to repay the debt I owe to this remarkable Agency by drawing on my experience. I know what my fellow officers need from me and, I know what our nation needs from CIA—truth, integrity, and courage.

Again, thank you for allowing me the opportunity to sit before you today, and I look forward to your questions.

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Chairman BURR. Ms. Haspel, thank you for that testimony.

Let me inform members that we will have a five-minute round of questions. We will recognize members based upon seniority. I would ask all members to adhere to the five-minute timeframe and I would remind members that we are in an open session; therefore, classified questions and/or answers would not be appropriate for this period. When we have completed the open session, we will immediately move to a closed session where every question will be answered, I am certain.

The Chair recognizes himself for up to five minutes.

Ms. Haspel, let's just dig right into it. There's been much debate and much news coverage about Jose Rodriguez, the former Director of the National Clandestine Service, and his decision to direct the destruction of the detainee interrogation videotapes. Can you describe for members your role in those events?

Ms. HASPEL. Senator, yes I can. In 2005—I believe it was fall of 2005—I was chief of staff to the Deputy Director for Operations, that is head of the Clandestine Service. The tape issue had lingered at CIA for a period of about three years. I believe the tapes were made in 2002, and over time, there was a great deal of concern about the security risks posed to CIA officers who were depicted on the tapes.

Those security issues centered on the threat from Al-Qaeda should those tapes be irresponsibly leaked. Mr. Rodriguez, who was the DDO at the time, the Deputy Director for Operations, has been very up-front and has made it clear on a number of occasions publicly that he and he alone made the decision to destroy the tapes.

I would also make it clear that I did not appear on the tapes, as has been mischaracterized in the press. However, as chief of staff, and I believe like everyone at the Agency at that time, we were extremely concerned about the security risk that was posed to our officers. We were aiming to do two things: to adhere to U.S. law, but at the same time reach a resolution that would protect our officers.

There were numerous legal consultations over a period of years at the Agency. Our lawyers were very consistent in saying to us that there was no legal requirement to retain the tapes, no legal impediment to disposing of the tapes. I'm not a lawyer, but I believe the basis for that judgment was the fact that there was a complete and written detailed record of the interrogations; and at CIA, the official record is the cable record. We use that for all of our operations.

There were two reviews done of the tapes to compare them to the written record. One of those was undertaken by the Office of General Counsel. The second was undertaken by the Office of the Inspector General. In both cases, they found that the written record was detailed, accurate and complete. So the consistent legal advice—it never changed—was that there was no legal requirement to retain the tapes.

But, there were some policy objections to disposing of the tapes. So, our job in the Office of the Deputy Director for Operations was to arrange consultations with senior leaders at the Agency.

At the time the tapes were destroyed, Mr. Rodriguez asked me to prepare a cable because he was going to have another conversa-

tion with then Director of the Agency to talk about this issue again. I did so.

A couple of days later, he released the order, he believed on his own authority. He took the decision himself and he said it was based on his own authority. I asked him if he had had the consultation with the Director at the time as planned and he said he decided to take the decision on his own authority.

There were three investigations, three looks at the tapes, inquiries, that I know about. One was undertaken by HPSCI, the House Oversight Committee. I never saw a report on that, but the chairman at the time said that he found no fault with my actions. There was a Department of Justice investigation that was closed without charges after, I think, more than two years.

And then, there was an internal investigation of the issue conducted by one of my predecessors, Mr. Morell, who found no fault with my actions and that my decisions were consistent with my obligations as an Agency officer.

Chairman BURR. Thank you for that answer.

Recognizing my five minutes is now up, I recognize the Vice Chairman.

Vice Chairman WARNER. Thank you, Mr. Chairman.

I want to follow-up on the question around the tapes, Ms. Haspel. November 4 of 2005, then Senator Levin introduced legislation to create a commission modeled on the 9/11 Commission, to look into the Agency's treatment of detainees. Three days later, you drafted the cable. Four days later, the tapes were destroyed. Were you aware of Senator Levin's actions? The timing seems very close to acting on behalf of potential Congressional action.

And in Mr. Morell's statements, there were comments that your superior, Mr. Rodriguez, was aware that two White House counsels, the counsel to the Vice President, the DNI and the DCIA and the HPSCI ranking member had all expressed opposition or reservations about the destruction of the tapes.

So were you aware of those facts that Mr. Rodriguez was at least aware of, and were you aware of the actions of Senator Levin when you drafted your memo and then had the tapes subsequently destroyed?

Ms. HASPEL. Senator Warner, what I recall were the security issues surrounding the tapes. I don't recall pending legislation. I just don't recall that.

Vice Chairman WARNER. What about the issue of all of the counsel, the counsel to the Vice President, DNI, HPSCI ranking member, the fact that there was—

Ms. HASPEL. Senator, I don't know if I was aware of all of those, but I knew there were—there was disagreement about the issue of the tapes outside the Agency, and that is why we were working toward a meeting with the then Director, to talk about those issues and how we addressed those concerns of people outside the Agency. So I was working toward resolution within a process.

Vice Chairman WARNER. Well, with that overhang—and I know other members will raise this—the timing seems—I hope I can get some more clarity on the timing. I want to make sure I take my time, though.

I heard your statement about the fact that if you're confirmed there will never be an interrogation program under your leadership. And you addressed the issue of the fact that it is against the law. The question I have: With the benefit of hindsight, do you believe the program in terms the interrogation program was consistent with American values?

Ms. HASPEL. Senator, as we sit here today and with some distance between us and the events of 9/11, the Congress, and indeed our Nation, have had an opportunity to have a debate about the interrogation standards we want to use as the United States of America. We had decided to hold ourselves to a stricter moral standard. For DOD, that is defined in the Army Field Manual. I support the United States holding itself to that stricter moral standard and I support the Army Field Manual.

Vice Chairman WARNER. But, Ms. Haspel, that is answering on a legalistic—we're asking you to take on a position. I understand with RDI you were downstream, not part of the policymaking. But if you're entrusted with this responsibility, we need, I need, to at least get a sense of what your moral code says about those kind of actions. Because there is the potential that this President could ask you to do something—he obviously believes in these procedures—but even if he asked you to do something that is not directly related to detention interrogation. But if he asked you to do something that you believe is morally questionable, even if there is an OLC opinion that in effect gives you a "Get Out of Jail Free" card, what will you do in that action when you are the Director of the CIA?

Ms. HASPEL. Senator, my father is watching today. He served 33 years in the Air Force. My parents gave me a very strong moral compass. I support the higher moral standard that this country has decided to hold itself to. I would never ever take CIA back to an interrogation program.

First of all, CIA follows the law. We followed the law then. We follow the law today. I support the law. I wouldn't support a change in the law. But I'll tell you this: I would not put CIA officers at risk by asking them to undertake risky, controversial activity again.

Vice Chairman WARNER. Ms. Haspel, my question is this: On a going-forward basis, if this President asked you to do something that you find morally objectionable, even if there is an OLC opinion, what will you do? Will you carry that out, that order, or not? I mean, we're entrusting you in a very different position if you're confirmed. I just need to know what your response to that would be.

Ms. HASPEL. Senator, my moral compass is strong. I would not allow CIA to undertake activity that I felt was immoral even if it was technically legal. I would absolutely not permit it.

Vice Chairman WARNER. So you would not follow the order if you felt it was—

Ms. HASPEL. No. I believe that CIA must undertake activities that are consistent with American values. America is looked at all over the world as an example to everyone else in the world and we have to uphold that, and CIA is included in that.

Vice Chairman WARNER. Thank you, Mr. Chairman.

Chairman BURR. Senator Risch.

Senator RISCH. Thank you very much, Mr. Chairman.

Ms. Haspel, thank you for undertaking this and thank you for your many years of service with the CIA.

For my colleagues, I'm going to tell you right at the outset: I'm going to support this nomination. I don't take that lightly. I've had the opportunity to review all the materials that have been provided. But more importantly than that, I've known Ms. Haspel for the ten years I've been on this committee and had the opportunity to work with her over those years and even visit you out in the field when you were at the garden spots that—

Ms. HASPEL. I remember.

Senator RISCH. Right.

In any event, for my colleagues, I can report to you that during this time I have always found Ms. Haspel to be open, to be forthcoming, and to be truthful. And that is incredibly important as we exercise the things that we have to do as far as authorizing, as far as financing, and as far as oversight of what this really, really important work is that the CIA does.

So for that, Ms. Haspel, you will be rewarded with my vote, and I feel very comfortable about that, and I sincerely appreciate your openness as we've met over the years and I've had the opportunity to ask you about the things that I needed to know as I discharge my obligations.

I'm also persuaded greatly by the former directors, both Republicans and Democrats, who are enthusiastically supporting your appointment to this. I think that is very important.

I'm also persuaded by something that I think other members of this committee have probably run across, and that is we all from this committee deal regularly with our partners in intel from foreign countries. As you know, that's critically important to the job of the CIA and the other 16 intelligence agencies. Those relationships, those contacts, those dealings we have with those foreign agencies, are very important.

And I have to tell you that uniformly people who I have discussed your taking on this job have been very enthusiastic about it. They know you. They trust you. The trust of this Agency is so important when we deal with the Five Eyes or amongst the Five Eyes or with other intelligence partners. So thank you for that.

Also, I deal with a lot of the employees at the CIA. They are incredibly enthusiastic about your appointment to this, so thank you for that.

For the American people who are watching this, I can tell you that everybody sitting on this side of the table regularly hears things that cause us to not sleep very well at night. As the head of this Agency, I can tell you I will sleep better at night knowing you're directing these efforts, so thank you for that.

Thank you for undertaking what you are undertaking. I know that you have thought about this carefully. If the press reports are right, you've been up and down a little bit on this. But the American people will be very grateful for your service.

Let me ask a question as we close here. You know, over the ten years—I came here just as the investigation on the interrogation thing was starting, and I participated, other members of the com-

mittee here participated, in that. And there was a real tension between not just the CIA, but the other intelligence agencies, because of the way the oversight was being done by this committee.

My impression is, and it's a clear impression, that the relationship between the Agency, CIA, and the other intelligence agencies, has evolved to a very different place than where it was when I first got here. Could you talk about that a little bit, please?

Ms. HASPEL. Thank you for that question, Senator. I think it's a very important question. When Mike Pompeo and I took the reins at Langley about 15 months ago, we decided to concentrate on four initiatives. And one of those is partnerships, and it involves two areas: first, our partnerships with our other IC partners in the U.S. Government, but even more broadly than that.

There are many important partnerships for CIA and, as you say, those partnerships are critical because it's a complex world.

There is no more important partnership than the one between CIA and DOD. I have had the absolute honor and privilege to sit at the table with Secretary Mattis and General Dunford these last 15 months, to work with the JSOC commander and the other combatant commanders. I don't think that very important relationship has ever been in a better place. Likewise, NSA is our sister agency. We're very close. And of course, our relationship with the Federal Bureau of Investigation is critical to the national security of this country.

But you mentioned something else that's important and it's a bit of an unheralded story. But the intelligence services of our closest allies do amazing things for the national security of this country each and every day. And I can't talk very much about it in this open session, but they do incredible things that advance our national security on the terrorism and proliferation fronts in particular, and we owe a great deal of gratitude to those allies.

Senator RISCH. Thank you for that.

Chairman BURR. The gentleman's time has expired.

Senator FEINSTEIN.

Senator FEINSTEIN. Thank you very much, Mr. Chairman.

Good morning, Ms. Haspel.

Ms. HASPEL. Good morning, Senator Feinstein.

Senator FEINSTEIN. While many nominees have classified backgrounds, you are very unique. You have 30 years of undercover experience. Accordingly, we asked the Agency that your records be declassified—I think I signed three letters in that regard—to make an informed decision and because the public should be aware of the background of its leaders.

Instead, the CIA selectively declassified only small pieces of information to bolster your nomination, while keeping damaging information under wraps. Given the CIA's refusal to make your record public, I'm very limited in what I can say. I think as you know, I like you personally very much. This is probably the most difficult hearing in my more than two decades I have ever sat in, but let me begin.

In his memoir, Former CIA Counsel General John Rizzo described how in 2005 Jose Rodriguez was promoted to be Deputy CIA Director for Operations and installed as his chief of staff an

officer from the Counterterrorism Center who had previously run the interrogation program. Is that you?

Ms. HASPEL. Senator, I'm so pleased you asked me that question.

Senator FEINSTEIN. Yes or no will do.

Ms. HASPEL. No. And for the record, if you have your staff check, Mr. Rizzo has issued a correction.

It is true that it is hard in a secret—

Senator FEINSTEIN. Excuse me. My understanding is that he—

Ms. HASPEL. That is not accurate.

Senator FEINSTEIN [continuing]. Has recently confirmed that it was you.

Ms. HASPEL. No. He issued a correction.

When people write books—I didn't read Mr. Rizzo's book, so I didn't even know that was out there. Mr. Rizzo—and actually I read about it in the "Washington Post" last night. Erik Wemple I believe wrote a story talking about the failure of certain organizations to correct their facts, and that was one of them; and he noted that Mr. Rizzo, about ten days ago—he was wrong. He didn't fact-check. And that has been corrected.

I never even served in that department, nor was I the head of it.

Senator FEINSTEIN. Let me read directly his quote from the book: "Several weeks later, Porter promoted Jose Rodriguez to the position of Deputy Director for Operations, Jim Pavitt's former job. Once more, Jose installed as his chief of staff an officer from the Counterterrorism Center who had previously run the interrogation program. Between them, they were the staunchest advocates inside the building for destroying the tapes."

Ms. HASPEL. Senator, I did not run the interrogation department. In fact, I was not even read into the interrogation program until it had been up and running for a year. I never served—

Senator FEINSTEIN. Were you an advocate for destroying the tapes?

Ms. HASPEL. Senator, I absolutely was an advocate if we could within and conforming to U.S. law and if we could get policy concurrence to eliminate the security risk posed to our officers by those tapes and the consistent legal—

Senator FEINSTEIN. Were you aware of what those tapes contained?

Ms. HASPEL. No, I never watched the tapes. But I understood that our officers' faces were on them and that that was very dangerous at a time when there were unauthorized disclosures that were exposing the program.

Senator FEINSTEIN. But it also exposed how the program was conducted, because they were tapes of the actual interrogation of certain—of 92 detainees, as I understand it.

Ms. HASPEL. No, the tapes were recordings of only one detainee. It was 92 tapes of one detainee.

Senator FEINSTEIN. All right. Well, thank you for that.

Let me—in November and December of 2002, did you oversee the enhanced interrogation of al-Nashiri, which included the use of the waterboard as publicly reported? Yes or no?

Ms. HASPEL. Senator, anything about my classified assignment history throughout my 33 years we can talk about in this after-

noon's classified session. There are guidelines on, as you know, existing classification guidelines.

And I should go back to your first point, which is very, very important, about why we haven't declassified more about my history. There are existing classification guidelines that apply to operational activity of any officer. It has been suggested to me by my team that if we tried to declassify some of my operational history, it would help my nomination. I said that we could not do that. It is very important that the Director of the Central Intelligence Agency adhere to the same classification guidelines that all employees must adhere to, because there are very good reasons for those classification guidelines. Exposing operational information can be damaging to sources and methods, as you know, but there is also a physical risk to officers who go out to the far ends of the globe and conduct dangerous missions and they believe that their participation in those dangerous missions will be protected. It would be a security risk if we started declassifying associations between CIA officers and particular terrorist or terrorist operations.

So I am adhering to the existing guidelines and I believe that it is important and that I could not stand before the CIA if I sought for short-term gain to declassify my operational history.

Senator FEINSTEIN. Thank you, Mr. Chairman.

Chairman BARR. The Senator's time has expired.

Senator RUBIO.

Senator RUBIO. Thank you.

Ms. Haspel, when I joined this committee seven years ago I knew as much about the CIA as the average American. Obviously, I know a lot more these days. Much of it can't be shared, but there's two things that I can. The first is that it's very easy to sit back and criticize the work of the Agency with the benefit of hindsight.

And the second, is that the Agency is made up of some of the smartest, most talented professionals that I've ever encountered in any field in my time in public service or beyond. These are men and women that could be making a lot of money in the private sector, but instead they've chosen to serve our country, many in the shadows, many at the risk of their own lives, all to keep us safe. By the way, they sacrifice this money, this time with their family, this normal life in many cases, in defense of the freedoms, including the freedoms of the protesters who often smear them and the activists who often slander them.

Ms. Haspel, you embody everything that I respect and admire about the men and women of the Central Intelligence Agency and I support you, not just because of your qualifications, but because I want a young CIA trainee or case officer, I want today's operational officers, I want today's station chiefs, I want today's—all of these professionals, to know that they too can one day be sitting where you are sitting today and have the opportunity to lead this Agency.

And I would ask, if someone like you, with your history, with your record of service and sacrifice and excellence, if someone like you cannot be confirmed to head this Agency, than who can? And if someone like you is smeared in this process, what message are we sending to the young men and women who today are serving

our country in the same roles in which you have served our country over the last 30 years.

And I thought it was important for that to be part of the record today because as much as anything else, this hearing is not just about your nomination. For me, it is also about the men and women who serve us, of which I said at the outset, you embody the best of the men and women of the Central Intelligence Agency.

On a policy front, I want to ask you about U.S.-China relations. For decades, American foreign policy towards China has been rooted in the belief that as they prospered economically they would embrace democracy, they would embrace the global rule of law. That consensus I think by all accounts has been catastrophically wrong. Today China is undertaking a comprehensive effort to supplant the United States and to undermine us. And they've benefited from the greatest transfer of wealth in history, through the theft and the forced transfer of intellectual property. They use unfair trade and other practices to undermine our industrial and technical base. They gather and exploit data at an unrivaled scale. They're building the most capable and well-funded military in the world second to ours.

So my question, first and foremost: Is the Agency, as it stands today, equipped and structured to meet this multifaceted challenge?

Ms. HASPEL. Senator, thank you for that question. One of the first things Mike Pompeo and I looked at when I returned to the Agency from overseas in early 2017 is how we're doing on the hard targets—that's what you're talking about—China, Iran, Russia and North Korea.

Of course, our investment in counterterrorism has to be very significant. We have to be vigilant and we can't take our eyes off that ball. But there are more strategic threats and you talked about one them, China, China's rise as a global power. CIA has a very important role in monitoring China's rise as a global power. China's efforts to diminish U.S. influence, not only in the Pacific, but all around the world; China's unfair trade practices, and China's overt and illicit efforts to steal U.S. technology and know how and intellectual property.

We, with the support of this committee, are raising our investment on each of these hard targets. We have incredible expertise on China at the Agency. It is a very strong team. I'm very proud of our analysts. It is a subject that a week doesn't go by that either the President asks for an expert briefing or Secretary Mattis asks for someone to come over and brief him on China issues. We have a good program, but your more general point is that we have to do more and we have to invest more on each of these hard targets.

Senator RUBIO. Well, I recently introduced legislation with Senator Cotton that would block the U.S. government from buying or leasing telecommunication equipment from Huawei or ZTE Corporation. Beyond government purchase, I would ask you, just for the citizens that are watching; if you were just an everyday American or even someone involved in any sort of sensitive work, would you purchase a Huawei phone or connect your phone or computer to a Huawei or ZTE network?

Ms. HASPEL. Well, Senator, as I mentioned, I don't even have a social media account, but I wouldn't use Huawei products.

Chairman BARR. The Senator's time has expired.

Senator RUBIO. Thank you.

Chairman BARR. Senator Wyden.

Senator WYDEN. Thank you, Mr. Chairman.

Ms. Haspel, thank you very much for your courtesy in meeting with me yesterday. However, I regret to have to say there is no greater indictment of this nomination process than the fact that you are deciding what the country gets to know about you and what it doesn't. And so far, the American people have only been given information that is designed to help you get confirmed. Everything else has been classified. So I've got some questions. I think they're fairly short and some I hope we can do yes or no.

Now, you publicly released the Morell report, which some have cited as reflecting favorably about your involvement in the destruction of interrogation tapes. Do you have any objection this morning to the public release of the Durham investigation, which would give the American people more information on the same topic, in which, does not come from the CIA?

Ms. HASPEL. Senator, just to be clear, the request for the declassification of the Morell memo was in response to a member on this committee. I have not read the Durham report and I don't know the classification. So let me take that for the record if I may?

Senator WYDEN. But do you have any objection?

Ms. HASPEL. Well, I haven't seen it, so I haven't read it. So I don't know.

Senator WYDEN. Well, I'm going to ask you about this in the classified session. But I think in the name of fairness with respect to your role on these issues, this ought to be made public just the way the Morell report was.

Now, on Sunday the "Washington Post" reported that unnamed officials were pushing back against accusations that you supported torture, in one of our biggest papers in the country. Between 2005 and 2007 the program was winding down. The CIA was capturing fewer detainees and waterboarding was no longer approved. During that time, did you ever call for the program to be continued or expanded?

Ms. HASPEL. Senator, I think, like all of us who were in the Counterterrorism Center and working at CIA in those years after 9/11, we all believed in our work. We were committed. We had been charged with making sure the country wasn't attacked again. And we had been informed that the techniques in CIA's program were legal and authorized by the highest legal authority in our country and also the President. So I believe I and my colleagues in the Counterterrorism Center were working as hard as we could, with the tools that we were given—

Senator WYDEN. Ma'am—

Ms. HASPEL [continuing]. To make sure that we were successful in our mission.

Senator WYDEN. My time is short and that, respectfully, is not responsive to the question. That was a period where the Agency was capturing fewer detainees, waterboarding was no longer approved and especially in light of that "Washington Post" story, I

would really like to have on the record whether you ever called for the program to be continued, which it sure sounds to me like your answer suggested. You said: Well, we were doing our job; it ought to be continued. That troubles me very much, because you were the chief of staff to the Deputy Director for Operations. It's a senior position. So I'm quite troubled by that response.

Ms. HASPEL. Senator, may I just say that—

Senator WYDEN. Of course.

Ms. HASPEL [continuing]. I don't know which "Washington Post" story you're referring to, but let me say this about myself. After 9/11, I didn't look to go sit on the Swiss desk. I stepped up. I was not on the sidelines. I was on the frontlines in the Cold War and I was on the frontlines in the fight against Al-Qaeda.

Senator WYDEN. I respect that.

Ms. HASPEL. I'm very proud of the fact that we captured the perpetrator of 9/11, Khalid Sheikh Mohammed. I think we did extraordinary work. To me, the tragedy is that the controversy surrounding the interrogation program, which as I've already indicated to Senator Warner I fully understand that, but it has cast a shadow over what has been a major contribution to protecting this country.

Senator WYDEN. I respect a number of those points. I just am trying to get some answers here to questions that I think are particularly relevant.

According to a press story today about the destruction of the interrogation videotapes, Jose Rodriguez told you in advance that he was going to take matters into his own hands. Did that conversation happen?

Ms. HASPEL. Senator, no, it did not. Mr. Rodriguez indicated to me that he planned to discuss it with the then Director Goss.

Senator WYDEN. Let me see if I can get one last question in on it. When did you become aware that the cable authorizing the destruction of the interrogation videotapes had been sent?

Ms. HASPEL. Senator, as chief of staff, it's a desk-bound job, so I was at my desk at least 12 hours every day, and I could see my computer screen. So it was shortly after Mr. Rodriguez, who sat right across the hall from me, had released the cable.

Senator WYDEN. I'm over my time. I'll ask some more about this in the classified session.

Thank you, Mr. Chairman.

Chairman BARR. Senator Collins.

Senator COLLINS. Thank you, Mr. Chairman.

Senator Jack Reed and I co-sponsored the McCain-Feinstein bill that banned waterboarding and other enhanced interrogation techniques because we viewed them as contrary to American values and tantamount to torture. So let me ask you a series of questions. First, were you involved in any way in the creation of the enhanced interrogation program?

Ms. HASPEL. Senator, I was not, and I was not read into the program until about a year into its existence.

Senator COLLINS. Were you a senior manager at the CIA at the time that the program was created?

Ms. HASPEL. No. I had just returned from an overseas posting. I was a GS-15. I was not yet a member of the Senior Executive

Service. I was assigned as a deputy group chief—that's pretty far down the totem pole—in a program that had nothing to do with the detention and interrogation program.

Senator COLLINS. You said that the program had already been in effect for some time before you were read into it. What was your reaction when you learned of the program?

Ms. HASPEL. Senator, it was a new subject for me. As I said, we lacked interrogation expertise at the Agency. We didn't have interrogators. I was told that interrogation experts had designed the program, that the highest legal authority in the United States had approved it, and that the President of the United States had approved it, as well as a trusted leadership at the Central Intelligence Agency.

Senator COLLINS. Have your views of the program evolved in the years following the attacks on our country on 9/11?

Ms. HASPEL. Senator, they have. I think it's very important. I think for any leader as you go through a career, you have to learn the leadership lessons. I'm not going to sit here with the benefit of hindsight and judge the very good people who made hard decisions who were running the Agency in very extraordinary circumstances at the time. But, as I mentioned to Senator Warner, this country has had the opportunity to reflect because we have some space. We're not fearing another attack, and we have deliberated about the standard we want to use in interrogations, and that is the Army Field Manual.

The very important thing to know about CIA is we follow the law. We followed the law then and we follow the law now. But I would never permit CIA to resume an interrogation program.

Senator COLLINS. So that's a very good segue into a very important question. As a candidate, President Trump repeatedly expressed his support for waterboarding. In fact, he said we should go beyond waterboarding. So if the CIA has a high-value terrorism suspect in its custody and the President gave you a direct order to waterboard that suspect, what would you do?

Ms. HASPEL. Senator, I would advise, I do not believe the President would ask me to do that. But we have today in the U.S. government other U.S. government entities that conduct interrogations. DOD uses the Army Field Manual and they conduct battlefield interrogations, and CIA has incredible expertise it can bring to the table in support of those interrogations.

The FBI has its authorities to conduct interrogations. And, as you know, we have the High-value Interrogation Group. So I would advise anyone who asks me about it that CIA is not the right place to conduct interrogations. We don't have interrogators and we don't have interrogation expertise.

So I believe that that would be my—the reason I have been nominated is that people have some respect for my views on these issues. My experiences during those days after 9/11 inform my views. I'm extremely knowledgeable and I'm also extremely knowledgeable about the price CIA working level men and women out in the trenches paid for decisions made after 9/11.

Senator COLLINS. So debriefing a source is very different from interrogating a detainee. Should the CIA even be in the business of interrogating detainees?

Ms. HASPEL. We don't—we're not in the business of interrogating—

Senator COLLINS. That's for the HIG, is what you're saying?

Ms. HASPEL. Well, we're not in the business of interrogating detainees. As you said, there's a big difference between interrogation and simple question and answer. Having access, direct access to a terrorist, is extremely valuable for intelligence collection and we do that. But CIA does not today conduct interrogations. We never did historically and we're not getting back in that business.

Senator COLLINS. Thank you.

Chairman BURR. The Senator's time has expired.

Senator Heinrich.

Senator HEINRICH. Ms. Haspel, you didn't actually answer the question. What would you do if the President ordered you to get back in that business?

Ms. HASPEL. Senator, the President has selected me to give him—

Senator HEINRICH. That's a yes—

Ms. HASPEL [continuing]. Advice. I would not restart under any circumstances an interrogation program at CIA, under any circumstances.

Senator HEINRICH. Thank you.

You have repeatedly said that at the time the CIA's use of interrogation techniques like waterboarding were determined to be legal. Now, there was an opinion written by the Office of Legal Counsel. I don't believe those actions were ever legal. They certainly didn't meet the bar set by either the Geneva Conventions or our own Army Field Manual, and I'm not aware of a single court ruling that affirmed that opinion.

Today I'm not really interested in whether you believe those techniques were legal, but I am interested in the question that Senator Warner asked you. We got a very legalistic answer to that question. Let me ask you again: Were these the right thing to do? Are they consistent with American values fundamentally? What do you believe?

Ms. HASPEL. Senator, I believe very strongly in American values and America being an example to the rest of the world. That is why I support the fact that we have chosen to hold ourselves to a stricter moral standard.

Senator HEINRICH. But that's about Congress and all of us. I want to know what you think.

Ms. HASPEL. I think that we should hold ourselves to a stricter moral standard and I would never allow CIA to be involved in coercive interrogations.

Senator HEINRICH. Where was that moral compass at the time?

Ms. HASPEL. Senator, that was 17 years ago. You know, CIA, like the U.S. Army and the U.S. Marine Corps, is an organization, it's a large bureaucracy. And when you're out in the trenches at far-flung outposts in the globe and Washington says, here's what we need you to do, this is legal, the Attorney General has deemed it so, the President of the United States is counting on you—

Senator HEINRICH. No, I know you believed it was legal.

Ms. HASPEL [continuing]. To prevent another attack—I'm sorry?

Senator HEINRICH. I know you believed it was legal.

I want to see, I want to feel, I want to trust that you have the moral compass that you said you have. You're giving very legalistic answers to very fundamentally moral questions.

Ms. HASPEL. Senator, you know, we've provided the committee every evaluation since my training report when I first joined in 1985. In all of my assignments, I have conducted myself honorably and in accordance with U.S. law. My parents raised me right. I know the difference between right and wrong.

Senator HEINRICH. Let's move on to the videotapes. You told me earlier this week that you supported the decision of the CIA's Deputy Director of Operations to order the destruction of those videotapes depicting the use of EIT's. Would you still support that order today?

Ms. HASPEL. Senator, I would not. I think it's—as I said, it's very important that people learn. Experience is a good teacher and the piece that was missing from the tapes was making sure that we had all the stakeholders' concurrence.

There's also another very important leadership lesson; and as Director of CIA, when your officers are concerned about their physical security, you can't let it languish in your inbox—

Senator HEINRICH. Absolutely, I agree.

Ms. HASPEL [continuing]. For three years with no action.

Senator HEINRICH. We should support that security.

Why couldn't the Agency have simply digitized that video and then blacked out the faces of any agents in those videos? Why actually destroy the videotapes? Doesn't that feel like a cover up, even if it isn't?

Ms. HASPEL. Senator, I don't think we were worried about official release. This was at a time when the entire program was the subject of unauthorized leaks and someone was found guilty of those unauthorized leaks. So the concern was an irresponsible leak of our officers' faces to the world, not an official release.

Senator HEINRICH. No, I understand that. But if you would blacked out the agents' faces, destroyed the videotapes, and then kept a digital record, that would've addressed those security concerns.

Ms. HASPEL. Senator, I'm just not a technical person, so I don't—

Senator HEINRICH. It's not that complicated.

Ms. HASPEL. Well, Senator, I don't know if that was considered or not.

Senator HEINRICH. Do you think that a transcript that says “the detainee continued to scream” or “the detainee appeared to be drowning” has the same gravity, the same reality, as an actual video?

Ms. HASPEL. Senator, I never saw the videos. I do know that we keep very complete and almost verbatim records in our cable traffic. But I think that the issue was the security risk posed our officers.

Senator HEINRICH. Thank you.

Chairman BARR. The gentleman's time's expired.

Senator BLUNT.

Senator BLUNT. Thank you. Thank you, Chairman.

Ms. Haspel, you know, we haven't really mentioned the broad support that you have had publicly from Democrats, Republicans, people who've run this Agency in the past, people you have associated with. Frankly, people that this committee has, members on this committee have shown great respect and regard for, have shown that same respect and regard for you.

I heard General Hayden, the former CIA Director, say the other day that he would be incredibly comfortable when the President was making decisions—he may have said maybe even more than comfortable. He said he would feel more secure, or something like that, if you were the person in the room.

That's really what we're talking about right now. We're not talking about what happened 17 years ago. We should be talking about what might happen 17 days or 17 weeks from now. I thought General Hayden actually captured my exact feelings on this topic: the importance of you being in the room, your mastery of the facts, your broad understanding of what has happened during your career all over the world, the cause, the result, the relationships, all of those things.

This is a term I think is often overused and I try not to use it very often, but it is "truth to power." You're in the room; you understand the facts. Talk about your sense of obligation to present those facts and to speak truth to power at a moment when it matters.

Ms. HASPEL. Senator, thank you. Truth to power is one of CIA's most important missions. Like with any new administration, CIA has to demonstrate to the new team what we can bring to the table. I'm incredibly proud—even though I come from the operational side, I'm incredibly proud of the analysts at CIA. That's really our face with policymakers, including the Congress. They do an incredible job on the President's Daily Brief each day. They do an incredible job on the expert briefings they provide to inform the important decisions our policymakers must consider.

As I mentioned, there isn't a week that doesn't go by that I am not the subject of a request to have an analyst by name come over and talk about some of the big issues. Our North Korea team has a superb reputation. Our China team is running all over this town, they're so busy providing briefings. We are all about bringing the most sophisticated, objective, all-source analysis we can to make sure that the President and his team have the best intelligence that we can deliver. It's hugely important—

[Interruption.]

Chairman BURR. Capitol Police, please remove her.

Senator BLUNT. So let's go back. As a leader of the team, I appreciate that. I appreciate your respect for the team. Let's be sure we talk specifically about you. You're in the room. There is a fact that either hasn't appropriately been looked at or considered or appreciated in your view. What do you do at that moment?

Ms. HASPEL. Senator, thank you. I've already worked with this President and his team for 15 months. I think I have a great reputation with them. I'm at the table with Secretary Mattis and General Dunford and Secretary Mnuchin. I'm at many of the principals meetings. I back up the former Director in the Oval Office, where

I'm part of Director Coats' team. Sometimes Sue Gordon is with me.

I think we're bringing a very high-quality product. As a senior intelligence officer, someone who spent a lot of time overseas in some of these places, the President does turn to me for my view on certain countries and certain experiences. I give him my best advice. But I always separate my view, as someone who's been out in the field, from the view of our analysts, because we're really there to deliver the objective all-source analysis that they write to support the President.

Senator BLUNT. So you would see yourself as the master of the facts, to be sure the President knows all the facts the President needs to know?

Ms. HASPEL. I think that's incredibly important, Senator.

Senator BLUNT. Thank you.

Thank you Chairman.

Chairman BURR. Thank you Senator.

Senator King.

Senator KING. Thank you Mr. Chairman.

First, I've been to some of those garden spots with the committee and I have the greatest admiration and respect for what you and your colleagues have done over the years and do now. That's one of the great responses I have when I come back from one of those trips, that the stations are, the people in those places are brave and loyal and patriotic Americans.

A quick yes or no question, not having to do with what we've been talking about. In January of 2017, the IC issued a joint report on the Russia involvement in the 2016 elections. Do you agree with the findings of that report?

Ms. HASPEL. Senator, I do.

Senator KING. Thank you.

We've talked a bit about the statement in Mr. Rizzo's book that you had previously run the interrogation program. I understand he has changed his view on that. Your career timeline: 2001 to 2003, Deputy Group Chief, Counterterrorism Center; 2003 to 2004, Senior Level Supervisor, Counterterrorism Center; 2004 to 2005, Deputy Chief, National Resources Division. In any of those jobs, were you in a supervisory or management capacity in connection with the rendition and interrogation program?

Ms. HASPEL. Senator, we'll be able to go over—and I know you have some of this information. But we'll be able to go over any of my classified assignments in this afternoon session and I can talk about that.

Just to be clear, Mr. Rizzo didn't change his view; he was wrong and he issued a correction.

Senator KING. Who's deciding what's classified and what isn't in terms of what's released to this committee?

Ms. HASPEL. Senator, we are following the existing guidelines. There are very—

Senator KING. Who's deciding?

Ms. HASPEL. We are following the existing guide—

Senator KING. Who's "we"?

Ms. HASPEL. Well, I have chosen to follow the guidelines that exist for the RDI—

Senator KING. So you are making the classification decisions about what material should be released to this committee?

Ms. HASPEL. I am electing not to make an exception for myself, but I am adhering to existing RDI guidelines. If I may just—

Senator KING. That's fine. I just wanted to understand that. With regard to the cable, Mr. Rodriguez said that he asked you to ask two questions of the lawyers the day before the drafting of the cable. One was: Was it legal to destroy the tapes? Second, did he have the authority? Did you mention to those lawyers the intention to issue a cable that would destroy the tapes when you asked those two questions or were those the only questions you asked?

Ms. HASPEL. No, Senator, I explained that Mr. Rodriguez wanted to get resolution on this issue and that he was planning to have a conversation with the Director about it and he needed to have re-validation of those two points.

Senator KING. And you drafted the cable, is that correct?

Ms. HASPEL. Yes at his request.

Senator KING. Isn't it common practice in the CIA when a cable, particularly of this importance, is drafted that it be copied to various parts of the legal establishment within the CIA? And was that done in this case? Was that cable copied to Mr. Rizzo or other lawyers within the Agency?

Ms. HASPEL. Senator, there was—there was robust coordination with the lawyers at CIA on this issue—

Senator KING. Were they copied on the cable?

Ms. HASPEL. Mr. Rodriguez chose not to copy the lawyers on the cable because he took the decision on his own authority and he wanted to take responsibility for it. He's been very clear and up front about that.

Senator KING. And you were aware, because you drafted the cable, that the lawyers weren't copied on the cable?

Ms. HASPEL. But I knew that the lawyers had been consulted in a meeting and consulted over many times over three years.

Senator KING. In May 2005, Mr. Rizzo reports, "I told Jose and his chief of staff." That was you, is that correct? "I can't recall if I talked to them separately or together. They were crestfallen because they were now on notice that the DNI, two successive White House counsels, and the Vice President's top lawyer had weighed in strongly against destroying the tapes."

Do you recall that conversation?

Ms. HASPEL. Senator, I don't recall that specific conversation. However, I was aware that there were some objections and that is why that Jose was going to go back to the Director.

Senator KING. With all respect, those aren't "some objections." Those are very straightforward prohibitions by your superiors to not destroy the tapes, were they not?

Ms. HASPEL. Senator I don't recall that specific conversation.

Senator KING. But you do know—Mr. Morell in the report which has been released says something similar. He said: "The record is clear that Mr. Rodriguez," and I presume you, "was aware that two White House counsels, the counsel to the Vice President, the DNI, the DCIA, and the HPSCI ranking member had either expressed opposition or reservation about the destruction of tapes."

Did you know that at the time you drafted that cable?

Ms. HASPEL. Senator, I don't believe I knew that entire list, but I knew there were some objections, and that is why we were going back to the Director of the Central Intelligence Agency.

Senator KING. Final question. Was it a matter of coincidence that this decision was made to destroy the tapes in the same week that two major stories appeared in American newspapers, the Levin Amendment was being considered, and the McCain Amendment was on the floor of the U.S. Senate? Was it a mere coincidence that that was after three years of delay, the decision was taken to destroy the tapes?

Ms. HASPEL. Senator, I don't believe in the Directorate of Operations front office we were aware of legislation. The lawyers may have been aware. I do not believe we were aware.

Senator KING. There's a broader question, not legislation. I'm talking about stories in the newspapers. There was a great deal of public interest just that week in the whole interrogation question. Were you aware of that when you made this decision?

Ms. HASPEL. Senator, I do not recall being aware of that.

Chairman BURR. The Senator's time expired.

The Chair would note at this time, since there has been a reference to declassification, I just want to draw a distinction that the Durham investigation done by the Department of Justice is not in the purview of the Central Intelligence Agency. Any decision to declassify or keep classified is a Department of Justice decision and I just wanted to separate that from the discussions about Ms. Haspel's background at the Agency.

With that, the Chair recognizes Senator Lankford.

Senator LANKFORD. Mr. Chairman, thank you very much.

Ms. Haspel, thank you for your over three decades of work for our Nation. The lack of recognition that you've had for three decades from our Nation because you've served in a way that no one has seen. So this is an opportunity we get to be able to say "thank you" to you for a lot of years of a lot of service, being able to protect our Nation.

It's also pretty remarkable, in some of the dialogue today, as I go through the very long list of people that have recommended you and that are both Republican and Democrat; and to be able to see the reports that have been by the Inspectors General about you, about previous DOJ about you, that have cleared you of any concerns and that have reaffirmed you. And whether it is President Obama's Director of the CIA John Brennan, or whether it was Jim Clapper, Director of National Intelligence for President Obama, Henry Kissinger, John McLaughlin, Mike Morrell, Mike Mukasey, John Negroponte, Leon Panetta, George Tenet—the list goes on and on of people that have looked at your record and that have examined it and said you'd be a qualified leader for that. That speaks well of your history and of your leadership and we appreciate that very much.

Let me ask you a little bit about some ongoing threats that are coming at us we haven't had much time to talk about today. Let's talk about the very serious counter-narcotics threat that's coming at us and some of the changing situations that's happening in our hemisphere dealing with drug trafficking organizations, international drug trafficking in particular. What do you sense is a role

that CIA should have in the ongoing work to be able to do counter-narcotics work in our hemisphere?

Ms. HASPEL. Senator, thank you very much for that question, and you've been a big supporter of CIA's counter-narcotics work. But, when I returned from my overseas posting in early 2017, I was, frankly, shocked at what I saw was happening in our country, particularly in places like my home State of Kentucky, where there's a real crisis. I think the number is 63,000 Americans we lost last year. We're losing 115 Americans a day.

That seems to me to be an extraordinary crisis for our country.

I would like to talk about this, if we could, some this afternoon. But, as you know, CIA does have a fairly modest program to try and stop the flow of drugs from coming across our southern border: heroin, cocaine and fentanyl. We work very closely in Central America and Latin America to try and stop that flow.

I've been talking to our team at CIA Headquarters about this for several months. I've asked them to come up with some options to grow that program. We have extraordinary support for that program on this committee. But I think, in light of the fact that we're losing 115 Americans a day, that we're losing almost a generation in some places, that we have to do more. CIA is not the primary agency, but we can do a lot. But it has to be a whole of government effort.

Senator LANKFORD. All right, so flip on that into the cyber activities and some of the cyber threats we have. Some of the cyber threats are changing internationally. There were criminal gangs in other countries that were trying to steal credit cards, steal information and to be able to sell that out there.

Now there are some governments that are using the criminal gangs in their own country and have become this strange hybrid that's out there between a criminal gang sometimes and a government entity at other times. And we are very dependent on trying to be able to identify where these threats are coming from and who those threats are coming from.

What is needed with CIA and what do you anticipate would be the need to be able to help our Nation be able to determine what the threats are and where they're coming from?

Ms. HASPEL. Senator, you're quite right that it's a growing threat and it's another area where you have to have a whole of government effort; and it's a very murky world, as you point out. But China, Russia, Iran and North Korea have very aggressive offensive cyber programs, both to steal secrets, but also in some cases to earn illicit money.

CIA can probably make the biggest contribution in collection about these other countries' activities and various groups activities, so that we can inform the U.S. government agencies that have to mount our defense. Everyone in the U.S. government has been struggling, as all western governments are, on what is the most effective way to organize yourself for cyber defense. We're still working on that, but CIA has a big role. It's another area that I'd like to amplify on a bit this afternoon if I have the opportunity.

Senator LANKFORD. I will look forward to that.

I yield back.

Chairman BURR. Senator Manchin.

Senator MANCHIN. Ms. Haspel, I want to thank you first of all for your service to our country; and also I thank you for your efforts on drugs. We are ground zero in West Virginia and we appreciate—we need everybody in this fight because it is a war and we must win it.

Let me ask the first. What were your thoughts and greatest concerns for the United States of America after the 9/11 attack?

Ms. HASPEL. I think for probably every American it was all so surreal. But what I was very worried about—and we weren't wrong about this—is that other attacks were being planned. So I think everyone in the U.S. government, probably across the board, but certainly in the intelligence community and FBI, we all felt that we had let the American people down somehow. We didn't know these attacks were coming. And it was very important to identify who headed, who was behind these attacks and stop future attacks.

Senator MANCHIN. I think back on that day and I remember it very vividly as if it was just happening this morning. But I remember that the only thing I cared about—first of all, my first thought, was anybody in my family harmed that day? Next, anyone that I might have known or related to or thought about or had acquaintances with? Next of all, my final thought was, were any other Americans harmed? That's all I cared about. What was this doing?

I thought about the history of Pearl Harbor. How did we react as a Nation after Pearl Harbor? I remember the cruel and unusual internment of Japanese-Americans, and we've never gone down that road again, and our thought process would have been there.

But let me go another step further. After 9/11, had any laws or rules for procedure changed because of the attacks, those attacks? Did we change any procedures after that? You're saying you would never do it now. You said you would say no to the President, because that's not where we're going, that's not where you want the CIA to be. Were those changed after that?

Ms. HASPEL. Senator, I'm not sure I understand exactly. But CIA does not do interrogations. We historically have not done interrogations and we don't do interrogations today.

Senator MANCHIN. Let me go this direction. Are there any other tapes that would reveal agents' identities that have been destroyed and is that the standard procedure? Or are there any tapes of interrogation that haven't been destroyed of your knowledge?

Ms. HASPEL. Senator, probably, I don't know. I don't know if there are any other tapes. I don't believe there are any other tapes associated with the particular interrogation activity that was on the 92 tapes, but I simply don't know if there are any other video tapes of any other activity.

Senator MANCHIN. And then we'll go into this. Explain why you feel so strongly today that CIA should not be in the interrogation business? And would it have anything to do with basically the makeup of the CIA with the appointments, your appointment now for that, versus the code of conduct for the military? Is there a difference of why you think that the CIA should not be in that business and why it should be done in the military?

Ms. HASPEL. That's a great question. CIA historically has not done interrogations. We don't have interrogators, so we just don't have any expertise.

Senator MANCHIN. Most of the questions that have been directed to you have been because of that.

Ms. HASPEL. Yes, that's right.

And DOD of course does do battlefield interrogations, and that is why we have the Army Field Manual. We have very clear legal and policy guidance for those DOD interrogations, which I support. And then of course the FBI has its own authorities for interviewing terrorist suspects. And then, as we mentioned, we have the High-value Interrogation Group and CIA is part of that. We support that with substantive expertise about a particular group or an individual, but we don't conduct interrogations.

Senator MANCHIN. And I know you stated strongly that's why you would feel very compelled to tell the President, no, this is not something we do and it's not our line of work.

Ms. HASPEL. I just think there are other U.S. government entities that are suited to holding detainees, and that isn't CIA.

Senator MANCHIN. Let me say this about the CIA, being on this committee for one year and on Armed Services for six years prior to that. When I speak to the West Virginia citizens today, I brag about what you all do in the clandestine services and the people they provide to serve for our country to keep us safe. I have never, ever seen the quality of people at that level to make the sacrifices they make. And to make sure that they understand the importance and how successful and how good they are is that, for a country that has a target on its back the way the United States has had since 9/11 and probably will for long time, to be as safe as we have in the most troubled world, in the most dangerous world, with the terrorist mentality, I want to thank you on behalf of every West Virginian in this country for the job you all do.

Ms. HASPEL. Thank you, Senator.

Chairman BURR. Thank you, Senator.

Senator Cotton.

Senator COTTON. Thank you, Ms. Haspel for your many decades of service to our country and for taking on this new role, despite the accusations, entirely false, you know that you would face from some of my colleagues in the Senate and from the media, some of these protesters we've seen here today. I'm very grateful to you, as I know that all the men and women of the CIA are grateful.

I have to clear up some of the things that have been said here before. Senator Warner said that he worried about the message we would be sending if we confirmed you to the Director of CIA. Well, let's look at that from the other direction. What message would we be sending if we didn't confirm you to the CIA to the men and women of the CIA, to the GS-15s who may be asked to take on a controversial position that a future administration with new lawyers might not like?

And for that matter, what message does overwhelming Democratic opposition to your nomination send? In fact, if you had been nominated by President Obama or if Hillary Clinton had won and nominated you to be the CIA Director, how many votes do you think you would have gotten to be confirmed as the CIA Director?

[Pause.]

You don't have to answer.

[Laughter.]

I also have to take exception to what Senator Warner said when he called an opinion of the Office of Legal Counsel that was signed off by the Attorney General of the United States as a "Get Out of Jail Free" card. Do you believe, acting under the legal approval of the Attorney General, that you or any other CIA officer should have gone to jail and you needed a "Get Out of Jail Free" card? You can answer that one, please.

Ms. HASPEL. Senator, CIA follows the law.

Senator COTTON. Exactly what I thought.

Let's turn to the circumstances of what the Counterterrorism Center was doing the days you were there. I think Senator Collins asked an excellent sequence of questions that got at many of these points. I just want to tie a bow on some of them. These programs were, to the best of your understanding, approved by the Commander in Chief, legally approved by the Attorney General, and supported by the Director of the CIA, who I point out at the time was the former Democratic staff director of this committee; is that correct?

Ms. HASPEL. That's correct, Senator.

Senator COTTON. You said that you were not a senior manager when those programs were created, is that correct?

Ms. HASPEL. That's correct.

Senator COTTON. Was John Brennan a member of the Senior Intelligence Service and the Deputy Executive Director, at the time a senior manager in your opinion?

Ms. HASPEL. Senator, I believe Mr. Brennan was the Deputy EXDIR of the Agency at that time.

Senator COTTON. And you'd consider that a senior manager position at the CIA?

Ms. HASPEL. I believe it's the number four position.

Senator COTTON. For John Brennan, who was confirmed to be the CIA Director by the following members of this committee: Senator Warner, Senator Feinstein, Senator Heinrich, Senator Collins, Senator King, Senator Burr, Senator Manchin, Senator Wyden, and Senator Rubio.

Let's turn to the question about the tapes that were destroyed in 2005. Did any lawyer at any time in any organization of the Federal Government say that there was a legal prohibition to destroy those tapes?

Ms. HASPEL. Senator, they did not. They were very consistent that there was no legal requirement to preserve the tapes, because of the written record.

Senator COTTON. And it's your testimony that there is a written record that fully documents whatever may or may not have happened?

Ms. HASPEL. Senator, yes. And there were two reviews done of the written record, by the Office of General Counsel and Office of the Inspector General.

Senator COTTON. In other words, the CIA has a record no different from the Federal court system, which keeps transcripts and allows sketch drawings, but does not allow video recordings in a Federal courtroom, is that correct?

Ms. HASPEL. That's correct, Senator.

Senator COTTON. You were the chief of staff to Mr. Rodriguez when this happened, correct?

Ms. HASPEL. Yes.

Senator COTTON. And at his direction, you drafted a cable that he later sent.

Ms. HASPEL. That's correct.

Senator COTTON. Michael Morell, who supported Hillary Clinton in the last election, cleared you of any wrongdoing in drafting that cable?

Ms. HASPEL. He did.

Senator COTTON. As did an investigation by the Office of Special Counsel and the Office of the Inspector General?

Ms. HASPEL. That investigation was closed without charges for Mr. Rodriguez or anyone.

Senator COTTON. Would holding you responsible for drafting a cable at your boss' direction make any more sense than holding a Senate speechwriter responsible for the boring speeches Senators give on the Senate floor?

Ms. HASPEL. Senator, I'll defer to you.

[Laughter.]

Senator COTTON. I would submit that it does not.

Finally, there's a lot of talk about policy guidance and that there was some awareness by Mr. Rodriguez that higher officials in the government who were political appointees had qualms or expressed reservations. I would say that's another way for which politicians don't want to take responsibilities when they are placed in certain positions, whether they are elected or appointed, and give the answers that they are responsible for giving yes or no and take the chips to fall where they may.

Chairman BURR. The Senator's time has expired.

Senator HARRIS.

Senator HARRIS. Thank you.

So let's just be clear. This hearing is not about the incredible importance of the service and sacrifice of the men and women of the CIA. That's not what this hearing is about. This hearing is not about the importance of the Agency's mission, both of which I wholeheartedly support.

This hearing is about your suitability to be the Director of the CIA. And in our responsibility to participate in choosing who will be the next Director of the CIA, the mission that we have now includes understanding that who we choose will be a signal to the men and women of the Agency, to the American people, and to our neighbors around the world about our values as Americans on critical issues that range from our adherence to a rule of law, to what we prioritize in terms of professional accountability and what we prioritize in terms of our moral authority as Americans and as a country.

So one question I've not heard you answer is: Do you believe that the previous interrogation techniques were immoral?

Ms. HASPEL. Senator, I believe that CIA officers, to whom you referred—

Senator HARRIS. It's a yes or no answer. Do you believe the previous interrogation techniques were immoral? I'm not asking do

you believe they were legal. I'm asking do you believe they were immoral?

Ms. HASPEL. Senator, I believe that CIA—

Senator HARRIS. It's a yes or no.

Ms. HASPEL [continuing]. Did extraordinary work to prevent another attack on this country, given the legal tools that we were authorized to use.

Senator HARRIS. Please answer yes or no. Do you believe in hindsight that those techniques were immoral?

Ms. HASPEL. Senator, what I believe sitting here today is that I support the higher moral standard we have decided to hold ourselves to.

Senator HARRIS. Can you please answer the question?

Ms. HASPEL. Senator, I think I've answered the question.

Senator HARRIS. No, you've not. Do you believe the previous techniques—now armed with hindsight, do you believe they were immoral, yes or no?

Ms. HASPEL. Senator, I believe that we should hold ourselves to the moral standard outlined in the Army Field Manual.

Senator HARRIS. Okay, so I understand that—you have not answered the question, but I'm going to move on. So I understand that you, from previous answers, are serving as the authority over whether or not CIA information concerning you will be classified or not. Given an obvious appearance of conflict, will you agree to recuse yourself from the responsibility and the authority to make decisions about whether or not that information will be classified or not? Will you agree to recuse yourself of that responsibility and authority, yes or no?

Ms. HASPEL. Senator, I am following the guidelines that exist at CIA, and there is another declassification authority. It's called the IRO. I have not interfered—

Senator HARRIS. Ms. Haspel, do you believe that you have the authority to recuse yourself?

Ms. HASPEL. I'll take that for the record. I may have the authority to recuse myself.

Senator HARRIS. Assuming you do—

Ms. HASPEL. I'm not a lawyer. I'm not sure about that.

Senator HARRIS. Assuming you do—and I believe you do—will you agree to recuse yourself from the responsibility and the authority of making decisions about what CIA information about you and your record will be classified or declassified?

Ms. HASPEL. Senator, if I had agreed with the proposals that have come up to—because people thought it would be advantageous to me, I think I would've been abdicating my responsibility to follow the rules that everyone at CIA follows.

Senator HARRIS. Okay. And you also in this hearing have a responsibility to answer the questions that are being asked of you.

I'm going to ask you a different question. Would you agree that, given this appearance of conflict or potential conflict around the classification or declassification of these documents, that—would you agree that Director Coats instead should have the responsibility for declassification decisions regarding your background?

Ms. HASPEL. Senator, I think one important thing is that this committee plays a unique role to review the classified record, and

we have sent over every piece of paper we can lay our hands on about my classified record; all of my evaluations over a 33-year career. And I hope every Senator has had the opportunity to look at that classified material.

Senator HARRIS. Indeed I have.

Ms. HASPEL. But there are—

Senator HARRIS. I have another question for you then, because I only have a few minutes left. I only have few seconds left. The President has asserted that torture works. Do you agree with that statement?

Ms. HASPEL. Senator, I don't believe that torture works. I believe that in the CIA's program—and I'm not attributing this to enhanced interrogation techniques—I believe, as many people, Directors who have sat in this chair before me, that valuable information was obtained from senior Al-Qaeda operatives that allowed us to defend this country and prevent another attack.

Senator HARRIS. Is that a yes?

Ms. HASPEL. No, it's not a yes. We got valuable information from debriefing of Al-Qaeda detainees, and I don't think it's knowable whether interrogation techniques played a role in that.

Senator HARRIS. Thank you. My time has expired.

Chairman BARR. The Senator's time has expired.

Senator Cornyn.

Senator CORNYN. Ms. Haspel, I note that one prominent national security expert has said that if President Obama had nominated you to be Director of the CIA it would be an easy decision to support your nomination. So it strikes me that you're being treated much differently than Director Brennan was, which Senator Cotton noted he was voted out of this committee by a vote of 12 to 3 and confirmed by a vote of 63 to 44 to be CIA Director.

So it strikes me—and this is not a question for you; this is an observation by me—that you and this President are being held to a double standard, and I think that's regrettable.

I also remember that President Obama in 2009, when he declassified the Office of Legal Counsel memos that are been referred to here, promised the men and women of the CIA that, quote, "We will protect all who acted reasonably and relied upon legal advice from the Department of Justice that their actions were lawful. They need to be fully confident that, as they defend the Nation, I will defend them." And I think this committee and this Senate should remember those words by President Obama and apply those when considering your confirmation.

Senator Feinstein was kind enough about a year ago to send me a book by Peter Bergen called Manhunt. It's a ten-year history of the search for Osama bin Laden. Where as I was thumbing through it recently I was reminded that post-9/11 President Bush was concerned about reports that he had received that Osama bin Laden and Al-Qaeda were meeting with Pakistani officials connected with their nuclear program, to gain access to a nuclear device that they might then use for a follow-on attack against cities like Washington, D.C.

Without divulging classified information, can you confirm that there were concerns about follow-on attacks using nuclear devices, biological weapons, other weapons of mass destruction that

might've killed more innocent Americans, as happened on 9/11? Was that the environment in which you and the country were operating at the time?

Ms. HASPEL. Senator, there were very grave concerns on that front. And indeed, Al-Qaeda had those kinds of programs, efforts to acquire crude, dirty bombs, efforts to develop—they had a program, a biological weapons program. I remember the operative who was in charge of that. There was very deep concern about potential contacts—and we continue to monitor this very closely today—between extremists and Pakistani nuclear scientists.

Senator CORNYN. So here we sit, years following the terrible events of 9/11, feeling very safe and secure thanks to the incredible work being done by the intelligence community, including the good men and women at the CIA, as well as the men and women who serve in the United States military. We're feeling very safe and secure and the memories of that terrible event are very distant.

But it strikes me that, in addition to the double standard that I believe you and this President are being held to compared to Director Brennan and President Obama's Administration, that people have simply forgotten. And that's dangerous, to have forgotten the circumstances under which they were operating at the time and doing their dead level best to protect the country from a follow-on attack.

I just want to note in closing that recently I had a chance to travel to a garden spot with the Chairman and visit with some of those unnamed patriots who served—

Ms. HASPEL. Thank you for doing that.

Senator CORNYN [continuing]. In the CIA, and I was struck by talking to one gentleman. He was talking about his girlfriend that he no longer had. And I said—

Ms. HASPEL. It's a common story.

Senator CORNYN. I said: This this must be incredibly difficult on marriages and on relationships and on families. Would you just take just a second to comment about the sacrifices that intelligence officers, rank and file employees of the CIA, make when it comes to those sorts of relationships?

Ms. HASPEL. Senator, thank you. You know, maybe I could start by saying I talked about how CIA's boots were the first on the ground in Afghanistan. We suffered the first U.S. casualty. But maybe it's important for the American people to know that CIA officers are still out there in Afghanistan. Our officers are out there fighting extremists, Al-Qaeda and the Taliban.

We have 125 stars on our memorial wall, now. Many of those—it's shocking how many stars we've added. I believe we added seven starts to our wall last year.

Perhaps I could cite one personal example of an officer who worked for me. She was the most extraordinary woman. She was our number one Al-Qaeda expert. I worked with her in the Counterterrorism Center. She was having her third baby in those days following 9/11. But we needed her because she had such deep expertise. She later worked for me on terrorism issues in a foreign capital.

And then she went to Afghanistan. And she and six colleagues were murdered by a suicide bomber who penetrated our base.

These are very real sacrifices. These are my friends and colleagues. All of us at CIA have a commitment and an honor-bound obligation to uphold the memory of those officers, mothers who've left their children to go to the field and sometimes have given their all in service of this country.

Chairman BURR. I thank Senator Cornyn.

Senator Reed.

Senator REED. Thank you, Mr. Chairman.

Thank you, Ms. Haspel. You've been working with the Administration now for 15 months. You've had the opportunity to brief the President. Have you ever been alone with the President?

Ms. HASPEL. Senator, I'm usually there with Senator Coats, a brilliant analyst who delivers the actual analytic briefing, and usually the National Security Advisor, the Vice President.

Senator REED. There have been allegations, Mr. Comey one, that while he was alone the President asked for a personal pledge of loyalty. If you were ever approached by the President and asked for a personal pledge of loyalty, what would you respond?

Ms. HASPEL. Senator, my only loyalty is to the American people and the Constitution of the United States. I am honor-bound and will work very hard to deliver to this President and his Administration the best performance and intelligence CIA can deliver.

Senator REED. And if you were approached in such a way and such a demand was made of you, would you inform this committee and the Congress that you had been so approached?

Ms. HASPEL. Senator, I've worked very closely with this President. I don't believe that such circumstance would ever occur. CIA has been treated with enormous respect and our expertise is valued for what we bring to the table.

Senator REED. If it occurred, would you inform the committee?

Ms. HASPEL. Senator, it's a hypothetical. I don't think it's going to occur. I'm very confident about that.

Senator REED. It does not seem to be a hypothetical. People have alleged that that has happened already.

Ms. HASPEL. Senator, I don't know anything about that conversation.

Senator REED. Now, Senator Harris was asking you about the morality of the enhanced interrogation techniques, the waterboarding. At the time that you were involved in it, in fact fairly directly, you expressed no moral concerns. In fact, you have suggested that it was good tradecraft and that it contributed to information that was developed.

If one of your operations officers was captured and subject to waterboarding today or tomorrow or the next day—

[Interruption.]

Chairman BURR. The Senator will suspend.

The Capitol Police will remove.

If there are any other further disruptions, I will ask the Capitol Police to remove all individuals.

The Senator can continue.

Senator REED. Thank you, Mr. Chairman.

If one of your operators were captured, subjected to waterboarding and enhanced interrogation techniques, which you I believe supervised, would you consider that to be moral, since per-

haps the other entity did not have legal restrictions, and good tradecraft, as you appeared to do when you were involved in it previously?

Ms. HASPEL. Senator, I don't believe the terrorists follow any guidelines or civilized norms or the law. CIA follows the law.

Senator REED. Excuse me, madam. You seem to be saying that you were not following civilized norms and the law or anything else when you were conducting those self-said activities, if that's the analogy you're going to draw.

Ms. HASPEL. Senator, I'm sorry? Can you—

Senator REED. It's very simple. You have an operations officer who is captured. He is being waterboarded. I've asked you very simply, would you determine that to be immoral and something that should never be done, condoned in any way, shape or form? Your response seems to be that civilized nations don't do it, but uncivilized nations do it or uncivilized groups do it.

Senator COTTON. The United States—

Senator REED. But a civilized nation was doing it until it was outlawed by this Congress.

Ms. HASPEL. Senator, I would never, obviously, support inhumane treatment of any CIA officers. We've lost CIA officers over the years to terrorists. I just gave an example. Khalid Sheikh Mohammed personally killed a Wall Street Journal correspondent and filmed that.

I don't think there's any comparison between CIA officers serving their country, adhering to U.S. law, and terrorists who by their very definition are not following anybody's law.

Senator REED. Finally, in the Morell report, which you've somewhat acknowledged, there was opposition to the destruction of the tapes by two White House counsels, the counsel to the Vice President, the DNI, the DCIA and a member of the Congress. And yet, those tapes were destroyed. Do you consider that to be insubordinate actions without the Director, in this case, Mr. Goss, being notified?

Ms. HASPEL. Senator, I think that consultation with the Director was essential, and a lesson coming out of that is the importance of making sure all the stakeholders have agreed to include Congressional oversight. There is also a leadership lesson: Don't let real security issues go unaddressed.

Senator REED. So the action was insubordinate and you would not countenance anyone in your organization doing something like that?

Ms. HASPEL. I expect my officers to bring those difficult issues to me and I think I have a reputation for not just leaving them in the inbox. I will say this: Mr. Rodriguez has taken full accountability for his decision, which he thought he was operating under his own authority.

Senator REED. Thank you.

Chairman BURR. The Senator's time has expired.

We've come to the conclusion of the open session. And I would duly note for the members, it's my understanding that we're going to have two recorded votes starting at 12:00. My intention is to start the closed hearing immediately after the second vote.

The Vice Chairman and I would like to make some closing statements.

I do want to take the opportunity, Ms. Haspel, since two individuals have been mentioned and they will be the subject of conversation in a closed session, but for the American people's purpose, would you share for them who Khalid Sheikh Mohammed is and Nashiri?

Ms. HASPEL. Chairman, thank you. Khalid Sheikh Mohammed was the architect and mastermind of the 9/11 attacks. His nephew, Ramzi Yousef, was behind the 1993 attack on the World Trade Center and Khalid Sheikh Mohammed financed that operation. He also was behind the infamous Bojinka plot in the Philippines. Tragically, he was the individual who personally killed a Wall Street Journal American correspondent and filmed that heinous act. He also after 9/11 carried out an attack on a synagogue in Tunisia, and he had other attacks planned. We were able to warn allies about a planned attack, for example, on Heathrow Airport.

Mr. Nashiri was the emir of the attack in 2000 on the USS COLE, in which we lost 17 sailors. He also was behind the attack on a French ship, the LIMBURG, and he was the Al-Qaeda Chief of Operations in the Gulf and the Arabian Peninsula.

Chairman BURR. I thank you for that. I think it's important to put into context, when individuals are mentioned, what their role was in terrorism and why they were the focus of not only the Agency, but law enforcement.

With that, I'd like to recognize the Vice Chairman for any closing statements he'd like to make.

Vice Chairman WARNER. Thank you, Mr. Chairman.

First of all, I want to submit for the record, to refresh my colleagues' memories, the testimony of then-nominee John Brennan, who quite explicitly repudiated the EIT techniques and programs, who stated that he expressed his personal objections and some of his views to Agency colleagues, which I think was a relevant piece of information when we considered Mr. Brennan's testimony for those of us who decided to vote in favor of him.

Senator COTTON. And that would be the same——

Vice Chairman WARNER. Excuse me, sir. Excuse me, sir.

Senator COTTON. And that would be the same Mr. Brennan who supports her nomination.

Chairman BURR. The Senator will suspend.

Senator COTTON. We need the full record on the record.

Chairman BURR. No, the Senator will suspend.

Senator COTTON. John Brennan supports her nomination.

Vice Chairman WARNER. I appreciate that, Mr. Chairman.

Let me also say this. I know this is something that is a different experience for you. You have led your life serving our country in the shadows. But should you be confirmed in this position, you have a whole different set of responsibilities that, candidly, I understand that perhaps nothing in your career has fully prepared you for.

You have to not only earn our trust, where we have more exposure to your records and classified information, but you have to earn the trust of other members who are not on this panel, and

folks in the House who won't even consider this. You also I think have to earn the trust of the American public.

So three brief points I want to make. I appreciate the fact and the support you have from the Agency's workforce and the fact that this, your confirmation, will be the first time in 54 years an operations officer would be confirmed to be Director.

And I also understand what are normal procedures on declassification. But I think it troubles some of my colleagues when we do get stories that float from the press that point out some remarkable parts of your career—your interactions with Mother Teresa, the fact that you were shot at by foreign operatives—and there does appear to be information put forward by the Agency that helps you. And all—I think many of us—and I've reviewed most of your record. I think there's many extraordinary things in your record. But the willingness to lean forward on that declassification—not for our benefit on this committee, we get that. But for other members and for the public? I'd hope you reconsider some of your decisions made there.

I also appreciate very much in my line of questioning on the fact that you believe at this point that the RDI program is not consistent with American values. I wish you would have said that more clearly and more directly.

And finally, the question that if you were asked by this President to take an action that you believed was immoral, regardless of the status of a legal opinion, we finally got to the point that you said you would not follow that. You gave me an even stronger answer in private. I just feel that as you try to gain our trust and other Senators', for that matter the public's trust, you realize this is a totally different kind of role than you had any time in your career. And having clarity on these issues and having clarity on what your appointment will represent, and what values you'll bring to this critically important job, at this moment in time, is extraordinarily important.

My hope and prayer will be that as we consider this nomination, the more you can bring us that clarity, for those of us who want to give you that fair consideration that you deserve and, candidly, the extraordinary service you provided our Nation, is so important. So we can make the right judgment, so that we can know the character of the individual who will take on again one of the most important jobs in our country's protection, and particularly at this moment in time.

So I thank you for your testimony. I would like to see more. I regret some of my colleagues' comments in terms of mischaracterization, but that's part of the process and welcome to it.

Thank you, Mr. Chairman.

Chairman BURR. I thank the Vice Chairman.

Senator WYDEN. Mr. Chairman.

Chairman BURR. I would ask unanimous consent to enter into the record two documents provided by Senator Feinstein in opposition to the nomination, one from myself, a statement of support from Attorney General Michael Mukasey. I would expand my unanimous consent to include any documents that are for or against the nomination; and I would ask unanimous consent that every mem-

ber be given the opportunity for additional follow-on questions, and those QFRs would need to be in by the close of business tomorrow.

Senator WYDEN. Mr. Chairman.

Chairman BARR. Yes?

Senator WYDEN. Very quickly, following up on that point you made, and I support that, I did have several additional questions for the public record, and if I could at least make clear, I think it's important to have those before we vote in the committee, those answers to the additional questions, and I just wanted to convey that, and I hope we can get consent for that, too.

Chairman BARR. Duly noted.

Senator CORNYN. Mr. Chairman, may I ask you a question, briefly?

Chairman BARR. Senator Cornyn.

Senator CORNYN. I think there's been some comment made about committee members not getting responsive information, but I noticed declassified materials have been provided in a public setting. It is true, isn't it, that classified materials will be made available to members in a classified setting?

Chairman BARR. Everything that I think has been requested is available to members, not to all staff. And any inquiry into those documents will be made available in the closed setting, and I stand to be here as long as we need be tonight for every Senator to ask the full breadth of questions that they have.

With that, Gina, I'd like to thank you for your testimony today.

Ms. HASPEL. Thank you.

Chairman BARR. And I look forward to continuing the conversation in the closed setting.

Before we adjourn the open session, though, I want to add a few closing remarks. As you know, I'm a strong supporter of your nomination to be Director of the Central Intelligence Agency. I can think of few, if any, individuals as qualified to lead the Agency as you are, particularly at this challenging time. You may in fact be the most qualified nominee ever nominated for this role. You've been a leader in the field and at headquarters. You have the respect of the workforce, of your peers, of Republicans, of Democrats, of military officers, and of civilian security leaders. You have the courage to speak truth to power and you've demonstrated that courage time and time again. You're intimately familiar with the threats facing our Nation. Where others can discuss world events, you've lived them.

For you, there's no learning curve. You have a vision for the Agency and its future. It's obviously informed by your career, your past experiences. But you bring a clear-eyed understanding of the Agency's mission going forward, and I think you have reemphasized that today.

I support your nomination for all of these reasons. But I'm also mindful of the historic nature of your nomination and what it means for those first-tour case officers and junior analysts that will join the Agency this year and in years to come. I know you don't like to talk about it, so I will.

Outside the Agency workforce, not many Americans get an opportunity to walk the halls of the Old Headquarters Building. Those who do, though, including the members and staff of this

committee frequently enter the OHB, climb the stairs and turn down that hallway. As they do, they enter a series of portraits depicting former Directors of OSS, Central Intelligence, and the Central Intelligence Agency. We see them every day, as does the workforce. Some of those directors were loved, some were controversial, and some little understood the Agency they were asked to lead. Some made disastrous decisions out of hubris or inexperience, or both. But one thing is common: All of the portraits are men.

Many want to make your nomination about one small piece of Agency's past. Most of us, though, are looking towards the Agency's future. I think it's important to remember Director Brennan's—to put in context Director Brennan's not only time there and his testimony, but the fact is that you're being criticized for not speaking up when you were there, and nor did he. I want to make sure that we don't hold you to a different standard for any reason. Avril Haines and Meroe Park and others who have served or are currently serving have cracked the glass ceiling at the Agency. You're poised to break it.

It may be impossible to measure the importance of that breakthrough, but I know that your confirmation will send a signal to the current workforce and the workforce of the future that a lifetime of commitment to the Agency and its mission can still and will be rewarded.

I want to thank you for your willingness to go through this treacherous process. I'm not sure if I was in your position that I would expose myself to it, but I thank you for your willingness to lead. I thank you for your willingness to serve.

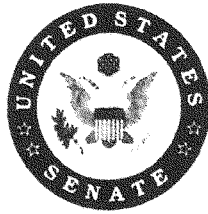
This hearing is now adjourned.

[Whereupon, at 12:06 p.m., the hearing was adjourned.]

Supplemental Material

**SELECT COMMITTEE ON
INTELLIGENCE**

UNITED STATES SENATE



**QUESTIONNAIRE FOR COMPLETION BY
PRESIDENTIAL NOMINEES**

**SELECT COMMITTEE ON INTELLIGENCE
UNITED STATES SENATE**

**QUESTIONNAIRE FOR COMPLETION BY
PRESIDENTIAL NOMINEES**

PART A - BIOGRAPHICAL INFORMATION

1. FULL NAME: Gina Cheri Haspel
OTHER NAMES USED: Gina Cheri Walker
2. DATE AND PLACE OF BIRTH: October 1, 1956, Ashland, Kentucky
CITIZENSHIP: United States of America
3. MARITAL STATUS: Single
4. SPOUSE'S NAME: N/A
5. SPOUSE'S MAIDEN NAME IF APPLICABLE: N/A
6. NAMES AND AGES OF CHILDREN: N/A
7. EDUCATION SINCE HIGH SCHOOL:

<u>INSTITUTION</u>	<u>DATES ATTENDED</u>	<u>DEGREE RECEIVED</u>	<u>DATE OF DEGREE</u>
University of Kentucky	Aug 1974 – May 1977		
University of Louisville	Aug 1977 – May 1978	B.S. with honors	May 1978
Northeastern University	Jan 1982 – May 1982	Paralegal Certificate	May 1982
George Washington University	Jan 1986 – May 1986	None - (Accepted PCS Assignment)	

8. EMPLOYMENT RECORD (LIST ALL POSITIONS HELD SINCE COLLEGE, INCLUDING MILITARY SERVICE. INDICATE NAME OF EMPLOYER, POSITION, TITLE OR DESCRIPTION, LOCATION, AND DATES OF EMPLOYMENT.)

<u>EMPLOYER</u>	<u>POSITION/TITLE</u>	<u>LOCATION</u>	<u>DATES</u>
CIA	Various positions (Deputy Director since Feb 2017)	McLean, VA	Jan 1985 – present
Tidewater Legal Aid Society	Paralegal	Norfolk, VA	Sep 1983 – Dec 1984
S.E. Mass. Legal Asst. Corp	Project Director/Paralegal	Brockton, MA	May 1982 – Aug 1983

<u>EMPLOYER</u>	<u>POSITION/TITLE</u>	<u>LOCATION</u>	<u>DATES</u>
US Army Education Center	MOS Library Coordinator	Fort Devens, MA	Jan 1980 – Oct 1981
Mount Wachusett College	Assistant Tutor	Gardner, MA	Nov 1979 – Jan 1980
Worcester County National Bank	Teller	Worcester, MA	Jun 1979 – Oct 1979
First Virginia Bank	Teller	Alexandria, VA	Dec 1978 – Apr 1979

9. GOVERNMENT EXPERIENCE (INDICATE EXPERIENCE IN OR ASSOCIATION WITH FEDERAL, STATE, OR LOCAL GOVERNMENTS, INCLUDING ADVISORY, CONSULTATIVE, HONORARY, OR OTHER PART-TIME SERVICE OR POSITION. DO NOT REPEAT INFORMATION ALREADY PROVIDED IN QUESTION 8):

See Question #8.

10. INDICATE ANY SPECIALIZED INTELLIGENCE OR NATIONAL SECURITY EXPERTISE YOU HAVE ACQUIRED HAVING SERVED IN THE POSITIONS DESCRIBED IN QUESTIONS 8 AND/OR 9.

I am the current Deputy Director of the CIA and have served in various positions at the CIA since 1985. As the Deputy Director, I assist the Director in managing intelligence collection, analysis, covert action, counterintelligence, and liaison relationships with foreign services. I have served in numerous U.S. and overseas assignments, as well as having served as Chief of Station multiple times. I have held various leadership positions throughout the National Clandestine Service (now Directorate of Operations) to include the Deputy Director for the National Clandestine Service.

11. HONORS AND AWARDS (PROVIDE INFORMATION ON SCHOLARSHIPS, FELLOWSHIPS, HONORARY DEGREES, MILITARY DECORATIONS, CIVILIAN SERVICE CITATIONS, OR ANY OTHER SPECIAL RECOGNITION FOR OUTSTANDING PERFORMANCE OR ACHIEVEMENT):

Intelligence Medal of Merit – 2014
 Presidential Rank Award – 2013
 Donovan Award – 2007
 George H.W. Bush Award for Excellence in Counterterrorism - 1999

12. ORGANIZATIONAL AFFILIATIONS (LIST MEMBERSHIPS IN AND OFFICES HELD WITHIN THE LAST TEN YEARS IN ANY PROFESSIONAL, CIVIC, FRATERNAL, BUSINESS, SCHOLARLY, CULTURAL, CHARITABLE, OR OTHER SIMILAR ORGANIZATIONS):

None.

13. PUBLISHED WRITINGS AND SPEECHES (LIST THE TITLES, PUBLISHERS, BLOGS AND PUBLICATION DATES OF ANY BOOKS, ARTICLES, REPORTS, OR OTHER PUBLISHED MATERIALS YOU HAVE AUTHORED. ALSO LIST ANY PUBLIC SPEECHES OR REMARKS YOU HAVE MADE WITHIN THE LAST TEN YEARS FOR WHICH THERE IS A TEXT, TRANSCRIPT, OR VIDEO.) IF ASKED, WILL YOU PROVIDE A COPY OF EACH REQUESTED PUBLICATION, TEXT, TRANSCRIPT, OR VIDEO?

None.

PART B - QUALIFICATIONS

14. QUALIFICATIONS (DESCRIBE WHY YOU BELIEVE YOU ARE QUALIFIED TO SERVE AS THE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY):

The skills and experience I have acquired during my three decades at the CIA have provided me an excellent foundation that I will leverage if I am confirmed as Director of the Central Intelligence Agency. I have a detailed understanding of the Agency's mission as well as the risks our officers take to collect critical human and technical intelligence to inform our nation's policymakers against the wide array of intelligence priorities. I have experience, both at Headquarters and overseas, directing operations against hard targets such as China, Iran, North Korea and Russia, as well as experience in the counterterrorism arena. Further, as Deputy Director of the CIA, I help oversee and direct CIA's activities including keeping Congress fully and currently informed of the Agency's activities.

PART C - POLITICAL AND FOREIGN AFFILIATIONS

15. POLITICAL ACTIVITIES (LIST ANY MEMBERSHIPS OR OFFICES HELD IN OR FINANCIAL CONTRIBUTIONS OR SERVICES RENDERED TO, ANY POLITICAL PARTY, ELECTION COMMITTEE, POLITICAL ACTION COMMITTEE, OR INDIVIDUAL CANDIDATE DURING THE LAST TEN YEARS):

None.

16. CANDIDACY FOR PUBLIC OFFICE (FURNISH DETAILS OF ANY CANDIDACY FOR ELECTIVE PUBLIC OFFICE):

None.

17. FOREIGN AFFILIATIONS

(NOTE: QUESTIONS 17A AND B ARE NOT LIMITED TO RELATIONSHIPS REQUIRING REGISTRATION UNDER THE FOREIGN AGENTS REGISTRATION ACT. QUESTIONS 17A, B, AND C DO NOT CALL FOR A POSITIVE RESPONSE IF THE REPRESENTATION OR TRANSACTION WAS AUTHORIZED BY THE UNITED STATES GOVERNMENT IN CONNECTION WITH YOUR OR YOUR SPOUSE'S EMPLOYMENT IN GOVERNMENT SERVICE.)

A. HAVE YOU OR YOUR SPOUSE EVER REPRESENTED IN ANY CAPACITY (E.G. EMPLOYEE, ATTORNEY, OR POLITICAL/BUSINESS CONSULTANT), WITH OR WITHOUT COMPENSATION, A FOREIGN GOVERNMENT OR AN ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE FULLY DESCRIBE SUCH RELATIONSHIP.

No.

B. HAVE ANY OF YOUR OR YOUR SPOUSE'S ASSOCIATES REPRESENTED, IN ANY CAPACITY, WITH OR WITHOUT COMPENSATION, A FOREIGN GOVERNMENT OR AN ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE FULLY DESCRIBE SUCH RELATIONSHIP.

No.

C. DURING THE PAST TEN YEARS, HAVE YOU OR YOUR SPOUSE RECEIVED ANY COMPENSATION FROM, OR BEEN INVOLVED IN ANY FINANCIAL OR BUSINESS TRANSACTIONS WITH, A FOREIGN GOVERNMENT OR ANY ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE PROVIDE DETAILS.

No.

D. HAVE YOU OR YOUR SPOUSE EVER REGISTERED UNDER THE FOREIGN AGENTS REGISTRATION ACT? IF SO, PLEASE PROVIDE DETAILS.

No.

18. DESCRIBE ANY LOBBYING ACTIVITY DURING THE PAST TEN YEARS, OTHER THAN IN AN OFFICIAL U.S. GOVERNMENT CAPACITY, IN WHICH YOU OR YOUR SPOUSE HAVE ENGAGED FOR THE PURPOSE OF DIRECTLY OR INDIRECTLY INFLUENCING THE PASSAGE, DEFEAT, OR MODIFICATION OF FEDERAL LEGISLATION, OR FOR THE PURPOSE OF AFFECTING THE ADMINISTRATION AND EXECUTION OF FEDERAL LAW OR PUBLIC POLICY.

None.

PART D - FINANCIAL DISCLOSURE AND CONFLICT OF INTEREST

19. DESCRIBE ANY EMPLOYMENT, BUSINESS RELATIONSHIP, FINANCIAL TRANSACTION, INVESTMENT, ASSOCIATION, OR ACTIVITY (INCLUDING, BUT NOT LIMITED TO, DEALINGS WITH THE FEDERAL GOVERNMENT ON YOUR OWN BEHALF OR ON BEHALF OF A CLIENT), WHICH COULD CREATE, OR APPEAR TO CREATE, A CONFLICT OF INTEREST IN THE POSITION TO WHICH YOU HAVE BEEN NOMINATED.

None.

20. DO YOU INTEND TO SEVER ALL BUSINESS CONNECTIONS WITH YOUR PRESENT EMPLOYERS, FIRMS, BUSINESS ASSOCIATES AND/OR PARTNERSHIPS, OR OTHER ORGANIZATIONS IN THE EVENT THAT YOU ARE CONFIRMED BY THE SENATE? IF NOT, PLEASE EXPLAIN.

I am employed by the CIA as the Deputy Director. I have no other business connections.

21. DESCRIBE THE FINANCIAL ARRANGEMENTS YOU HAVE MADE OR PLAN TO MAKE, IF YOU ARE CONFIRMED, IN CONNECTION WITH SEVERANCE FROM YOUR CURRENT POSITION. PLEASE INCLUDE SEVERANCE PAY, PENSION RIGHTS, STOCK OPTIONS, DEFERRED INCOME ARRANGEMENTS, AND ANY AND ALL COMPENSATION THAT WILL OR MIGHT BE RECEIVED IN THE FUTURE AS A RESULT OF YOUR CURRENT BUSINESS OR PROFESSIONAL RELATIONSHIPS.

See Question #20 above.

22. DO YOU HAVE ANY PLANS, COMMITMENTS, OR AGREEMENTS TO PURSUE OUTSIDE EMPLOYMENT, WITH OR WITHOUT COMPENSATION, DURING YOUR SERVICE WITH THE GOVERNMENT? IF SO, PLEASE PROVIDE DETAILS. .

No.

23. AS FAR AS CAN BE FORESEEN, STATE YOUR PLANS AFTER COMPLETING GOVERNMENT SERVICE. PLEASE SPECIFICALLY DESCRIBE ANY AGREEMENTS OR UNDERSTANDINGS, WRITTEN OR UNWRITTEN, CONCERNING EMPLOYMENT AFTER LEAVING GOVERNMENT SERVICE. IN PARTICULAR, DESCRIBE ANY AGREEMENTS, UNDERSTANDINGS, OR OPTIONS TO RETURN TO YOUR CURRENT POSITION.

I have no immediate plans, agreements or understandings regarding post-government service, written or otherwise.

24. IF YOU ARE PRESENTLY IN GOVERNMENT SERVICE, DURING THE PAST FIVE YEARS OF SUCH SERVICE, HAVE YOU RECEIVED FROM A PERSON OUTSIDE OF GOVERNMENT AN OFFER OR EXPRESSION OF INTEREST TO EMPLOY YOUR SERVICES AFTER YOU LEAVE GOVERNMENT SERVICE? IF YES, PLEASE PROVIDE DETAILS.

No.

25. IS YOUR SPOUSE EMPLOYED? IF YES AND THE NATURE OF THIS EMPLOYMENT IS RELATED IN ANY WAY TO THE POSITION FOR WHICH YOU ARE SEEKING CONFIRMATION, PLEASE INDICATE YOUR SPOUSE'S EMPLOYER, THE POSITION, AND THE LENGTH OF TIME THE POSITION HAS BEEN HELD. IF YOUR SPOUSE'S EMPLOYMENT IS NOT RELATED TO THE POSITION TO WHICH YOU HAVE BEEN NOMINATED, PLEASE SO STATE.

Not applicable.

26. LIST BELOW ALL CORPORATIONS, PARTNERSHIPS, FOUNDATIONS, TRUSTS, OR OTHER ENTITIES TOWARD WHICH YOU OR YOUR SPOUSE HAVE FIDUCIARY OBLIGATIONS OR IN WHICH YOU OR YOUR SPOUSE HAVE HELD DIRECTORSHIPS OR OTHER POSITIONS OF TRUST DURING THE PAST FIVE YEARS.

None.

27. LIST ALL GIFTS EXCEEDING \$100 IN VALUE RECEIVED DURING THE PAST FIVE YEARS BY YOU, YOUR SPOUSE, OR YOUR DEPENDENTS. (NOTE: GIFTS RECEIVED FROM RELATIVES AND GIFTS GIVEN TO YOUR SPOUSE OR DEPENDENT NEED NOT BE INCLUDED UNLESS THE GIFT WAS GIVEN WITH YOUR KNOWLEDGE AND ACQUIESCENCE AND YOU HAD REASON TO BELIEVE THE GIFT WAS GIVEN BECAUSE OF YOUR OFFICIAL POSITION.)

CIA Officers Memorial Foundation Dinner – April 2017 (estimated value \$1000)

CIA Officers Memorial Foundation Dinner – April 2013 (estimated value \$1000)

I have also received gifts from foreign governments in the performance of my official duties. I handled those gifts in accordance with CIA regulations.

28. LIST ALL SECURITIES, REAL PROPERTY, PARTNERSHIP INTERESTS, OR OTHER INVESTMENTS OR RECEIVABLES WITH A CURRENT MARKET VALUE (OR, IF MARKET VALUE IS NOT ASCERTAINABLE, ESTIMATED CURRENT FAIR VALUE) IN EXCESS OF \$1,000. (NOTE: THE INFORMATION PROVIDED IN RESPONSE TO SCHEDULE A OF THE DISCLOSURE FORMS OF THE OFFICE OF GOVERNMENT ETHICS MAY BE INCORPORATED BY REFERENCE, PROVIDED THAT CURRENT VALUATIONS ARE USED.)

Please see my submitted OGE Form 278e for complete information.

29. LIST ALL LOANS OR OTHER INDEBTEDNESS (INCLUDING ANY CONTINGENT LIABILITIES) IN EXCESS OF \$10,000. EXCLUDE A MORTGAGE ON YOUR PERSONAL RESIDENCE UNLESS IT IS RENTED OUT, AND LOANS SECURED BY AUTOMOBILES, HOUSEHOLD FURNITURE, OR APPLIANCES. (NOTE: THE INFORMATION PROVIDED IN RESPONSE TO SCHEDULE C OF THE DISCLOSURE FORM OF THE OFFICE OF GOVERNMENT ETHICS MAY BE INCORPORATED BY REFERENCE, PROVIDED THAT CONTINGENT LIABILITIES ARE ALSO INCLUDED.)

Please see my submitted OGE Form 278e.

30. ARE YOU OR YOUR SPOUSE NOW IN DEFAULT ON ANY LOAN, DEBT, OR OTHER FINANCIAL OBLIGATION? HAVE YOU OR YOUR SPOUSE BEEN IN DEFAULT ON ANY LOAN, DEBT, OR OTHER FINANCIAL OBLIGATION IN THE PAST TEN YEARS? HAVE YOU OR YOUR SPOUSE EVER BEEN REFUSED CREDIT OR HAD A LOAN APPLICATION DENIED? IF THE ANSWER TO ANY OF THESE QUESTIONS IS YES, PLEASE PROVIDE DETAILS.

No.

31. LIST THE SPECIFIC SOURCES AND AMOUNTS OF ALL INCOME RECEIVED DURING THE LAST FIVE YEARS, INCLUDING ALL SALARIES, FEES, DIVIDENDS, INTEREST, GIFTS, RENTS, ROYALTIES, PATENTS, HONORARIA, AND OTHER ITEMS EXCEEDING \$200. (COPIES OF U.S. INCOME TAX RETURNS FOR THESE YEARS MAY BE SUBSTITUTED HERE, BUT THEIR SUBMISSION IS NOT REQUIRED.)

INFORMATION REDACTED

INFORMATION REDACTED

32. IF ASKED, WILL YOU PROVIDE THE COMMITTEE WITH COPIES OF YOUR AND YOUR SPOUSE'S FEDERAL INCOME TAX RETURNS FOR THE PAST THREE YEARS?

Yes.

33. LIST ALL JURISDICTIONS IN WHICH YOU AND YOUR SPOUSE FILE ANNUAL INCOME TAX RETURNS.

The United States and the Commonwealth of Virginia; also filed in the District of Columbia in 2013-2014.

34. HAVE YOUR FEDERAL OR STATE TAX RETURNS BEEN THE SUBJECT OF AN AUDIT, INVESTIGATION, OR INQUIRY AT ANY TIME? IF SO, PLEASE PROVIDE DETAILS, INCLUDING THE RESULT OF ANY SUCH PROCEEDING.

No.

35. IF YOU ARE AN ATTORNEY, ACCOUNTANT, OR OTHER PROFESSIONAL, PLEASE LIST ALL CLIENTS AND CUSTOMERS WHOM YOU BILLED MORE THAN \$200 WORTH OF SERVICES DURING THE PAST FIVE YEARS. ALSO, LIST ALL JURISDICTIONS IN WHICH YOU ARE LICENSED TO PRACTICE.

Not applicable.

36. DO YOU INTEND TO PLACE YOUR FINANCIAL HOLDINGS AND THOSE OF YOUR SPOUSE AND DEPENDENT MEMBERS OF YOUR IMMEDIATE HOUSEHOLD IN A BLIND TRUST? IF YES, PLEASE FURNISH DETAILS. IF NO, DESCRIBE OTHER ARRANGEMENTS FOR AVOIDING ANY POTENTIAL CONFLICTS OF INTEREST.

Given my current financial assets, I do not require a blind trust in order to avoid actual or potential conflicts of interest.

37. IF APPLICABLE, LIST THE LAST THREE YEARS OF ANNUAL FINANCIAL DISCLOSURE REPORTS YOU HAVE BEEN REQUIRED TO FILE WITH YOUR AGENCY, DEPARTMENT, OR BRANCH OF GOVERNMENT. IF ASKED, WILL YOU PROVIDE A COPY OF THESE REPORTS?

OGB Form 278 for calendar years 2015, 2016 and 2017. Yes, if asked I will provide a copy of these reports.

PART E - ETHICAL MATTERS

38. HAVE YOU EVER BEEN THE SUBJECT OF A DISCIPLINARY PROCEEDING OR CITED FOR A BREACH OF ETHICS OR UNPROFESSIONAL CONDUCT BY, OR BEEN THE SUBJECT OF A COMPLAINT TO, ANY COURT, ADMINISTRATIVE AGENCY, PROFESSIONAL ASSOCIATION, DISCIPLINARY COMMITTEE, OR OTHER PROFESSIONAL GROUP? IF SO, PROVIDE DETAILS.

No.

39. HAVE YOU EVER BEEN INVESTIGATED, HELD, ARRESTED, OR CHARGED BY ANY FEDERAL, STATE, OR OTHER LAW ENFORCEMENT AUTHORITY FOR VIOLATION OF ANY FEDERAL, STATE, COUNTY, OR MUNICIPAL LAW, REGULATION, OR ORDINANCE, OTHER THAN A MINOR TRAFFIC OFFENSE, OR NAMED AS A DEFENDANT OR OTHERWISE IN ANY INDICTMENT OR INFORMATION RELATING TO SUCH VIOLATION? IF SO, PROVIDE DETAILS.

In January 2008, then Attorney General Michael Mukasey appointed Assistant United States Attorney John Durham to investigate the destruction of videotapes by CIA personnel. A team of prosecutors and FBI agents led by Mr. Durham conducted an exhaustive investigation, to include investigating my conduct in the matter. On 9 November 2010, Mr. Durham announced that he would not pursue criminal charges for the destruction of the videotapes. On 15 September 2011, then DCIA David Petraeus directed DD CIA Michael Morell to conduct a disciplinary review of the same matter. In his final report issued on 20 December 2011, Mr. Morell concluded that I acted appropriately and did not violate any Agency regulations.

40. HAVE YOU EVER BEEN CONVICTED OF OR ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE TO ANY CRIMINAL VIOLATION OTHER THAN A MINOR TRAFFIC OFFENSE? IF SO, PROVIDE DETAILS.

No.

41. ARE YOU PRESENTLY OR HAVE YOU EVER BEEN A PARTY IN INTEREST IN ANY ADMINISTRATIVE AGENCY PROCEEDING OR CIVIL LITIGATION? IF SO, PLEASE PROVIDE DETAILS.

No.

42. HAVE YOU BEEN INTERVIEWED OR ASKED TO SUPPLY ANY INFORMATION AS A WITNESS OR OTHERWISE IN CONNECTION WITH ANY CONGRESSIONAL INVESTIGATION, FEDERAL, OR STATE AGENCY PROCEEDING, GRAND JURY INVESTIGATION, OR CRIMINAL OR CIVIL LITIGATION IN THE PAST TEN YEARS? IF SO, PROVIDE DETAILS.

In *Salim v. Mitchell* (Matter No. CV-15-0286-JLQ/16-MC-0036-JLQ (E.D. Wash)), I was subpoenaed by the plaintiffs to provide deposition testimony; the government objected and the court denied the plaintiff's motion to compel. Accordingly, I provided no testimony in that matter.

Similarly, in a separate matter on which I can provide greater detail in classified channels, defense counsel requested my voluntary testimony; the relevant court has not ruled that my testimony is required.

43. HAS ANY BUSINESS OF WHICH YOU ARE OR WERE AN OFFICER, DIRECTOR, OR PARTNER BEEN A PARTY TO ANY ADMINISTRATIVE AGENCY PROCEEDING OR CRIMINAL OR CIVIL LITIGATION RELEVANT TO THE POSITION TO WHICH YOU HAVE BEEN NOMINATED? IF SO, PROVIDE DETAILS. (WITH RESPECT TO A BUSINESS OF WHICH YOU ARE OR WERE AN OFFICER, YOU NEED ONLY CONSIDER PROCEEDINGS AND LITIGATION THAT OCCURRED WHILE YOU WERE AN OFFICER OF THAT BUSINESS.)

No, not applicable.

44. HAVE YOU EVER BEEN THE SUBJECT OF ANY INSPECTOR GENERAL INVESTIGATION? IF SO, PROVIDE DETAILS.

In addition to the response in Question #39, I am aware that CIA's Office of Inspector General conducted multiple investigations related to CIA's counterterrorism activities. To my knowledge, there are no allegations that I had engaged in any misconduct. Apart from a single interview with the Office of Inspector General regarding a detainee, which I can provide more detail about in classified channels, I have not been interviewed by the Office of Inspector General on these matters. Furthermore, I have never been recommended for or received any disciplinary action, letter of reprimand or other adverse consequences in connection with any of these investigations.

PART F - SECURITY INFORMATION

45. HAVE YOU EVER BEEN DENIED ANY SECURITY CLEARANCE OR ACCESS TO CLASSIFIED INFORMATION FOR ANY REASON? IF YES, PLEASE EXPLAIN IN DETAIL.

No.

46. HAVE YOU BEEN REQUIRED TO TAKE A POLYGRAPH EXAMINATION FOR ANY SECURITY CLEARANCE OR ACCESS TO CLASSIFIED INFORMATION? IF YES, PLEASE EXPLAIN.

Yes. I have taken 'full-scope' polygraph examinations associated with my employment at CIA.

47. HAVE YOU EVER REFUSED TO SUBMIT TO A POLYGRAPH EXAMINATION? IF YES, PLEASE EXPLAIN.

No.

PART G - ADDITIONAL INFORMATION

48. DESCRIBE IN YOUR OWN WORDS THE CONCEPT OF CONGRESSIONAL OVERSIGHT OF U.S. INTELLIGENCE ACTIVITIES. IN PARTICULAR, CHARACTERIZE WHAT YOU BELIEVE TO BE THE OBLIGATIONS OF THE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY AND THE INTELLIGENCE COMMITTEES OF THE CONGRESS RESPECTIVELY IN THE OVERSIGHT PROCESS.

Section 502 of the National Security Act of 1947, as amended requires the Director of the CIA to keep the congressional intelligence committees "fully and currently" informed of the Agency's activities. Members of Congress are responsible to the American people for ensuring that intelligence activities are carried out efficiently, effectively, and legally. As both a career intelligence officer, and an American citizen, I am a

strong believer in the importance of Congressional oversight. CIA cannot be an effective agency without the people's trust and we cannot hope to earn that trust without the accountability that comes with oversight. I am fully committed to ensuring that Congress have a clear and unobstructed view of CIA's mission and operations.

49. EXPLAIN YOUR UNDERSTANDING OF THE RESPONSIBILITIES OF THE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

CIA's mission is to enhance national security through the collection and analysis of foreign intelligence and counterintelligence. Our mission includes providing overall direction for the collection of national intelligence through human sources, and performing other functions related to intelligence affecting the national security as the President may direct, including covert action. The Director leads the Agency in each of these endeavors, and provides both ground truth and strategic advantage to policymakers and the interagency. At the same time, the Director must ensure that CIA personnel have the proper budget, structure, and authorities to carry out the mission assigned to it through statute and by the President.

AFFIRMATION

I, **GINA HASPEL**, DO SWEAR THAT THE ANSWERS I HAVE PROVIDED TO THIS QUESTIONNAIRE ARE ACCURATE AND COMPLETE.

20 April 2018

(Date)

SIGNATURE OF GINA HASPEL

SIGNATURE OF NOTARY

JESSICA L. FERGUSON
NOTARY PUBLIC
REG. #7189162
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES OCT: 31, 2020

TO THE CHAIRMAN, SELECT COMMITTEE ON INTELLIGENCE:

In connection with my nomination to be the Director of the Central Intelligence Agency, I hereby express my willingness to respond to requests to appear and testify before any duly constituted committee of the Senate.

SIGNATURE OF GINA HASPEL
Signature

20 April 2018
Date

UNCLASSIFIED

(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#1)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) According to a CIA press release, you were transferred to the CIA's Counterterrorism Center (CTC) on September 11, 2001, and you didn't let up for three years." Please provide the titles you held at CTC and the time periods during which you held them.

Response:

(U) I served in CTC in the following positions:

- 2001 - 2003: Deputy Group Chief, CTC; and
- 2003 - 2004: Senior-level Supervisor, CTC.

(U) On September 11, 2001, I was transitioning between Agency assignments. When I learned of the attacks in New York, Pennsylvania, and at the Pentagon, I walked into CTC and volunteered to help with CIA's response to the attacks. I was assigned as Deputy Group Chief in CTC from 2001 to 2003, when I became a senior-level supervisor. I remained in CTC until June 2004. I will provide additional details about my assignments in classified channels.

UNCLASSIFIED

UNCLASSIFIED

(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#2)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) According to the CIA press release, you served as Chief of Staff to the Deputy Director for Operations (DDO). The Morell report concerning interrogation videotapes confirms that you held that position at the time of the destruction of the videotapes, in November 2005. Please provide the full time period during which you held the position of Chief of Staff to the DDO.

Response:

(U) I served as Chief of Staff to the DDO from 2005 to 2008. I have provided a more detailed description of my assignments in classified channels.

UNCLASSIFIED

UNCLASSIFIED

(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#3)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) Executive Order 13526 (Section 1.4) states that: "Information shall not be considered for classification unless its unauthorized disclosure could reasonably be expected to cause identifiable or describable damage to the national security" and pertains to one or more of eight specific categories of information.

- a. Please identify and/or describe the "damage to the national security" that would be caused by the confirmation or denial of any association between an individual in the top leadership of the CIA (who is not under cover) and previously declassified programs and operations.
- b. Please identify which of the eight specific categories would apply to such confirmation or denial.

Response:

(U) Classification decisions must take into account all the relevant facts. As a general matter, we do not associate individual officers, regardless of whether they are under cover, with particular operations because it would likely subject them to some level of risk. On 28 January 2015, pursuant to Executive Order 13526, CIA issued updated classification guidance for information about CIA's former Rendition, Detention, and Interrogation (RDI) Program. Although a large amount of information about the former RDI Program has already been publicly acknowledged, CIA still protects information regarding CIA personnel involved in the RDI Program as well as information about the operation and location of any overseas detention facilities. This includes the name of any country in which the detention facility was located.

(U) One of the primary reasons for retaining this classification level is for the safety and security of all of our officers. Such official acknowledgment of these officers would significantly, and unnecessarily, jeopardize the safety of these officers, their families, and their associates. There have been death threats and security incidents involving officers who have been alleged to have worked in the former RDI Program. In addition, there are public websites that have shown a pattern and practice of identifying CIA officers with the intended purpose of exposing their identities and impairing CIA's intelligence activities. Some of these websites aggregate and assemble other publicly available information to identify and post names of family members, phone numbers, hobbies, and photos and commercial imagery of homes for the intended purpose of

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facilitating the identification and location of individuals associated with the CIA and CIA personnel. If the CIA were unable or unwilling to protect personnel's affiliation with the CIA and activities, not only would this benefit our nation's adversaries, future personnel may be less willing to accept dangerous job assignments, thereby significantly impairing the CIA's ability to conduct its clandestine intelligence mission.

(U) Which of the eight EO 13526 categories of information might apply in a given case would depend on the specific details of the declassified facts of the program or operation. Executive Order 13526 §1.4 categories include: (c) intelligence activities, intelligence sources or methods, or cryptology; (d) foreign relations or foreign activities of the United States, including confidential sources; (e) scientific, technological, or economic matters relating to the national security; and (g) vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services related to national security.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#4)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) Do you agree that there is a public interest in the disclosure of information related to the background of a nominee to be CIA Director, particularly if it involves information that has already been declassified?

Response:

(U) Yes, I do agree, and CIA remains committed to transparency with the full Senate on my professional history. CIA has made public information about my background, and we are working toward sharing additional information with the public to the greatest extent possible consistent with our responsibility to protect information, the disclosure of which reasonably could be expected to cause damage to national security.

(U) Where material is still classified or protected from disclosure under statutory authorities, we will work with the Committee to provide access to the full Senate in appropriate classified forums.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#5)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) Have any CIA officers discussed classified information with members of the press, either confirming or denying such information, in the context of your nomination? If so, please elaborate.

Response:

(U) I am unaware of CIA officers revealing classified information to the press in the context of my nomination. Members of the press who contact CIA occasionally appear to be in possession of classified information, and the Office of Public Affairs, adhering to classification rules, responds to those queries.

UNCLASSIFIED

UNCLASSIFIED

(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#6)

Senate Select Committee on Intelligence

5 May 2018

Question:

(U) Executive Order 13526 (December 29, 2009) provides that: "In no case shall information be classified, continue to be maintained as classified, or fail to be declassified in order to: (1) conceal violations of law, inefficiency, or administrative error; (2) prevent embarrassment to a person, organization, or agency; (3) restrain competition; or (4) prevent or delay the release of information that does not require protection in the interest of national security." Executive Order 13292 (March 25, 2003) and Executive Order 12958 (April 17, 1995) prohibited classification based on the same factors. Do you support these prohibitions?

Response:

(U) Yes.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#7)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) If you or another CIA officer were to say something that was factually inaccurate in public, would you correct the public record?

Response:

(U) If I were aware that I or another CIA officer had said something in public that I learned was factually inaccurate, I would attempt to correct the public record to the extent possible consistent with my legal duty to protect classified information and intelligence sources and methods.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#8)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) In his June 27, 2013, letter to Committee leadership, then-Director Brennan wrote that “we agree with a number of the Study’s conclusions.” Among them were that the CIA:

- “Allowed a conflict of interest to exist wherein the contractors who helped design and employ the enhanced interrogation techniques were also involved in assessing the fitness of detainees to be subjected to such techniques and the effectiveness of those same techniques;
- “Detained some individuals under a flawed interpretation of the authorities granted to CIA, and;
- “Fell short when it came to holding individuals accountable for poor performance and management failures.”

(U) Do you agree with these conclusions?

Response:

(U) As those conclusions suggest—and the Committee’s report found—the CIA was not prepared to conduct a detention and interrogation program. I believe that the same holds true today. If confirmed as Director, I would not permit the CIA to restart such a program.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#9)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) Prior to ridding itself of its only copy of the Committee's Study of the CIA's Detention and Interrogation Program, did the CIA conduct an analysis of whether the Study was a federal record under the Federal Records Act, independent of whether it constituted a congressional record under the Freedom of Information Act? If so, please provide that analysis.

Response:

(U) The U.S. Court of Appeals for the District of Columbia Circuit held that the full Committee Study of the CIA's Detention and Interrogation Program is a congressional document and not an Agency record subject to the Freedom of Information Act. See *American Civil Liberties Union v. CIA*, 823 F.3d 655 (D.C. Cir. 2016), *cert. denied*, 137 S. Ct. 1837 (2017). On the basis of that holding, the CIA returned the congressional document to the Committee upon the Chairman's request.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#10)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) The Morell report referenced your “efforts to press for and facilitate a resolution of the matter.” Please elaborate on those efforts, beginning from when you first became aware of the existence of the tapes.

Response:

(U) I first became aware of the tapes in 2002. When I served as the Chief of Staff to the Deputy Director for Operations (DDO) from 2005 to 2008, I pressed for and facilitated efforts to resolve an outstanding question on the disposition of detainee interrogation videotapes recorded in 2002. My role included setting up consultation with legal staff at the Agency and others at CIA to try to identify a resolution of the security issues from al-Qa’ida posed by the tapes. It also included arranging meetings for the DDO with personnel whose images were on the tapes and were concerned for their personal safety. In discussions with lawyers within the Office of General Counsel, I was informed that there were no legal prohibitions to destroying the tapes; but I was notified in January 2005 of an outstanding objection from the White House, although I had not recalled that until a document refreshed my recollection. At the DDO’s direction, I drafted a cable to destroy the tapes for the DDO’s release, but I did so with the understanding that he would use the draft cable to raise this issue with then-Director Porter Goss to find a resolution of this matter. When I subsequently saw that the DDO had sent the cable to the field, I asked whether he had raised this matter with Director Goss. He told me that he had not talked to Director Goss and had sent out the cable based on his understanding of his authority as head of the clandestine service.

(U) Over the years, this issue was thoroughly investigated. In his final report on this matter issued on 20 December 2011, then-Deputy Director Michael Morell found no fault in my performance and concluded that I acted appropriately.

(U) I will provide additional information in a classified addendum.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#11)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) The Morell report states that “Ms. Haspel [REDACTED] claims that she believed – incorrectly, as it turned out – that Mr. Rodriguez was going to obtain approval from then Director Goss before releasing the cable and that she took action after the release of the cable to ascertain from Mr. Rodriguez whether he had obtained that approval.” Are there any contemporaneous documentary records supporting those claims? If so, please provide them to the Committee.

Response:

(U) Contemporaneous records relating to my role were reviewed by Department of Justice Special Prosecutor John Durham, and by then-Deputy Director Michael Morell. I understand that a copy of Deputy Director Morell's review has been made available to the Committee and to the public. The Department of Justice closed their investigation, and Deputy Director Morell found no fault in my actions.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#12)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) During his confirmation process for DCIA, Director Pompeo wrote that "If confirmed, I will consult with experts at the Agency and at other organizations in the U.S. government on whether the Army Field Manual uniform application is an impediment to gathering vital intelligence to protect the country or whether any rewrite of the Army Field Manual is needed." Are you aware of any such consultation and, if so, what lessons were derived from it?

Response:

(U) I am not aware of any discussions within the CIA about Army Field Manual 2-22.3 being an impediment to gathering vital intelligence, nor am I aware of any requests to rewrite the Field Manual. I understand that Section 1045 of the National Defense Authorization Act for Fiscal Year 2016 requires the Secretary of Defense to undertake a review of the Field Manual every three years, in consultation with the Attorney General and Director of National Intelligence. I would refer you to the Secretary of Defense for any questions regarding the status of such a review.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#13)

Senate Select Committee on Intelligence

5 May 2018

Question:

(U) In August 2016, the High-Value Detainee Interrogation Group (HIG) released its first assessment of interrogation best practices. Have you read this report? If so, what lessons have you taken from it?

Response:

(U) Yes, I reviewed the HIG report and agree with many of its findings about the team effort involved and various debriefing strategies that must be tailored to the individual case. I would particularly note the importance of having patient, trained interrogators and subject matter experts involved.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#14)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) Will you commit to supporting the deployments of the High Value Detainee Interrogation Group (HIG) to interrogate High Value Detainees?

Response:

(U) Yes, CIA is supportive of the HIG's efforts to interrogate key terrorists and extremists. We continue to coordinate and support deployments, including asking our Chiefs of Stations to do their best to accommodate HIG deployments wherever possible and sending substantive experts to support these deployments.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#15)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) Do you believe that any of the CIA's former enhanced interrogation techniques are consistent with the Detainee Treatment Act?

Response:

(U) I understand that attorneys from the Department of Justice and the CIA's Office of General Counsel reviewed the enhanced interrogation techniques, and determined that they were legal under the laws in effect at the time. CIA personnel involved with the detention and interrogation program relied on that legal guidance, and adhered to it in good faith. On those few occasions where personnel did not adhere to that guidance, they were referred to the Office of Inspector General and Department of Justice, as appropriate.

(U) Today, the law is clear. Section 1045 of the National Defense Authorization Act for Fiscal Year 2016 provides that any individual "in the custody or under the effective control of an officer, employee, or other agent of the United States Government" may only be interrogated using the techniques listed in the Army Field Manual 2-22.3. I fully support the law, and if confirmed as Director, I would not support the use of enhanced interrogation techniques by the US Government, nor any technique not listed as permissible in the Army Field Manual.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#16)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) Do you believe that any of the CIA's former enhanced interrogation techniques are consistent with the U.S. statutory prohibition on torture?

Response:

(U) Please see my answer to Question 15.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#17)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) Do you believe that any of the CIA's former enhanced interrogation techniques are consistent with the War Crimes Act?

Response:

(U) Please see my answer to Question 15.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#18)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) Do you believe that any of the CIA's former enhanced interrogation techniques are consistent with U.S. obligations under the Convention Against Torture, Common Article 3 of the Geneva Convention and other U.S. treaty obligations?

Response:

(U) Please see my answer to Question 15.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#19)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) The CIA General Counsel has agreed that CIA officers should not participate in interrogations of detainees in liaison custody when those officers witness, know or otherwise suspect the detainee has been tortured or mistreated. Do you also agree?

Response:

(U) Yes, I agree with the view of CIA's current General Counsel and former General Counsel Caroline Krass that CIA officers should not participate in any interrogation when they witness, know or otherwise suspect a detainee has been tortured or mistreated, as their participation could, depending upon the circumstances, result in violations of law or administrative restrictions.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#20)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) The statutory prohibition on interrogations not consistent with the Army Field Manual apply to any individual "in the custody or under the effective control of an officer, employee, or other agent of the United States Government; or detained within a facility owned, operated, or controlled by a department or agency of the United States, in any armed conflict."

- a. Please describe the factors that would indicate whether a detainee was in the "effective control" of an officer, employee, or other agent of the United States Government.
- b. Please describe how you would define whether a detainee is "detained within a facility owned, operated, or controlled by a department or agency of the United States."

Response:

(U) The interpretation of the statutory standards would be based on the particular facts and would be made in consultation with the relevant agency's General Counsel. The focus of the analysis would be the common meaning of the statutory terms. Relevant factors might include whether the United States controls access to the detention facilities in question, owns the land on which the facilities are located, manages the operations of the facilities, controls the disposition of detainees, and/or has the authority to discipline or fire the personnel running the facilities.

(U) Executive Order 13491 prohibits the CIA from operating any detention facilities (other than facilities used only to hold people on a short-term, transitory basis).

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#21)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) The United States recognizes its obligation, under the Convention Against Torture, not to “expel, return (‘refouler’) or extradite a person to another state where there are substantial grounds for believing that he [or she] would be in danger of being subjected to torture.”

- a. Are you aware of any instances in which this has occurred?
- b. To what extent should written “diplomatic assurances” be required for extraditions and renditions?
- c. Should such assurances be accepted from countries with established records of committing torture?

Response:

(U) The United States takes seriously its obligations under the Convention Against Torture. In addition, section 2242(a) of the Foreign Affairs Reform and Restructuring Act of 1998 states that it is the policy of the United States “not to expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are substantial grounds for believing the person would be in danger of being subjected to torture, regardless of whether the person is physically present in the United States.” There are rigorous procedures in place to ensure adherence to these obligations, including a formal Intelligence Community Policy on Transfers (described in the answer to Question 49 below). I am not aware of any instances in which we have failed to follow these procedures.

(U) The application of the legal standards to particular situations would be fact-specific. Diplomatic assurances have been a significant tool for ensuring that detainees are treated humanely and may be an important factor in determining whether the legal standards are met. The reliability of any assurances would be assessed on a case-by-case basis in light of all the relevant factors at the time, including the practices of the country providing the assurances as well as that country's record of complying with similar assurances provided to the United States and other countries.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#22)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) In an August 6, 2015, letter, then-Director Brennan wrote that “[w]hile we neither condone nor participate in activities that violate human rights standards, we do maintain cooperative liaison relationships with a variety of intelligence and security services around the world, some of whose constituent entities have engaged in human rights abuses.” If a liaison service were to use CIA-provided resources to engage in human rights abuses, with CIA’s knowledge, would the CIA bear any legal responsibility?

Response:

(U) Former Director Brennan’s letter addressed situations where we may maintain a liaison relationship with a foreign intelligence or security service where some elements of those services may have engaged in human rights abuses. That is different from the question posed about the misuse of CIA resources, with CIA’s knowledge, to engage in human rights abuses. In the latter situation, the CIA’s legal culpability, if any, would turn on the specific facts.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#23)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) Director Brennan's August 6, 2015, letter stated that "[w]hen we choose to continue a liaison relationship despite allegations of human rights abuses by individuals associated with a liaison service, CIA policy requires that we take several steps to inform our U.S. Government partners and to mitigate the risk of future human rights abuses. First, we advise the local Chief of Mission of CIA's concerns and seek the Chief of Mission's input on whether to continue the liaison relationship."

(U) During his confirmation process, Director Pompeo was asked what role the Bureau of Intelligence and Research (INR) and other components of the U.S. Department of State should play in considering the policy implications of CIA liaison relationships despite allegations of human rights abuses. Director Pompeo responded that chiefs of mission are informed and that, "[o]n a select basis, and if appropriate, CIA may also inform other U.S. Government partners of any human rights issues that could affect the equities of the other U.S. Government partner."

(U) Does the CIA inform INR or other elements of the Department of State when it considers a liaison relationship despite allegations of human rights abuses?

Response:

(U) CIA coordinates country-specific issues locally with the Chief of Mission. Prior to entering into a liaison relationship with a service against which there are allegations of human rights abuses, the CIA Station Chief discusses the case with the Chief of Mission and obtains Chief of Mission support for such action. If a Chief of Mission does not approve, the Chief of Station may acquiesce in the disapproval by the Chief of Mission or refer it to our Headquarters for resolution. If allegations surface after the establishment of a relationship, the Chief of Station informs the Chief of Mission and obtains his or her concurrence to continue the relationship.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#24)

Senate Select Committee on Intelligence

5 May 2018

Question:

(U) The CIA's Response to the Committee's Study of the CIA's Detention and Interrogation Program included a recommendation to broaden the scope of accountability reviews "to address any systemic issues revealed by the case, and to expand the scope of the review as warranted to include officers responsible for those systemic problems." During his confirmation, Director Pompeo was asked whether he would implement this recommendation. He responded that "I understand that the CIA has made improvements in this area, which, if confirmed, I will implement. As Director, I will continue to look for ways to improve." While you have served as Deputy Director, how has the CIA implemented this recommendation? How would you implement it if confirmed as director?

Response:

(U) The Agency has made numerous improvements in this area as a result of the concerns identified in the study. Since I became Deputy Director, there has not been a reason to convene an Accountability Board. If confirmed as Director, I would use the improved process that we implemented as a result of the study.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#25)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) What would your response be if the President or the White House instructed you to withhold information from the full Committee?

Response:

(U) The law requires the President, the Director of National Intelligence, and the Director of the CIA to keep the congressional intelligence committees fully and currently informed of all intelligence activities, to the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters. Throughout my 30 years of experience at the CIA, I have repeatedly seen the importance and value of keeping the congressional intelligence activities fully and currently informed to the fullest extent possible under the law. If confirmed, I would ensure that the CIA continues to fulfill all of its responsibilities in this regard.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#26)

Senate Select Committee on Intelligence

5 May 2018

Question:

(U) The Committee relies on its staff for assessments of the policy, budgetary and legal implications of intelligence activities. Will you commit to ensuring that all staff, including member designees, are read into all CIA programs?

Response:

(U) If confirmed, I would ensure that Committee staff, including member designees, are read into CIA programs consistent with Title V of the National Security Act of 1947, amended.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#27)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) What is your view of the "Gang of Eight" provision? Are there any circumstances in which it can be used for other than time-sensitive tactical matters? Can it be used to limit briefings on activities other than covert action and, if so, what would be the statutory basis for such limitations? Are there any circumstances in which it can be used to conceal from the full Committee ongoing programs or significant legal analyses related to intelligence activities?

Response:

(U) I understand that the "Gang of Eight" provision allows the President to limit access to covert action information to the chairman and ranking minority members of the congressional intelligence committees, the Speaker and Minority Leader of the House of Representatives, and the Majority and Minority Leaders of the Senate. Such provision can only be utilized when the President determines that "it is essential to limit access" in order to "meet extraordinary circumstances affecting vital interests of the United States." By its terms, there is no requirement that the "Gang of Eight" provision be limited to time-sensitive tactical matters.

(U) There is a statutory basis for limited notifications in rare cases involving particularly sensitive non-covert action matters. Sections 502 and 510 of the National Security Act of 1947, as amended, require the CIA to keep the congressional intelligence committees fully and currently informed "to the extent consistent with due regard for the protection from unauthorized disclosures of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters." It would not be proper to use those provisions to withhold from the full Committee intelligence information related to ongoing programs or significant legal analyses unless the limited access was done for the protection of classified information related to sensitive intelligence sources and methods or other exceptionally sensitive matters.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#28)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) The Report of the Congressional Committees Investigating the Iran-Contra Affair (November 1987) found that: "The NSC staff was created to give the President policy advice on major national security and foreign policy issues. Here, however, it was used to gather intelligence and conduct covert operations. This departure from its proper functions contributed to policy failures." Do you agree with the dangers of intelligence collection and covert operations conducted by the White House? How, as CIA Director, would you seek to ensure that intelligence activities are conducted by the Intelligence Community and notified to Congress?

Response:

(U) Yes, I agree with the dangers of intelligence collection and covert operations conducted by the White House. There is a clear demarcation of responsibilities, with the NSC responsible for providing support to the President for review of, guidance for, and direction to intelligence activities and the CIA and other elements of the intelligence Community responsible for conducting intelligence activities. Since the Iran-Contra era, across multiple administrations, I am unaware of a situation where the NSC tried to conduct intelligence collection or covert action operations. We have regular and frequent coordination meetings with the NSC and other elements of the Intelligence Community. If confirmed, I would ensure that the CIA continues to fulfill all of its responsibilities to keep the congressional intelligence committees fully and currently informed to the fullest extent possible under the law.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#29)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) 22 U.S.C. 3927 states that "Under the direction of the President, the chief of mission to a foreign country... shall have full responsibility for the direction, coordination, and supervision of all Government executive branch employees in that country..." Absent direct intervention from the President, is the CIA obligated to cease intelligence activities (including, but not limited to liaison relationships) that do not have the approval of the chief of mission?

Response:

(U) Intelligence activities that do not have the approval of the Chief of Mission but remain supported by the Chief of Station are referred back to CIA and the Department of State for resolution.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#30)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) 22 U.S.C. 3927 requires that chiefs of mission "shall be kept fully and currently informed with respect to all activities and operations of the Government within that country," including the activities and operations of the CIA. As described in the Executive Summary of the Committee Study of the CIA's Detention and Interrogation Program, in two countries, U.S. ambassadors were informed of plans to establish CIA detention sites in the countries where they were serving only after the CIA had already entered into agreements with the countries to host the detention sites. Did the failure to inform chiefs of mission prior to entering into agreements with the host countries violate 22 U.S.C. 3927?

Response:

(U) Under the direction of the President, it is vital for Chiefs of Mission to be kept fully and currently informed of intelligence activities and operations undertaken in their countries of accreditation. Communications between the CIA's Chief of Station and the Chief of Mission should be sufficiently timely and detailed to inform the Chief of Mission of intelligence activities and operations.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#31)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) In two other countries where negotiations on hosting new CIA detention facilities were taking place, the CIA told local government officials not to inform the U.S. ambassadors. Did the CIA's direction to local government officials not to inform the U.S. chiefs of mission violate 22 U.S.C. 3927?

Response:

(U) As I noted in the preceding response, under the direction of the President, it is vital for Chiefs of Mission to be kept fully and currently informed of intelligence activities and operations undertaken in their countries of accreditation. Communications between the CIA's Chief of Station and the Chief of Mission should be sufficiently timely and detailed to inform the Chief of Mission of intelligence activities and operations.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#32)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) During his confirmation process, Assistant Attorney General for National Security John Demers was asked about the prohibition on reverse targeting in Section 702 of FISA. He responded:

“As I understand it, determining whether a particular known U.S. person has been reverse targeted through the targeting of a Section 702 target necessitates a fact specific inquiry that would involve consideration of a variety of factors. For example, as the Privacy and Civil Liberties Oversight Board noted in its 2014 report, if a Section 702 tasking resulted in substantial reporting by the Intelligence Community regarding a U.S. person, but little reporting about the Section 702 target, that might be an indication that reverse targeting may have occurred.”

(U) Please describe any CIA guidelines that require review of CIA's post-collection actions, including reporting and querying, that would inform the fact specific inquiry into whether reverse targeting has occurred. How does this review inform the CIA's own nominations of Section 702 targets?

Response:

(U) Section 702 of FISA prohibits “reverse targeting”—intentionally targeting a person reasonably believed to be outside the United States if the real purpose of such acquisition is to target a particular, known person reasonably believed to be inside the United States (sec. 702(b)(2)). The Department of Justice reviews all targeting nominations for compliance with all statutory requirements, including the prohibition on reverse targeting.

(U) CIA handles information obtained through Section 702 collection in strict conformity with Foreign Intelligence Surveillance Court-approved procedures. CIA's handling and use of that information is subject to constant internal oversight by CIA's FISA Program Office, Office of General Counsel, and Office of Privacy and Civil Liberties.

(U) CIA's Section 702 program is, in addition, subject to extensive external oversight by the Foreign Intelligence Surveillance Court, Congress, the Department of Justice, and the Office of the Director of National Intelligence (ODNI). This includes a joint Department of Justice/ODNI audit of CIA's Section 702 program every 60 days,

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entailing review of all CIA nominations approved for targeting under Section 702; CIA's use of US person identifiers to query the content of raw Section 702-acquired data; and CIA's retention and dissemination of Section 702-acquired communications that contain US person information. Bi-monthly reports documenting the results of each such review are submitted to Congress. Any compliance incidents discovered in the course of the Department of Justice and ODNI's oversight are reported to the Foreign Intelligence Surveillance Court and to Congress in semiannual reports.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#33)

Senate Select Committee on Intelligence

5 May 2018

Question:

(U) "Central Intelligence Agency Intelligence Activities: Procedures Approved by the Attorney General Pursuant to Executive Order 12333" is currently posted on line. Do you commit to continuing to post these procedures and to making public any modifications, superseding policies and procedures, or significant interpretations?

Response:

(U) Yes, subject only to my duty to protect classified information and intelligence sources and methods.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#34)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) The CIA's PPD-28 Section 4 policies and procedures are publicly available. Will you ensure that the CIA continues to post these procedures as well as any modifications, superseding policies and procedures, or significant interpretations?

Response:

(U) Yes, subject only to my duty to protect classified information and intelligence sources and methods.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#35)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) What do you see as the possible costs to bilateral relationships, including bilateral intelligence relationships, to eliminating or modifying PPD-28?

Response:

(U) PPD-28 underlies the US commitment to the EU/US Privacy Shield. This administration reviewed PPD-28 last year and decided to retain it. If PPD-28 were substantially modified or eliminated, our European partners might re-evaluate their commitment to the Privacy Shield that support trans-Atlantic commercial data flows.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#36)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) NSA Director Nakasone has stated that, absent consent of the U.S. person or certain emergency situations, U.S. person queries of communications collected under Executive Order 12333 "normally must be approved by the Attorney General on a case-by-case basis after a finding of probable cause." Does the same requirement apply to the CIA? Please describe any exceptions to a requirement for a probable cause finding and Attorney General approval for U.S. person queries.

Response:

(U) CIA's Attorney General Guidelines, which were approved by former CIA Director John Brennan and Attorney General Loretta Lynch in January 2017, govern any CIA collection, retention, or dissemination of information concerning US persons. The Attorney General Guidelines require that any proposed "special collection" activity, including electronic surveillance to acquire communications, directed at a US person outside the United States, requires the General Counsel's concurrence and approval by the Director of the CIA (or an official the Director has designated), the Attorney General and, when the Foreign Intelligence Surveillance Act applies to the collection activity, the Foreign Intelligence Surveillance Court (sec. 4.4.2). The Attorney General Guidelines require any official approving the use of such a special collection technique directed at a US person outside the United States to "document in writing that, under existing facts and circumstances, the official has determined that there is probable cause to believe that the person or entity at whom the special collection technique is directed is an agency of a foreign power, or an officer or employee of a foreign power, and that the information sought is significant foreign intelligence or counterintelligence" (sec. 4.2.2).

(U) The Attorney General Guidelines state that "[q]ueries of CIA information repositories are not considered collection; rather, those queries examine previously collected information and do not require any additional approval" beyond the approvals for its collection noted above (sec. 4.1). When such queries are of unevaluated information and are designed to retrieve information concerning a US person, they must be "reasonably designed to retrieve information related to a duly authorized activity of the CIA" and require a statement that explains the purpose of the query (sec. 6.2.3). The Attorney General Guidelines also require that an auditable record be maintained, recording access, queries made, and justifications for queries that were designed to retrieve information concerning US persons (sec. 6.2.2.1).

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(U) NSA operates under its own authorities and procedures, and I must defer to NSA with reference to their requirements.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#37)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) What rules apply to the CIA's receipt, use and dissemination of communications collected by a foreign source or liaison partner that is known to include U.S. person communications?

Response:

(U) The CIA's collection, use, retention, and dissemination of communications collected by a foreign source or liaison partner that are known to include US person communications are governed by the CIA's Attorney General Guidelines implementing Executive Order 12333, which were updated and signed by Attorney General Lynch and Director Brennan in January 2017 and are available on the CIA's website. In this regard, the CIA's Attorney General Guidelines implement the requirements of Section 309 of the Intelligence Authorization Act for Fiscal Year 2015 ("Procedures for the Retention of Incidentally Acquired Communications").

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#38)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) The 22 May 2013 Direct Action Presidential Policy Guidance (PPG) was released to the public. Do you support transparency with regard to any modifications to these policies?

Response:

(U) As a general rule, I do support being as transparent as possible. I believe that this must be balanced against the negative impact of revealing to our enemies key elements of our tradecraft that would enable them to take measures to evade counterterrorist operations and thus continue to threaten the United States and allies and interests abroad.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#39)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) Please describe your view of the legal and policy implications of targeting or otherwise knowingly killing a U.S. person in a U.S. Government lethal operation. What additional public transparency do you believe would be warranted in that situation?

Response:

(U) Although being a US citizen does not immunize members of an enemy force from attack, a decision to use lethal force against a US citizen is one of the most serious the US Government could face. When deciding whether to use lethal force against a US citizen, the US Government would need to take that person's constitutional rights into account. The Department of Justice has set forth a detailed and authoritative framework for the constitutional analysis in public documents and speeches. Continued transparency on these issues is important.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#40)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) On December 2, 2015, now-President Donald Trump stated the following: “The other thing with the terrorists is you have to take out their families, when you get these terrorists, you have to take out their families. They care about their lives, don’t kid yourself. When they say they don’t care about their lives, you have to take out their families.” Do you agree that this would be a violation of U.S. and international law?

Response:

(U) During my more than 30 years at the CIA, to my knowledge, no US official has proposed—much less acted upon—intentionally targeting innocent family members of terrorists. I can assure you that, if confirmed as Director of the CIA, I would not condone any such activity by the US Government regardless of its legality under domestic and international law.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Dianne Feinstein (#41)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) Please give a time line of your positions at CIA from 2001 to 2008, and describe in detail your responsibilities, participation, supervision, and approval relevant to the rendition, detention and interrogation program in each position.

Response:

(U) As I noted in my response to Senator Wyden, on September 11, 2001, I had just returned to Washington from an overseas assignment. While checking in to Headquarters as part of the transition process, I learned of the attacks in New York, Pennsylvania, and at the Pentagon, I walked into the CIA's Counterterrorism Center (CTC) and volunteered to help with CIA's response to the attacks. I was assigned as Deputy Group Chief in CTC from 2001 to 2003, when I became a senior-level supervisor. I remained in CTC until 2004.

(U) In 2004, I was assigned as the Deputy Chief of National Resources Division, where my duties were not directly related to CTC.

(U) In 2005, I became Chief of Staff to Deputy Director for Operations (DDO) Jose Rodriguez. As DDO, Mr. Rodriguez was responsible for the CIA's clandestine service operations, to include those within CTC. My responsibility as Mr. Rodriguez's Chief of Staff included facilitating discussions, communications, and decisions between the DDO and his subordinates, other offices within CIA, and Agency leadership. As a consequence, I was involved in discussions related to CTC matters. However, I had no independent operational authority.

(U) I will provide additional information in a classified addendum.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Dianne Feinstein (#42)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) If you had direct observation or read descriptions of the use of "enhanced interrogation techniques," did any of the detainees in the CIA detention and interrogation program experience severe pain or suffering, or prolonged physical or mental harm as a result of their treatment in CIA custody?

Response:

(U) I understand that the Department of Justice determined that the "enhanced interrogation techniques" would be lawful under the laws in effect at the time if applied in accordance with the approved guidelines. However, the CIA referred several instances of alleged violations of the approved procedures to the CIA Office of Inspector General and the Department of Justice for investigation.

(U) Under current law (the National Defense Authorization Act for Fiscal Year 2016), the United States Government may not use any interrogation technique that is not approved under the Army Field Manual 2-22.3. I fully support this change, and if confirmed as Director, I would not allow CIA to engage in the use of enhanced interrogation techniques again.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Dianne Feinstein (#43)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) Were you in a position of authority to stop, or prevent the future employment of, "enhanced interrogation techniques" that were approved for use at the time by executive branch officials? Please explain your answer.

Response:

(U) I will provide details of my career in a classified channel. However, throughout my Agency career, I have conducted myself honorably and in full compliance with the law. When placed in positions of leadership, I have ensured that CIA operations have been conducted professionally and in accordance with legal guidance.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Dianne Feinstein (#44)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) What is your assessment today of the effectiveness of "enhanced interrogation techniques" and their impact on the United States' moral standing in the world?

Response:

(U) I realize that there are strong disagreements on the effectiveness of CIA's detention and interrogation program. In my view, a view shared by all nine former Directors and Acting Directors, the CIA was able to collect valuable intelligence that contributed to the prevention of further terrorist attacks. That said, it is impossible to know whether the CIA could have obtained the same information in another way.

(U) I have read the Executive Summary of this Committee's report on the program, and I agree with the report's finding that the CIA was neither equipped nor prepared to conduct a detention or interrogation program. I also understand that the intelligence collected came with costs. There is little question that CIA's participation in the program harmed not only the officers who participated but also caused damage to our relationships with our foreign partners.

(U) That is why, if confirmed as Director, I would not permit CIA to restart such a detention and interrogation program. Nor will I support the US Government using enhanced interrogation techniques again. Current law prohibits their use, and I support that law.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Dianne Feinstein (#45)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) Were you aware of the means by which the CIA deprived detainees of sleep during the interrogation program—including shackling, nudity, and the use of diapers for prolonged periods? Did you ever intervene to limit the length of time a detainee was subject to sleep deprivation?

Response:

(U) I understand that the Department of Justice determined that the “enhanced interrogation techniques” would be lawful under the laws in effect at the time if applied in accordance with the approved guidelines. However, the CIA referred several instances of alleged violations of the approved procedures to the CIA Office of Inspector General and the Department of Justice for investigation.

(U) Today, the law is clear, and such techniques are prohibited. Under the National Defense Authorization Act for Fiscal Year 2016, the United States Government may not use any interrogation technique that is not approved under the Army Field Manual 2-22.3. I fully support this change, and if confirmed as Director, I would not allow CIA to engage in the use of enhanced interrogation techniques again.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Dianne Feinstein (#46)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) Were you ever interviewed by the CIA Inspector General or law enforcement in connection with the CIA's rendition, detention and interrogation program? Please describe and provide any materials from those interviews in your possession.

Response:

(U) In January 2008, then-Attorney General Michael Mukasey appointed Assistant United States Attorney John Durham to investigate the destruction of videotapes by CIA personnel. A team of prosecutors and FBI agents led by Mr. Durham conducted an exhaustive investigation, to include investigating my conduct in the matter. On November 9, 2010, Mr. Durham announced that he would not pursue criminal charges for the destruction of the videotapes. On September 15, 2011, then-DCIA David Petraeus directed then-DDCIA Michael Morell to conduct a disciplinary review of the same matter. In his final report issued on December 20, 2011, Mr. Morell concluded that I acted appropriately and did not violate any Agency regulations. He found no fault with my actions.

(U) Separately, I am aware that CIA's Office of Inspector General conducted multiple investigations related to CIA's counterterrorism activities. To the best of my recollection, in addition to inquiries related to the destruction of the tapes, I have been interviewed only on two other matters related to CIA's counterterrorism activities; the first pertains to a detainee and the second was a matter where the Office of Inspector General initiated interviews that were never concluded. I will provide further detail on these matters in classified channels. I have never been recommended for or received any disciplinary action, letter of reprimand or other adverse consequence in connection with any of these investigations.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Dianne Feinstein (#47)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) Do you know why James Mitchell and Bruce Jessen sought to depose you, in particular, as part of their defense against the civil lawsuit brought by their victims?

Response:

(U) I was subpoenaed by defendants Mitchell and Jessen to provide deposition testimony. However, the government objected and the court denied the plaintiff's motion to compel. Accordingly, I never testified in the case, and am therefore unaware of what questions they intended to ask me.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Dianne Feinstein (#48)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) In your view, did the CIA ever render or detain suspects who were innocent, or conduct renditions based on insufficient evidence?

Response:

(U) I understand that the CIA's Office of the Inspector General conducted a review of the rendition of Khalid al-Masri and determined that CIA did not meet the standard for rendition under the September 17th, 2001 Memorandum of Notification (MON). Additionally, OIG identified other cases where a Counterterrorism Center lawyer applied "similar, inaccurate legal text as used in the cable approving the al-Masri rendition."

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Dianne Feinstein (#49)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) How do you understand the laws limiting detainee transfers by the CIA to have changed since your time at the Counterterrorism Center?

Response:

(U) Among other things, there is now a formal Intelligence Community Policy on Transfers. The policy requires the CIA and other elements of the Intelligence Community to have certain standards in place, including provisions for the secure and humane treatment of transferees, an express statement that under no circumstances may an Intelligence Community element transfer any person to a foreign state or entity where it is more likely than not that the person will be tortured, and a requirement that the Intelligence Community element will take appropriate steps to investigate any credible allegations that a transferred person has been subjected to torture by a foreign state or entity.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Dianne Feinstein (#50)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) Did you advocate for the destruction of the videotapes, as John Rizzo appears to allege in his memoir?

Response:

(U) I first became aware of the tapes in 2002. When I served as the Chief of Staff to the Deputy Director for Operations (DDO) from 2005 to 2008, I pressed for and facilitated efforts to try to resolve an outstanding question on the disposition of detainee interrogation videotapes recorded in 2002. I did not appear on the videotapes nor did I make the decision to destroy them. That decision was made by the former DDO who has publicly taken responsibility for his decision. My role included setting up consultation with legal staff at the Agency and others at CIA to try to identify a resolution of the security issues from al-Qa'ida posed by the tapes. It also included arranging meetings for the DDO with personnel whose images were on the tapes and were concerned for their personal safety. In discussions with lawyers within the Office of General Counsel, I was informed that there were no legal prohibitions to destroying the tapes; but I was notified in January 2005 of an outstanding objection from the White House, although I had not recalled that until a document refreshed my recollection. At the DDO's direction, I drafted a cable to destroy the tapes for the DDO's release, but I did so with the understanding that he would use the draft cable to raise this issue with then-Director Porter Goss to find a resolution of this matter. When I subsequently saw that the DDO had sent the cable to the field, I asked whether he had raised this matter with Director Goss. He told me that he had not talked to Director Goss and had sent out the cable based on his understanding of his authority as head of the clandestine service.

(U) Over the years, this issue was thoroughly investigated. In his final report on this matter issued on 20 December 2011, then-Deputy Director Michael Morell found no fault in my performance and concluded that I acted appropriately.

(U) I will provide additional information in a classified addendum.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Dianne Feinstein (#51)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) At the time of the tapes' destruction, were you aware of the request from Representative Jane Harman that the videos be preserved? Were you aware of CIA attorneys' concerns that congressional investigators or a congressionally authorized commission might seek access to them? Were you aware of the White House Counsel's and Director of National Intelligence's instructions that they not be destroyed?

Response:

(U) To the best of my recollection, at the time of the destruction of the videotapes, I was aware of concerns raised in several quarters about destroying the tapes, but I was told that there were no legal prohibitions to destroying the tapes. Ultimately, the decision to destroy the tapes was made by the former Deputy Director for Operations.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Dianne Feinstein (#52)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) Did you support Rodriguez's decision to order destruction of the tapes at the time he gave the order? If not, did you object, or attempt to dissuade him from destroying the evidence?

Response:

(U) When I served as the Chief of Staff to the Deputy Director for Operations (DDO) from 2005 to 2008, I pressed for and facilitated efforts to resolve an outstanding question on the disposition of detainee interrogation videotapes recorded in 2002. It was my understanding that the DDO was to raise the issue with Director Goss and reach a resolution of the matter before he approved the destruction of the tapes. Only after the DDO released the cable did I learn that the DDO had approved the destruction of the tapes without seeking final approval from Director Goss.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Dianne Feinstein (#53)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) How would you respond to evidence that an allied intelligence service, which is funded by the United States or participates in joint detention or capture operations with the United States, was using techniques similar to those the CIA conducted after September 11, 2001?

Response:

(U) CIA officers should not and may not participate in detainee debriefings where interrogation techniques are used that are inconsistent with US law.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Dianne Feinstein (#54)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) What steps would you take as CIA Director to ensure that all persons working for or contracted to the CIA comply with domestic and international legal obligations?

Response:

(U) I take our commitment to following the law very seriously. Our nation was founded on fundamental principles of justice and the rule of law. This distinguishes the United States from many of our adversaries. Consequently, the CIA must comply with all applicable legal obligations. The CIA currently provides briefings and online training to persons working for or contracted to CIA on their various legal obligations and CIA authorities. Such training is frequently tailored to the specific programs and locations where they serve CIA. I will ensure that CIA continues to do so and provide additional training where necessary.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Dianne Feinstein (#55)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) The director of the CIA has original classification authority for CIA information. Would a personal involvement in the rendition, detention and interrogation program create a conflict of interest with regard to the exercise of classification and declassification authority about that program? Does it create the appearance of a conflict of interest?

Response:

(U) I am committed to ensuring the proper classification of national security information. I do not believe that my exercise of Original Classification Authority (OCA) to classify or declassify information on programs in which I participated would cause any actual conflict of interest. The standards in E.O. 13526 that govern OCA decisions are clear: an OCA must determine that the unauthorized disclosure of the information reasonably could be expected to result in damage to national security, and if there is significant doubt about the need to classify, it shall not be classified. I appreciate, however, that there may be instances where my decision to classify or declassify information on matters in which I participated could result in appearance concerns, and I will work with the CIA General Counsel and the Senior Agency Official for Classification on issues that raise such concerns to ensure that my actions are appropriate and in full compliance with the applicable standards.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Dianne Feinstein (#56)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) Have you read the 2014 report of the Senate Select Committee on Intelligence on the CIA detention and interrogation program? Do you support declassifying the full report, and would you do so if confirmed?

Response:

(U) I have read the Executive Summary of the Committee's report, and agreed with its conclusion that the CIA was not prepared to run a detention and interrogation program. I believe that the same holds true today, and therefore if confirmed as Director, I would not permit the CIA to restart a detention and interrogation program.

(U) Should a request from the Committee to declassify the document be made during my tenure, the Executive Branch would need to examine the full document carefully to determine what sources, methods, ongoing operations, and liaison relationships might be imperiled through further release. Based on the length of the document and CIA's experience with declassifying the Executive Summary, that would be a significant undertaking.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Dianne Feinstein (#57)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) The ongoing classification of information regarding the defendants' torture in CIA custody, and classified allegations of intrusions into defense attorney's communications with their clients, are a continuing source of delay in the Guantanamo military commissions. The CIA, including the director as Original Classification Authority, plays a major role in determining what information can be shared with the defense counsel or declassified. Would you be willing to declassify relevant information so that these cases can finally move forward?

Response:

(U) As the pending prosecutions at US Naval Station Guantanamo Bay proceed toward trial, CIA has provided the Office of the Chief Prosecutor for the Military Commissions access to a significant volume of information related to CIA's former Detention and Interrogation Program as well as other CIA information requested by the Office of the Chief Prosecutor. This information, in turn, is made available by the prosecutors to defense counsel as appropriate under the rules of those proceedings. If confirmed, I would ensure that the CIA continues to provide appropriate assistance to the Chief Prosecutor, while also protecting intelligence sources and methods.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Dianne Feinstein (#58)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) If confirmed as CIA Director, would you ensure that any statements made by detainees while they were in CIA custody are not used as evidence in any proceedings against them or against others?

Response:

(U) I understand that courts and other tribunals have rules in place governing when statements may be used as evidence in their proceedings. It would not be appropriate to substitute my judgment for the rules that govern those proceedings. If confirmed, I would continue CIA's practice of supporting those proceedings and the appropriate prosecuting authorities while deferring to those authorities on matters regarding the admissibility of evidence.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Angus King (#59)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) Were you aware that legislation had been introduced in the U.S. Congress to review detainee issues when you drafted the cable authorizing the destruction of detainee interrogation videotapes on November 8, 2005? Please describe all conversations you had regarding congressional oversight of this matter prior to the destruction of the videotapes.

Response:

(U) To the best of my recollection, I was not aware of this proposed legislation and I do not recall any discussions pertaining to congressional oversight of detainee videotapes prior to the destruction in November 2005.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Angus King (#60)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) In its June 2013 response to the Committee's study of the detention and interrogation program, the CIA agreed that "the Agency made serious missteps in the management and operation of the program in its early days." Do you accept any personal responsibility for CIA's admitted failures in its management and operation of the detention and interrogation program?

Response:

(U) I was a mid-level GS-15 officer on 9/11. Although I played no role in the establishment or design of CIA's Rendition, Detention, and Interrogation Program, I take responsibility for all of my actions throughout my career, to include my time in the Counterterrorism Center. Having lived through that tumultuous time, I have learned some valuable lessons to include the fact that the Agency was not prepared to conduct a detention and interrogation program. I accept personal responsibility for ensuring the CIA does not undertake an activity that is inconsistent with our mission, expertise, values, or the law.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Angus King (#61)
Senate Select Committee on Intelligence
5 May 2018

Question:

(U) During his tenure as Director of Central Intelligence, Robert Gates said "Managers must create an environment in which analysts feel comfortable airing substantive differences." Do you agree with this statement? As Director of the CIA, what steps would you take to promote analytic independence and objectivity? Do you believe that CIA Directors have an affirmative obligation to accurately represent intelligence information?

Response:

(U) I agree that managers must create an environment that fosters open dialogue about substantive differences, and it would be my responsibility if confirmed as Director of the CIA to ensure CIA is accurately and objectively presenting intelligence information to our partners and customers. Ensuring the objectivity of CIA's analytic product is foundational to the work that we do and is deeply engrained across CIA. The credibility of CIA analysis—and by extension, the CIA's credibility as a whole—rests on our ability to produce timely, accurate, and objective all-source analysis that is free from bias or advocacy for any policy or operational goal.

(U) As DCIA, I would look to reinforce several of the significant steps we have taken during the last year to bolster our ability to produce objective analysis. These include increasing leadership engagement on objectivity issues, clarifying the roles and responsibilities of all of our officers—both analysts and collectors—in the production of objective analysis, and expanding the resources available to any officer who has an objectivity issue to raise.

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(U) Pre-Confirmation Hearing Questions Submitted to
DCIA Nominee Gina Haspel by Senator Angus King (#62)

Senate Select Committee on Intelligence

5 May 2018

Question:

(U) In response to the 9/11 attacks, Congress created the position of the Director of National Intelligence (DNI) to serve as the head of the intelligence community and establish an integrated framework to promote a more effective intelligence apparatus for our country. A successful DNI makes the intelligence community more efficient, more collaborative, and advances seamless information sharing across our intelligence agencies. In your view, what is the proper role of the DNI? What part should the DNI play with respect to management of the CIA? As Director of the CIA, how would you work with the DNI to advance intelligence integration?

Response:

(U) The DNI has a number of significant responsibilities as outlined in the National Security Act, EO 12333, and other policies. In its role overseeing the Intelligence Community (IC) and directing the implementation of the National Intelligence Program, the DNI has the ability to lead integration across the IC by improving information sharing and promoting a strategic, unified direction. The Office of the DNI, like CIA, seeks to provide policymakers with insightful, timely, accurate, and integrated intelligence to inform policymakers' decisions and protect the United States. Throughout my career, I have seen how essential collaboration among the various IC agencies is for producing timely and accurate intelligence to policymakers.

(U) The statute makes clear our respective roles and responsibilities. As the Deputy Director of CIA and in previous roles as Chief of Station, I have always maintained a strong relationship with the DNI. I have worked closely with DNI Coats and Principal Deputy DNI Gordon on IC-wide policies and initiatives, as well as on providing updates on CIA activities, and I look forward to continuing this collaborative dialogue, if confirmed. Furthermore, in my last assignment as Chief of Station and DNI Representative in the capital of a major US ally, I maintained a tight working relationship with senior DNI leadership.

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THE DIRECTOR
CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

14 May 2018

The Honorable Richard Burr, Chairman
Select Committee on Intelligence
United States Senate
211 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Burr:

Thank you for the Committee's letter dated 10 May 2018. As you requested, I have completed the Committee's unclassified post-hearing questions, which are enclosed. My responses to the Committee's classified post-hearing questions are being submitted under separate cover.

An original of this letter is being sent to Vice Chairman Warner.

Sincerely,

A handwritten signature in cursive script that reads "Gina C. Haspel".

Gina C. Haspel
Acting Director

Enclosure

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Mark Warner (#1-2)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) With the benefit of nearly 20 years of hindsight, and from your perspective as the nominee to be Director of the CIA, do you believe the Agency's use of "enhanced interrogation techniques" was consistent with American values? Do you believe the rendition, detention and interrogation program was a mistake?

(U) What will you do when faced with an order that, while technically legal, is contrary to your sense of moral values? If the President orders you to carry out some morally questionable program, for example, but OLC writes an opinion noting the legality of the morally questionable actions, what will you do?

Response:

(U) As Director, I would refuse to undertake any proposed activity that is contrary to my moral and ethical values. As I was able to describe in detail during the classified session, in my role as Deputy and now Acting Director, every operation I review must not only meet those high standards, the activity must also be consistent with CIA's mission, expertise, and the law. I do not and would not hesitate to reject a proposal that fails to meet this threshold. The American people have placed a great deal of trust in CIA, and we work to earn that trust every day.

(U) Over the last 17 years, the Agency and I have learned the hard lessons since 9/11. While I won't condemn those that made these hard calls, and I have noted the valuable intelligence collected, the program ultimately did damage to our officers and our standing in the world. With the benefit of hindsight and my experience as a senior Agency leader, the enhanced interrogation program is not one the CIA should have undertaken. The United States must be an example to the rest of the world, and I support that.

(U) As I stated to the Committee, it was a mistake not to brief the entire committee at the beginning. Both the Committee and the Agency shared the goal of obtaining the critical intelligence needed to thwart another attack. CIA needs to have consensus from members of the oversight committees who make decisions on behalf of the American people as their elected representatives on activities that can't be made public.

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Mark Warner (#3)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) You state in your written responses to the Committee's pre-hearing questions that the CIA OIG identified cases—in addition to Khaled al-Masri—in which "similar, inaccurate legal text was used in the cable approving the al-Masri rendition" were used to justify the capture and detention of individuals. Do you believe you have responsibility for any of these flawed decisions? What steps did you take to ensure that another innocent individual would not be wrongfully rendered?

Response:

(U) I take full responsibility for all of my actions. Throughout my career, I have sought to ensure that CIA operations have been conducted professionally and in accordance with appropriate legal guidance. Even so, I have learned hard lessons through my experience in the Counterterrorism Center. One of those lessons is the need to foster a culture of questioning in the workforce in which junior officers feel comfortable challenging the process to make sure CIA's activities adhere to the highest standards.

UNCLASSIFIED

UNCLASSIFIED

(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Mark Warner (#4)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) Do you pledge to fully cooperate with the ongoing Russia investigations, both the committee's and that of Special Counsel Mueller?

Response:

(U) Yes.

UNCLASSIFIED

UNCLASSIFIED

(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Mark Warner (#5)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) Do you agree with the IC's Assessment from January 2017 that Russia interfered in the 2016 election?

Response:

(U) Yes, I agree with the conclusions of the 2017 Intelligence Community Assessment.

UNCLASSIFIED

UNCLASSIFIED

(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Mark Warner (#6)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) We are in an increasingly precarious situation with Iran. Based on intelligence seen to date, do you believe that Iran continues to abide by its responsibilities under the JCPOA?

Response:

(U) Iran has continued to substantially meet the JCPOA commitments that the US Intelligence Community judges extend the amount of time Iran would need to produce enough fissile material for a nuclear weapon from a few months to about a year. Iran has observed JCPOA limits on its centrifuges and amounts of low-enriched uranium. Iran has not pursued the original design of its heavy water research reactor and has not produced or tested fuel for the original heavy water research reactor—a key component of which it previously disabled by filling it with concrete as part of its JCPOA commitments.

(U) The JCPOA addresses Iran's nuclear program; it does not address Iran's ballistic missile program or its regional activities.

(U) Iran's desire to equip Hizballah with guided rockets, its support to the Huthis in Yemen, and its attempt to launch missiles into the United Arab Emirates and Saudi Arabia—those are all recent and aggressive moves, some of which threaten Israeli security. It also has surged fighters and moved materiel to Lebanon and Syria to attack Israel.

UNCLASSIFIED

UNCLASSIFIED

(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Mark Warner (#7)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) How will you guard against the politicization of intelligence?

Response:

(U) The credibility of CIA analysis—and by extension, the CIA's credibility as a whole—rests on our ability to produce timely, accurate, and objective all-source analysis that is free from bias or advocacy for any policy or operational goal. Ensuring the objectivity of CIA's analytic product is foundational to the work that we do and is deeply engrained across the Agency.

(U) As DCIA, I would seek to reinforce several of the significant steps we have taken during the last year to bolster our ability to produce objective analysis. These include increasing CIA leadership engagement on objectivity issues, clarifying the roles and responsibilities of all of our officers—both analysts and collectors—in the production of objective analysis, and expanding the resources available to any officer who has an objectivity issue to raise.

UNCLASSIFIED

UNCLASSIFIED

(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Mark Warner (#8)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) Does the CIA have an affirmative obligation to speak out when intelligence assessments are being deliberately misrepresented by political actors? What is your responsibility to Congress and to the American people to correct the record? Will you commit to publicly correcting the record when you believe the IC has been misrepresented by political actors?

Response:

(U) As I stated at my confirmation hearing, it is a key part of CIA's mission to provide the most sophisticated, objective, all-source analysis to appropriately cleared policymakers, and operational actors, throughout the US Government. We do so without regard to political agendas. Our analytic tradecraft and standards are specifically designed to minimize the introduction of bias or advocacy into our products. Consistent with the protection of sources and methods, I commit to ensuring our analytic assessments are not misrepresented to the American people.

UNCLASSIFIED

UNCLASSIFIED

(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Mark Warner (#9)
Senate Select Committee on Intelligence .

14 May 2018

Question:

(U) Do you believe it is necessary for the Director of CIA to “speak truth to power” – to tell the president the unvarnished truth, and the full best assessments of the CIA, even if these truths are unwelcome? Can you provide examples of having done this in your career?

Response:

(U) I believe it is critically important for the CIA as an organization, and most especially the Director of the CIA individually, to “speak truth to power” even if these truths are unwelcome. I have spent my life speaking truth to power. I have had frank discussions with allies and adversaries. I have delivered unwanted news to CIA Directors, Cabinet Secretaries, and the President. I have provided a more specific example in a classified addendum.

UNCLASSIFIED

UNCLASSIFIED

(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Mark Warner (#10)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) Section 1.7 of EO 13256 states that "in no case shall information be classified continue to be maintained as classified, or fail to be declassified in order to...conceal violations of law, inefficiency, or administrative error" or "prevent embarrassment to a person, organization, or agency." Do you agree with those prohibitions? Do you think the CIA has complied with these prohibitions, and other prohibitions against lobbying, during the course of your nomination.

Response:

(U) I agree with those prohibitions and believe the CIA has complied.

UNCLASSIFIED

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Martin Heinrich (#11)
Senate Select Committee on Intelligence
14 May 2018

(U) As you may know, six senators sent a letter on May 9, 2018, to Attorney General Sessions requesting greater transparency with regard to the 'Durham report,' the investigation report written by U.S. Attorney and former special prosecutor John Durham regarding the destruction of videotapes by the CIA. The letter specifically requests the Justice Department to permit all senators to review that report, since its review has been restricted to Committee members and Senate leadership.

- a. You are now familiar with some aspects of the report. Given that the CIA has already made publicly available the Morell report exonerating your actions with regard to the videotapes' destruction, would you agree that before they cast a vote for or against your nomination, all U.S. senators should have an opportunity to review the Durham report?
- b. My colleague Senator Wyden also asked you in the hearing whether you have any objection to the public release of the Durham report. Do you?

Response:

(U) The "Durham report" is a Department of Justice document, and I therefore defer to DOJ to determine what access to this internal DOJ document may be appropriate. I have never read the report myself. I am aware that the Durham investigation closed with no charges filed. Over the years, this issue was thoroughly investigated. In the final report on the matter issued on December 20, 2011, then-Deputy Director Michael Morell found no fault in my performance and concluded that I had acted appropriately.

UNCLASSIFIED

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Martin Heinrich (#12)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) Have you read the "key findings" and summary of the internal CIA review of the RDI program referred to now as the "Panetta Review?" If not, will you commit to doing so?

Response:

(U) I have not read the documents referenced in your question, which I understand refers to a series of draft documents prepared by CIA regarding the former RDI program. During my confirmation hearing, I discussed many of the important lessons learned from the program. I remain committed to ensuring that the Agency learns from and implements the lessons associated with CIA's experience with that program, and I will commit to review those documents.

UNCLASSIFIED

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Martin Heinrich (#13-14)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) You testified that only one detainee appears on the videotapes that were destroyed. Please see this document from FOIA litigation referencing two detainees, one who appeared in 90 videotapes, and another who appeared in two: https://www.aclu.org/sites/default/files/torturefoia/released/030609/videotape_inventory.pdf. Please correct your testimony accordingly.

(U) Were there in fact two detainees who appeared on the videotapes?

Response:

(U) My understanding, which is consistent with the record (available to the Committee in a classified forum), is that there were 92 videotapes, two of which were labeled "detainee 2." The OGC attorney who reviewed those tapes in 2002 found that "there are no viewable videotapes of the interrogation of the second detainee." Therefore, when the tapes were destroyed in 2005, there was only one detainee depicted.

UNCLASSIFIED

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Dianne Feinstein (#15)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) Would you follow a direct presidential order to waterboard a detainee? Please answer yes or no.

Response:

(U) No. Today, the law is clear, and such techniques are prohibited. Under the National Defense Authorization Act for Fiscal Year 2016, the United States Government may not use any interrogation technique that is not approved under the Army Field Manual 2-22.3. I fully support this change, and if confirmed as Director, I would not allow CIA to engage in the use of enhanced interrogation techniques again.

UNCLASSIFIED

UNCLASSIFIED

(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Dianne Feinstein (#16)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) Do you believe in hindsight that the Enhanced Interrogation Techniques were immoral? Please answer yes or no.

Response:

(U) Please see the responses to Questions #1 and #2.

UNCLASSIFIED

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Dianne Feinstein (#17)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) Will you recuse yourself from having any role in adjudicating declassification of your background in furtherance of your nomination? Please answer yes or no.

Response:

(U) Please see my response to Question #18.

UNCLASSIFIED

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Dianne Feinstein (#18)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) Do you agree that Director Coats should have the responsibility for declassification decisions regarding your background? Please answer yes or no.

Response:

(U) As noted in the May 14th letter to Senators Feinstein, Wyden, Heinrich, and Harris the ODNI, "...concur with the CIA's finding that much of the information associated with Ms. Haspel's career properly remains classified in accordance with established classification authorities, as its disclosure could reasonably be expected to cause harm to US national security." CIA has made public information about my background and has attempted to share additional information with the public to the greatest extent possible consistent with our responsibility to protect information the disclosure of which reasonably could be expected to cause damage to the national security. The Agency has adhered to existing classification guidelines, in accordance with the requirements of Executive Order 13526, and will continue to do so.

UNCLASSIFIED

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Dianne Feinstein (#19)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) Has President Trump asked you to pledge loyalty to him? Please answer yes or no.

Response:

(U) No.

UNCLASSIFIED

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Dianne Feinstein (#20)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) Did you oversee the "enhanced" interrogation of Abd al-Nashiri, which included the use of the waterboard? Yes or No?

Response:

(U) Please see the classified addendum for information about my classified assignments.

UNCLASSIFIED

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Dianne Feinstein (#21)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) Did you order or oversee the waterboarding of any detainee? Yes or No? How many times?

Response:

(U) Please see the classified addendum for information about my classified assignments.

UNCLASSIFIED

UNCLASSIFIED

(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Dianne Feinstein (#22)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) Did you ever receive any instructions on the use of these "enhanced" interrogation techniques?

Response:

(U) Please see the classified addendum for information about my classified assignments.

UNCLASSIFIED

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Dianne Feinstein (#23)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) Did you understand the rendition, detention, and interrogation program to be lawful? What was the basis for this opinion?

Response:

(U) I understood that the Department of Justice reviewed the program and determined it was legal under the law of the time. CIA personnel involved with the detention and interrogation program relied on that legal opinion, and adhered to it in good faith under the guidance of CIA's Office of General Counsel.

(U) Today, the law is clear. Under the National Defense Authorization Act for Fiscal Year 2016, the United States Government may not use any interrogation technique that is not approved under the Army Field Manual 2-22.3. I fully support this change, and if confirmed as Director, I would not allow CIA to engage in the use of enhanced interrogation techniques again.

UNCLASSIFIED

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Dianne Feinstein (#24)
Senate Select Committee on Intelligence
14 May 2018

(U) Aside from the legality of the program, did you have personal reservations regarding any aspects of the rendition, detention, and interrogation program at the time? If so, did you ever express these reservations to peers or superiors?

Response:

(U) Please see the classified addendum.

UNCLASSIFIED

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Dianne Feinstein (#25)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) Were you responsible for supervising or managing James Mitchell and Bruce Jessen, who devised the CIA's "enhanced" interrogation techniques, as they interrogated al-Nashiri?

Response:

(U) Please see the classified addendum for information about my classified assignments.

UNCLASSIFIED

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Dianne Feinstein (#26)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) Did you ever converse with them prior to or after the interrogation?

Response:

(U) Please see the classified addendum response to Question #25.

UNCLASSIFIED

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Dianne Feinstein (#27)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) Did you ever question their qualifications?

Response:

(U) Please see the classified addendum response to Question #25.

UNCLASSIFIED

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Dianne Feinstein (#28)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) In your response to the Committee's questions, you stated that you served as a "Senior-level Supervisor" in the Counterterrorism Center from 2003 to 2004.

- a. Did this position include responsibility, supervision or approval relevant to the rendition, detention, and interrogation program? Yes or No?
- b. Were you aware of the conditions of capture and confinement of different CIA detainees during that timeframe?
- c. Did you believe the conditions of confinement for the CIA detainees during that timeframe were humane?
- d. Were you aware of the specific methods of interrogation being used?

Response:

(U) Please see the classified addendum for information about my classified assignments.

UNCLASSIFIED

UNCLASSIFIED

(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Dianne Feinstein (#29)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) In your responses to the Committee's questions, you stated that you served as Chief of Staff to the Deputy Director for Operations from 2005 to 2008. Did this position include responsibility, supervision or approval of any aspect of the rendition, detention, and interrogation program? Yes or No?

Response:

(U) My responsibility as Mr. Rodriguez's Chief of Staff included facilitating discussions, communications, and decisions between the DDO and his subordinates, other offices within CIA, and Agency leadership. As a consequence, I attended discussions related to CTC matters. However, I had no independent operational authority, and in this position did not hold a supervisory role related to RDI.

UNCLASSIFIED

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Dianne Feinstein (#30)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) You state in your written responses to the Committee that some innocent individuals – in addition to Khalid al-Masri – were captured, rendered, and held, under cables that used “inaccurate legal text” – essentially illegally. The Agency has publicly taken responsibility for at least one wrongful death during this period.

- a. Do you personally take any responsibility for any of those flawed decisions?
Yes or No?
- b. What steps did you take to ensure that another innocent individual would not be wrongfully killed or captured under your watch?

Response:

(U) Please see the response to Question #3.

UNCLASSIFIED

UNCLASSIFIED

(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Dianne Feinstein (#31)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) Several key U.S. national security partners have been extremely critical of the rendition, detention, and interrogation program and, as a result, have limited intelligence cooperation in the past.

- a. Do you think your involvement in the rendition, detention, and interrogation program will affect your ability to engage with these partners? If so, how do you intend to address that?
- b. How would you explain your past involvement in the rendition, detention, and interrogation program to these allies?
- c. What, if any, assurances should the United States provide to key national security partners regarding future activities like those pursued as part of the rendition, detention, and interrogation program?
- d. Do you believe you will be able to credibly give these assurances?

Response:

(U) CIA has learned some tough lessons, especially when asked to tackle missions that fall outside our expertise, but we have used those experiences to improve our activities going forward. For me, there is no truer example of implementing lessons learned than what I took away from CIA's detention and interrogation program. Despite CIA's tremendous contribution to preventing future attacks, there is little question that CIA's participation in this program harmed not only the officers who participated but also caused damage to our relationships with our foreign partners.

(U) When serving as Chief of Station to a major ally, and as Deputy and now Acting Director, I have found tremendous support from our foreign partners. In my current capacity, and indeed for the last 10 years, I have worked very closely with our European and other partners. I have had discussions with many of our foreign partners, and they are well aware that I will not accept any attempt to have CIA undertake an activity that is contrary to our mission, values, or the law. This clear position will only enhance my ability to implement my vision to leverage partnerships in new ways against the hardest targets.

UNCLASSIFIED

UNCLASSIFIED

(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#32)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) Please provide any opinions, guidance or reasoning of the General Counsel and/or Senior Agency Official for Classification with regard to your decisions related to the classification of matters associated with your nomination.

Response:

(U) All classification decisions are guided by Executive Order 13526, the CIA Act of 1949, as amended, and the National Security Act of 1947, as amended. In addition, CIA issued updated classification guidance for information about CIA's former detention and interrogation program on January 28, 2015. The CIA's Director of Congressional Affairs detailed the CIA's approach to classification of matters associated with my nomination in letters to Senators Feinstein, Heinrich, and Wyden dated April 24, 2018.

UNCLASSIFIED

UNCLASSIFIED

(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#33)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) How do you square the CIA's sanctioning of public acknowledgements that certain individuals were associated with the [RDI] program with your testimony that you are bound by existing guidelines to conceal any association you may have had with the program?

Response:

(U) Although a large amount of information about the former RDI program has already been publicly acknowledged, CIA still protects information regarding CIA personnel involved in the RDI program for the safety and security of our officers. While I agree that the confirmation process for a nominee to be the Director of the CIA requires transparency with the American public, I cannot make an exception for myself that could jeopardize the safety and security of our officers or disclose classified sources and methods.

UNCLASSIFIED

UNCLASSIFIED

(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#34)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) Do the "existing RDI guidelines" to which you referred prevent the public release of any opinion about the program expressed by a CIA officer, regardless of whether that officer was associated with the program at the time he or she provided that opinion?

Response:

(U) Please see the classified addendum.

UNCLASSIFIED

UNCLASSIFIED

(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#35)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) In discussing the destruction of the interrogation videotapes, you testified that: "Mr. Rodriguez chose not to copy the lawyers on the cable because he took the decision on his own authority and he wanted to take responsibility for it." Did your draft of the cable exclude the lawyers, or did it include the lawyers only to have Mr. Rodriguez remove them?

Response:

(U) In discussions with lawyers within the Office of General Counsel, I was informed that there were no legal prohibitions to destroying the tapes. At the DDO's direction, I drafted a cable with instruction to destroy the tapes for the DDO's release, but I did so with the understanding that he would use the draft cable to raise this issue with then-CIA Director Porter Goss to find a resolution of this matter. The DDO chose not to add the lawyers because he took the decision on his own authority.

UNCLASSIFIED

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#36)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) You testified that you were at your desk and could see your computer screen, "so it was shortly after Mr. Rodriguez...had released the cable" that you became aware that the cable was released. In your responses to written questions, you wrote that "[w]hen I subsequently saw that the DDO had sent the cable to the field, I asked whether he had raised this matter with Director Goss." How long after the cable was sent did you have this conversation?

Response:

(U) Shortly after I realized Mr. Rodriguez had released the cable, I got up from my desk to discuss it with him.

UNCLASSIFIED

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#37)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) You testified that the tapes were destroyed because of "security risks to CIA officers who were depicted on the tapes." Your testimony includes six other references to "other officers." To what extent were contractors, as opposed to CIA officers, depicted on the videotapes?

Response:

(U) In this context, "CIA officers" meant CIA personnel, including employees and contractors.

UNCLASSIFIED

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#38)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) Did you ever take any action, or have management responsibility for any action, that was inconsistent with the law? If so, please elaborate.

Response:

(U) I have always strived to adhere to the legal guidance I have been provided, and I believe that my actions throughout my career have been lawful. In each of my leadership positions, I have ensured, and will continue to ensure, that all relevant work is reviewed by CIA lawyers. I place the heaviest weight on the views of CIA lawyers.

UNCLASSIFIED

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#39)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) During the hearing, you were asked about the statement in John Rizzo's book that you had "previously run the interrogation program." You responded: "I would never even served in that department nor was I the head of it." Please specify which department you were referring to.

Response:

(U) Please see the classified addendum.

UNCLASSIFIED

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#40)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) You testified that you were "not even read into the interrogation program until it had been up and running for a year." Abu Zubaydah was rendered to DETENTION SITE GREEN in late March 2002. He was subjected to the CIA's enhanced interrogation techniques in August 2002. Please provide more precise information about when you consider the program to have been "up and running," and when you were read into it:

Response:

(U) I was referring to the President's signing of a Memorandum of Notification on September 17, 2001, which authorized the CIA to undertake operations designed to capture and detain persons who posed a continuing, serious threat of violence or death to US persons and interests who were planning terrorist activities.

(U) I was read into the more restricted detention and interrogation program in October 2002.

UNCLASSIFIED

UNCLASSIFIED

(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#41)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) As Chief of Staff at the Directorate of Operations, what role did you play did you or the Directorate have in preparing, reviewing, or coordinating on information provided to the congressional intelligence committees related to the RDI program, including testimony and responses to questions? Did you play any such role at the CTC?

Response:

(U) As Chief of Staff to the Deputy Director for Operations (DDO), one of my primary responsibilities was to ensure DO seniors were supported with briefing material, read-ahead information, talking points (including remarks to the DO workforce), and additional background material for meetings, conferences, briefings, and testimony to Congress. During my time in CTC, I participated in some non-RDI related congressional briefings.

UNCLASSIFIED

UNCLASSIFIED

(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#42)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) During the hearing, you were asked whether, between 2005 and 2007, as the CIA was capturing fewer detainees and waterboarding was no longer approved, you ever called for the program to be continued or expanded. Please provide an answer to that question.

Response:

(U) It is advantageous for the United States Government to be able to question, in person, terrorists for intelligence on current threats and plots. As a mid-level officer, I believed that capturing and detaining al-Qa'ida terrorists provided significant intelligence and helped prevent future attacks. CIA continues to play a crucial role in that process.

(U) CIA no longer has a detention and interrogation program; other elements of the USG—specifically, DoD and FBI—handle the detention and interrogation of detainees while CIA provides its subject matter expertise. I support this division of responsibilities and I do not support the Agency resuming a detention and interrogation program.

UNCLASSIFIED

UNCLASSIFIED

(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#43)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) In its 2013 response to the Committee's Study of the CIA's Detention and Interrogation Program, the CIA acknowledged that the Agency "fell short when it came to holding individuals accountable for poor performance and management failures?" Do you agree?

Response:

(U) Yes. I believe that, looking forward, the Agency should ensure that accountability exercises do not focus just on the officers directly involved in the specific failure or misconduct, but also look more broadly at management responsibility and more consistently at systemic issues.

UNCLASSIFIED

UNCLASSIFIED

(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#44)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) In responses to a written question, you wrote:

"I understand that the CIA's Office of the Inspector General conducted a review of the rendition of Khalid al-Masri and determined that CIA did not meet the standard for rendition under the September 17th, 2001 Memorandum of Notification (MON). Additionally, OIG identified other cases where a Counterterrorism Center lawyer applied 'similar inaccurate legal text as used in a cable approving the al-Masri rendition.'"

In its 2013 response to the Committee Study, the CIA concluded that, in the al-Masri case, "those with broader responsibility for the program" were not held accountable for "any management shortcomings that contributed to the outcome." The CIA further stated: "we concede that it is difficult in hindsight to understand how the Agency could make such a mistake, take too long to correct it, determine that a flawed legal interpretation contributed, and in the end only hold accountable three CTC attorneys, two of whom received only an oral admonition."

Do you agree that there should have been accountability for management shortcomings in the al-Masri case?

Response:

(U) I believe that, looking forward, the Agency should ensure that accountability exercises do not focus just on the officers directly involved in the specific failure or misconduct, but also look more broadly at management responsibility and more consistently at systemic issues.

UNCLASSIFIED

UNCLASSIFIED

(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#45)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) In its 2013 response to the Committee Study, the CIA acknowledged that it “allowed a conflict of interest to exist wherein the contractors who helped design and employ the enhanced interrogation techniques also were involved in assessing the fitness of detainees to be subjected to such techniques and the effectiveness of those techniques.”

- a. Do you agree that the CIA allowed such a conflict of interest?
- b. If yes, do you believe anyone at the CIA should have been held accountable for allowing that to happen?

Response:

(U) Yes, I support the 2013 CIA response to the Committee Study. In addition, please see the response to Question #43.

UNCLASSIFIED

UNCLASSIFIED

(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#46)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) The CIA's 2013 response to the Committee Study states that "the propriety of the wide-ranging nature of the psychologists' roles – particularly their involvement in (1) performing interrogations, (2) assessing the detainees' psychological fitness, and (3) assessing the techniques' effectiveness – raised concerns and prompted considerable discussion and deliberation within CIA." Did you ever raise any of these concerns?

Response:

(U) As I stated at the hearing, CIA officers were told that interrogation experts had designed the program and that it had been legally cleared at the highest levels of the US Government. There was no independent interrogation expertise at CIA then and there is none now.

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#47)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) Would you ever allow CIA contractors to participate in or conduct briefings or interrogations of detainees?

- a. If yes, please describe the situations in which you believe that would be appropriate.
- b. If yes, would those contractors be limited to techniques authorized by the Army Field Manual?

Response:

(U) As noted above, CIA does not conduct interrogations, debriefings of detainees in the custody of other agencies or entities are an important part of intelligence collection. Contractors make valuable contributions to these debriefings, consistent with applicable law and policy. For example, contractors may supply a particular expertise, such as a language skill, that is otherwise not readily available. Contractors performing debriefings must be overseen by a US Government employee. While the CIA does not conduct interrogations, any USG personnel—to include a contractor working for the CIA—would be subject to the Army Field Manual.

(U) Please see the classified addendum.

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Ron Wyden (#48-49)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) On July 18, 2014, the CIA Inspector General issued a Report of Investigation on Agency Access to SSCI Shared Drive on RDINet. Among the IG's findings was that agency employees "improperly accessed SSCI Majority staff shared drives on the RDINet."

- a. Do you agree that the CIA's access to the SSCI Majority staff shared drives was improper?
- b. Do you believe anyone should have been held accountable for those accesses?

(U) The IG further found that: "The Agency filed a crimes report with the DOJ, reporting that SSCI staff members may have improperly accessed Agency information on the RDINet. The OIG investigation determined that the factual basis for referral was unfounded and the author of the letter had been provided inaccurate information on which the letter was based."

- a. Do you agree that the factual basis for the referral was unfounded and based on inaccurate information?
- b. Do you believe that CIA personnel filing crimes reports with the DOJ have an independent responsibility to ascertain whether the reports are factually accurate?
- c. Do you believe anyone should have been held accountable for the inaccurate and baseless crimes report?
- d. What is your view of the propriety of the CIA filing crimes reports on congressional members or staff?

Response:

(U) I have no firsthand knowledge of this matter, I do not know all of the underlying facts, and I have not reviewed all relevant materials. I therefore cannot offer an

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independent judgment about the issues raised. I understand that CIA convened an Accountability Board to review the issues identified by the Inspector General. I understand further that the Board, which was chaired by former Senator Evan Bayh, concluded that no disciplinary action was warranted on the facts presented.

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Kamala Harris (#50)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) In your career, have you ever felt pressured to revise intelligence assessments to meet a particular political or policy goal? If yes, how did you respond?

Response:

(U) Not that I recall. I am incredibly proud of the analysts at CIA and the sterling reputation they have in the Intelligence Community for providing all source analysis to the policymakers. We have a long-established commitment to preserving the integrity and objectivity of our analysis. There is also an independent ombudsman that provides for a private, safe, and absolutely confidential channel for officers to raise concerns that an analytic assessment has been politicized.

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Kamala Harris (#51)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) If confirmed, will you commit to stand firm, in the face of any political pressure, to defend the CIA's assessments—especially if those assessments do not support current or planned policies?

Response:

(U) Yes.

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Kamala Harris (#52)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) If confirmed, do you commit to notify this Committee immediately if you ever receive political pressure to alter intelligence assessments?

Response:

(U) I commit to resist any such pressure, should it ever exist, and commit that CIA will continue to meet its obligations to its congressional oversight committees, including our legal obligation to keep the committees currently and fully informed of all significant intelligence activities.

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Kamala Harris (#53)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) If confirmed, will you commit to hiring a workforce that reflects the diversity of the American people across race, gender, sexual orientation, gender identity, physical ability and religion?

Response:

(U) Yes, and I believe CIA must work harder to achieve a more diverse workforce.

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Kamala Harris (#54)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) There are potential national security benefits to having a diverse CIA workforce that can more easily operate overseas. If confirmed, how do you plan to promote recruiting for diverse candidates at CIA?

Response:

(U) The benefits of diversity, both in terms of talent acquisition and the larger CIA mission, are critical. I have long been a supporter of CIA having a robust diversity recruiting program that provides a broad-based approach to outreach with a strong focus on languages and ethnic diversity. In addition to the benefits of having a diverse workforce, our global mission demands it. CIA's recruitment program pursues diversity in hiring through a variety of methods including public advertising, direct community outreach, college campus events, and student programs, to name a few. If confirmed, I will continue to support all of CIA's diversity efforts and explore ways to improve the Agency's performance in this area.

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Kamala Harris (#55)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) If confirmed, how do you plan to improve diversity, of all kinds, at CIA in senior level management positions?

Response:

(U) Through the course of my career, I have always worked to do my part to build a diverse and inclusive workforce at CIA, including promoting and encouraging fellow officers, ensuring a fair process on personnel decisions, and formally leading mentorship programs. I am proud to say I am a champion for diversity but I recognize more must be done, and as DCIA I will be committed to making additional advancements.

(U) In 2014, the then-DCIA commissioned the "Diversity in Leadership Study (DLS)," chaired by Vernon E. Jordan, Jr., which examined the factors that limit diversity in CIA's senior leadership. The study identified seven recommendations and a five-year effort with an eye toward building a more diverse leadership cadre and fostering an inclusive culture at CIA. If confirmed, I plan to continue emphasizing the critical need for diversity, particularly in the leadership ranks, and intend to place specific focus on the underlying DLS initiatives necessary to achieve the goals identified by the study. Additionally, I will continue leveraging the senior officer performance review process and mandatory Diversity and Inclusion training for all senior officers as instruments to further inclusiveness and diversity at CIA.

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Kamala Harris (#56)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) If confirmed, how do you plan to be an advocate for the CIA's LGBTQ community?

Response:

(U) I have been, and will continue to be, a supporter and ally for CIA's LGBTQ community. CIA is a diverse multi-cultural workplace, and its 15 Agency Resource Groups (ARG) highlight that diversity. It is essential that Agency leadership is attuned to the broadest cross-section of views on these issues. One of the 15 ARGs includes the Agency Network of Gay, Lesbian, Bisexual, and Transgender Officers and Allies (ANGLE). Workforce diversity at CIA is, and will continue to be, a focus area for me if confirmed.

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Kamala Harris (#57)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) If confirmed, will you commit to protecting the rights of LGBTQ employees to equal professional opportunities and benefits?

Response:

(U) Yes, I will.

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Kamala Harris (#58)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) Do you believe that the American people deserve to know as much as possible about the nominee to be CIA director, including that person's professional history and judgment?

Response:

(U) Yes. Some information must remain classified for the safety and security of our officers and foreign partners and for the protection of sources and methods. Classified information about my record, including past assignments, is available for review by all members of the US Senate.

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Kamala Harris (#59)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) Prior to a vote on your nomination, will you commit to declassifying, with appropriate redactions for protecting sources and methods, all information about any involvement that you may have had in the CIA's Rendition, Detention and Interrogation program?

Response:

(U) Although a large amount of information about the former RDI Program has already been publicly acknowledged, CIA still protects information regarding CIA personnel involved in the RDI Program for the safety and security of our officers. Congress has recognized the need to protect from disclosure the functions, names, and official titles of persons employed by the Agency. Any classified information about my record, including past assignments, is available for review by all members of the US Senate. I do not wish to make any exception for myself that could have the effect of jeopardizing the safety and security of our officers or of disclosing sensitive intelligence sources and methods or giving terrorist groups a basis upon which to target CIA individuals.

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Kamala Harris (#60)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) Have you ever, in any way, advocated for sharing less information with Congress related to the CIA's Rendition, Detention and Interrogation program?

Response:

(U) Not that I recall, and it would be contrary to my strong belief in the importance of congressional oversight. As I stated in my prehearing Question #25, throughout my 30 years of experience at CIA, I have repeatedly seen the importance and value of keeping the congressional intelligence committees fully and currently informed of all significant intelligence activities. If confirmed, I will ensure that the CIA continues to fulfill all of its responsibilities in this regard.

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Kamala Harris (#61)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) The President, then a candidate, asserted that, "we should go much stronger than waterboarding." If you received such an order, as CIA Director, would you comply?

Response:

(U) No. Today the law is clear, and such techniques are prohibited. Under the National Defense Authorization Act for Fiscal Year 2016, the United States Government may not use any interrogation technique that is not approved under the Army Field Manual 2-22.3 I fully support this change, and if confirmed as Director, I would not allow CIA to engage in the use of enhanced interrogation techniques again.

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Kamala Harris (#62)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) The President, then a candidate, asserted that, regarding waterboarding suspected terrorists, "if it doesn't work, they deserve it anyway, for what they're doing." Do you agree with that statement?

Response:

(U) I do not support use of enhanced interrogation techniques for any purpose.

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Kamala Harris (#63)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) If confirmed, do you commit to make countering Russian influence operations, particularly those targeting U.S. elections, a priority at CIA?

Response:

(U) Yes, I do.

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Kamala Harris (#64)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) You have stated that you concur with the 2017 Intelligence Community assessment regarding Russia's Activities and Intentions in Recent US Elections. If confirmed as CIA Director, how do you plan to convey the seriousness of the threat from Russia to the President?

Response:

(U) It is the CIA's role to provide policymakers with timely, high-quality assessments of the serious and ongoing threat from Russia. Election interference is just one example of the growing threat the United States faces from Russia (as well as from other state and non-state actors). I noted during my testimony that it is important to have a whole-of-government approach to combatting this persistent problem. While CIA is an important player in this discussion, effectively understanding and countering the Russian threat requires coordination and cooperation throughout the federal government. I believe my long experience working against the Russian target has uniquely prepared me to understand and respond effectively to the serious threat posed by Russia.

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(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Angus King (#1)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) During the course of your time at CIA's Counterterrorism Center (CTC), what role did you play in CTC's management and operation of its detention and interrogation program? Please provide any records in the CIA's possession that describe your role and duties at CTC with respect to managing or operating this program (such as any organizational charts, job descriptions, or the equivalent, should they exist). Further, if a classified response is required, please provide a justification for why the Agency has chosen not to declassify this information.

Response:

(U) In regard to the role I played in CTC's management, please see the classified addendum to Question #28. In regard to the request for an explanation of why this response is classified, please see my responses to Question #59 and the classified addendum to Question #34.

(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Angus King (#2)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) In his book, Mr. Rodriguez states that he sent the cable authorizing the destruction of the videotapes on November 8 and that the tapes were destroyed the next day on November 9. Did you inform the Director of the CIA, legal staff at the Agency, officials in the Office of the Director of National Intelligence, or any other officials that the cable had been sent? If you did not, why? Please describe all conversations, calls, emails, or other communications you had regarding the destruction of the videotapes from the moment you learned that Mr. Rodriguez had sent the cable to the moment you learned the videotapes were destroyed. Further, if a classified response is required, please provide a justification for why the Agency has chosen not to declassify this information.

Response:

(U) At the Deputy Director for Operations (DDO) direction, I drafted the cable to destroy the tapes, but I did so with the understanding that he would use the draft cable to raise this issue with the DCIA. Shortly after I saw the cable was released, I discussed the cable with the DDO. I also forwarded the cable to the officer responsible for running the program. During my conversation with the DDO, I asked him whether he had consulted with the DCIA and he told me that he had not and that he had decided to release the cable by his own authority. Mr. Rodriguez took full responsibility for this decision.

(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Jack Reed (#7)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) To the best of your knowledge, did the approved "enhanced interrogation techniques" employed by the CIA ever include:

- a. (U) Threats of harm to the detainee's family?
- b. (U) Suggesting to detainees that they would never leave CIA custody alive?
- c. (U) Stripping detainees for the purpose of humiliating them?
- d. (U) Intentionally creating unsanitary conditions in detainee's cells?

Response:

(U) The responsibility of Agency officers was to carry out detention and interrogation activities in strict adherence to the guidelines and legal opinions in place. Any Agency officer who acted contrary to the legal and/or policy rules that governed the program were referred to the CIA Office of Inspector General for their actions. Additionally, the CIA referred certain cases to the Department of Justice for criminal investigations.

(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Jack Reed (#8)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) Did you ever authorize CIA or contractor personnel to conduct unsupervised interrogations using harsh physical interrogation techniques that were not a part of CIA's formal "enhanced interrogation" program (i.e. that had not been approved by the DOJ or authorized by CIA HQS)? Are you aware of any such incidents, whether or not authorized by you?

Response:

(U) No, I did not. With respect to my knowledge of any such incidents, please see my response to Question #7.

(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Jack Reed (#12)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) Did you participate in any comprehensive analysis or assessment of the effectiveness of the "enhanced interrogation techniques" employed by the CIA, or any analysis of the effectiveness of such techniques as were employed on detainees in your charge? If so, what did you conclude? If not, why not?

Response:

(U) No. There are, to this day, strong disagreements on the effectiveness of CIA's detention and interrogation program. In my view, which is shared by my predecessors, CIA gained valuable intelligence that helped thwart planned attacks, capture terrorists, and ultimately save lives. What is impossible to know is whether CIA could have obtained the same information without using enhanced interrogation techniques.

(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Jack Reed (#13)

Senate Select Committee on Intelligence

14 May 2018

Question:

(U) Are you aware of any communications, during the period of 2002-2007, between the Office of the Vice President, the Justice Department Office of Legal Counsel, and/or the senior management of the CIA concerning the legality, effectiveness, or appropriateness of "enhanced interrogation techniques" or the other forms of abuse treatment cited above?

Response:

(U) I was generally aware of a broad and ongoing interagency discussion of the EIT program, including the legal and policy guidance surrounding the program.

**(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Jack Reed (#14)
Senate Select Committee on Intelligence
14 May 2018**

Question:

(U) Are you aware of any communications outside the ordinary chain of reporting between the Office of the Vice President and the CIA personnel or contractors performing such techniques?

Response:

(U) No.

(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Jack Reed (#15)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) In 2014, the Senate Select Committee on Intelligence concluded that from 2002-2007, CIA made false representations to the Department of Justice Office of Legal Counsel concerning: (1) the conditions of confinement of detainees held by CIA, (2) the application of CIA's enhanced interrogation techniques, (3) the physical effects of the techniques on detainees, and (4) the effectiveness of the techniques? When did you personally become aware of those representations? When did you become aware that the legal conclusions reached by Department of Justice Office of Legal Counsel were dependent upon these false representations, and that the Department had warned CIA that those conclusions may not be valid under different factual circumstances?

Response:

(U) Please see response to Question #13.

(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Jack Reed (#18)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) Have you ever participated in any discussions at CIA about how to evade or stymie congressional oversight or White House management, either with respect specifically to the Rendition, Detention, and Interrogation (RDI) program or any other matter? When did you become aware of CIA's intrusion into congressional investigative materials and records?

Response:

(U) I am a strong believer in the importance of oversight. As I stated in my prehearing Question #25, throughout my 30 years of experience at CIA, I have repeatedly seen the importance and value of keeping the congressional intelligence committees fully and currently informed to the fullest extent possible under the law. If confirmed, I will ensure that the CIA continues to fulfill all of its responsibilities in this regard.

**(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Jack Reed (#20)
Senate Select Committee on Intelligence
14 May 2018**

Question:

(U) Were you interviewed by the CIA's Office of Inspector General about your involvement in the RDI program? If so, did you provide OIG with complete and accurate information about the operation and management of the program?

Response:

(U) Please see my answer to prehearing Question #46.

(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Jack Reed (#21)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) Have you ever participated in, or were you ever aware of, discussions at CIA about the release of classified information concerning the RDI program to members of the media in order to counter public criticism, shape public opinion, or influence congressional action?

Response:

(U) I did not participate, nor was I aware of CIA discussion, to release classified information to the media.

**(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Jack Reed (#22)
Senate Select Committee on Intelligence
14 May 2018**

Question:

(U) Have you ever been cited as an unnamed source in a media report?

Response:

(U) No.

(U) Questions for the Record Submitted to
DCIA Nominee Gina Haspel by Senator Jack Reed (#23)
Senate Select Committee on Intelligence
14 May 2018

Question:

(U) Did you ever have conversations with Vice President Cheney or his Chief of Staff David Addington about enhanced interrogation techniques or conditions at CIA detention facilities?

Response:

(U) No.

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THE DEPUTY DIRECTOR
CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

20 December 2011

MEMORANDUM FOR: Director, Central Intelligence Agency

SUBJECT: ~~(S//NF)~~ Disciplinary Review Related to
Destruction of Interrogation TapesREFERENCE: 15 September 2011 D/CIA Memorandum
"Disciplinary Review"

1. ~~(S//NF)~~ In the referenced memorandum, you directed me to undertake a disciplinary review of NCS officers relating to their conduct in the events surrounding the CIA's 9 November 2005 destruction of detainee interrogation videotapes. You directed that I take the disciplinary actions I deemed appropriate and that I report my decision to you. This memorandum is that report.

2. ~~(S//NF)~~ In my review, I focused on the performance of former D/NCS Jose Rodriguez, now retired, and his then Chief of Staff, Gina Haspel [REDACTED] who is currently serving as Chief [REDACTED]. I focused on these two individuals because the extensive record assembled by Special Prosecutor John Durham-- and my discussions with the OGC attorneys who assisted me in my review--indicated that Mr. Rodriguez and Ms. Haspel [REDACTED] were the NCS officers directly involved in the decision to destroy the tapes.

- I considered including a review of the actions undertaken by the NCS officer who was then Chief of [REDACTED] Division. It was a phone call from him to COS [REDACTED] that prompted [REDACTED] Station on 8 November to send to HQS the cable requesting permission to destroy the tapes to which Mr. Rodriguez responded affirmatively that same day. That phone call preempted an email with the same

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SUBJECT: ~~(C//NF)~~ Disciplinary Review Related to Destruction of Interrogation Tapes

message to [REDACTED] Station that OGC attorneys were preparing. I concluded, however, that the then C/[REDACTED] reflecting D/NCS' sense of urgency on this issue, was simply trying to expedite the process. Most important, the cable from [REDACTED] Station requesting approval to destroy the tapes was neither a necessary nor dispositive step in the decision to destroy the tapes. Hence, I decided not to review, for disciplinary actions, then C/[REDACTED]'s role in the matter.

- Neither did I review the actions of those officers in [REDACTED] Station who actually destroyed the tapes, as they were following a direct order from the D/NCS.

3. ~~(S//NF)~~ In carrying out your directive, I reviewed a subset of the documents gathered by the Special Prosecutor that was prepared for me by the OGC, along with other relevant documents, including draft book chapters describing the events surrounding the tapes destruction by Mr. Rodriguez and by former Acting General Counsel John Rizzo, as well as the relevant portion of the draft SSCI report on renditions, detentions, and interrogations. In addition, I interviewed Mr. Rodriguez and Ms. Haspel [REDACTED]. I also discussed the case with several senior officials--General Counsel Stephen Preston and members of his staff, and my Chief of Staff, [REDACTED]. While these discussions were useful in refining my thinking, I want to note that the decisions outlined below are entirely my own.

4. ~~(S//NF)~~ I have found no fault with the performance of Ms. Haspel [REDACTED]. I have concluded that she acted appropriately in her role as Mr. Rodriguez's Chief of Staff, including in her efforts to press for and facilitate a resolution of the matter, as well as in her drafting of the cable that authorized the destruction of the tapes. She drafted the cable on the direct orders of Mr. Rodriguez; she did not release that cable. It was not her decision to destroy the tapes; it was Mr. Rodriguez's. In addition, Ms. Haspel [REDACTED] claims that she believed--incorrectly, as it turned out--that Mr. Rodriguez was going to obtain approval from then Director Goss before releasing the cable and that she took action after the release of the cable to

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SUBJECT: ~~(C//NF)~~ Disciplinary Review Related to Destruction of Interrogation Tapes

ascertain from Mr. Rodriguez whether he had obtained that approval. Although there is no "good soldier" defense in the case of an act that violates the law or Agency regulations, the Special Prosecutor evidently found no prosecutable offense, nor did I find a violation of Agency regulations.

5. ~~(S//NF)~~ I have found fault with the performance of Mr. Rodriguez, and I have decided to issue to him a letter of reprimand to remain in his official personnel file for two years. But I have also decided that the letter of reprimand will not carry any sanctions against Mr. Rodriguez. These two decisions reflect the following reasoning.

- Mr. Rodriguez served the Agency with distinction for 31 years. He served three tours as Chief of Station.

[REDACTED] His performance evaluations consistently describe the units under his command as highly motivated, innovative, and productive, and commend him for his operational creativity, managerial skill, and political and bureaucratic savvy. Mr. Rodriguez also held a succession of increasingly responsible and challenging headquarters assignments, including Chief of [REDACTED] Task Force, Deputy Director of the Counternarcotics Center, Chief of the Latin America Division, Chief of the Counterterrorism Center in the years following 9/11, and ultimately the Deputy Director of Operations and founding Director of the National Clandestine Service. He is the recipient of multiple awards, including the National Intelligence Distinguished Service Medal, which was awarded to him for his service [REDACTED]

Mr. Rodriguez also received a Director's Award from Director Goss in May 2006, and the same award from Director Hayden in October 2007 as Mr. Rodriguez was stepping down as D/NCS. In August 2007, Mr. Rodriguez was acclaimed in a public ceremony by then HPSCI Chairman Sylvester Reyes as an "American hero."

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SUBJECT: ~~(C//NF)~~ Disciplinary Review Related to Destruction of Interrogation Tapes

- Mr. Rodriguez's decision to destroy the tapes was not motivated by any personal gain or interest. His decision was motivated by what he believed to be the best interests of the CIA and its officers, particularly the latter. He has repeatedly said that he was told--which he was--that the written record fully and accurately recorded the events depicted on the tapes and that he was deeply concerned that the tapes would ultimately leak--or be officially released--and expose the affiliation of the Agency officers shown in the tapes, thereby putting their livelihood and personal security at risk. He also says that he was concerned that publication of the tapes would damage the domestic and international standing of the CIA, perhaps significantly degrading our operational capabilities. He says that the worldwide reaction to the leak of photos of the actions of US military personnel at Iraq's Abu Ghuraib prison in April 2004 cemented his view that the tapes represented a threat to his officers and the Agency. His focus on what he believed to be the best for the CIA and its officers, rather than on what was best for him, reflects values that we try to instill in all Agency officers.
- Mr. Rodriguez never denied making the decision to destroy the tapes nor did he ever attempt to cover up his decision in any way. On the contrary, from day one, Mr. Rodriguez has admitted that he made the decision and he has been consistent in his explanation of why he made that decision. In doing so, he has demonstrated candor, another trait on which we place high value.
- The leadership of the Agency failed Mr. Rodriguez. It failed him when he was D/CTC and it failed him when he was DDO and D/NCS. Beyond the Acting General Counsel discussing the issue with White House Counsel, there is no record of any effort on the part of the Agency leadership to engage White House policymakers. The Director should have taken this issue to the White House and requested that it be addressed as a policy issue. Because no effort was undertaken by CIA leadership to

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SUBJECT: ~~(C//NF)~~ Disciplinary Review Related to Destruction of Interrogation Tapes

tackle the issue at the policy level, Mr. Rodriguez was left believing, rightly or wrongly, that he had no other choice but to act on his own authority.

- Mr. Rodriguez in the days leading up to the destruction was told by senior agency attorneys that there was no legal constraint to destroying the tapes and that, as D/NCS, he had the authority to order their destruction. Accounts differ over whether he was reminded at that time of the White House Counsel's direction that the DNI and Attorney General be briefed prior to destruction, or the fact that others in his chain of command had expressed opposition to or reservations about destruction. What is clear, however, is that Mr. Rodriguez believed his actions were legally permissible and that, under CIA regulations, he had the authority to issue the order to destroy the tapes.
- Neither the leadership of the Agency nor the White House took any action against Mr. Rodriguez at the time of the tapes destruction, even though they had the same facts that I currently possess. This appears to have been a conscious decision on the part of Director Goss. According to a contemporaneous account by the then Deputy Executive Director [REDACTED] of the meeting with Director Goss during which Mr. Rodriguez reported the destruction and conveyed his willingness to take the heat for it, the Director joked that he would be the one to take the heat but added that he agreed with the decision. Also, there is no record that, for its part, the White House, despite the White House Counsel's reported anger when she heard the news, asked for a review, an investigation, or an accountability decision. I conclude from this inaction that Mr. Rodriguez's superiors in the Agency and at the White House did not see his action as insubordination or even a significant error in judgment.
- o Having concluded that, I must note that this is a source of concern in making the accountability decision I have made. I do not know of another case

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SUBJECT: ~~(C//NF)~~ Disciplinary Review Related to Destruction of Interrogation Tapes

in which, without new information, an Agency leader or Accountability Board has overturned an earlier accountability decision, particularly one made by a Director.

- Accountability is critical, but it should also be swift. Mr. Rodriguez's action occurred six years ago. I find it deeply unfair to our employees to undertake accountability reviews and make accountability decisions so far after the fact. Although some of that delay was caused by the more than three years it took the Special Prosecutor to come to the evident conclusion that Mr. Rodriguez did not commit a prosecutable offense, this does not, in my view, lessen the unfairness to the employee of the lack of a timely accountability review.
- Mr. Rodriguez has already paid a significant price for the decision. He was investigated by a Special Prosecutor, he had to retain counsel, and he says he found it difficult to find post-retirement employment with a legal cloud hanging over his head. I find this latter point compelling, as I believe that a former D/NCS and C/CTC would have secured a prominent corporate position immediately upon retirement, which in Mr. Rodriguez's case did not happen until almost a year after he entered the Transition Program.
- Taken together, all of the above would argue for a decision on my part of no finding of fault. And that is what I would have decided, save one additional and critical factor: The record is clear that Mr. Rodriguez was aware that two White House Counsels, the counsel to the Vice President, the DNI, the DCIA, and the HPSCI ranking member had either expressed opposition to or reservations about the destruction of the tapes. No organization, particularly the CIA, can function effectively if its employees believe that they can ignore the direction and/or the intent of senior Agency, IC, or White House officials because they think their view is the right one--even if it is.

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SUBJECT: ~~(S//NF)~~ Disciplinary Review Related to Destruction of Interrogation Tapes

- What Mr. Rodriguez should have done is take his entreaties frequently and increasingly forcefully to the Director rather than focus so heavily on the Acting General Counsel. As this was clearly a matter of deep conviction and conscience for Mr. Rodriguez, had he failed to persuade the Director to work the issue at the White House, he should have--after informing the Director of his intent to do so--taken his case to the DNI and, failing that, to the White House himself.
- Ultimately, it is my firm belief in the need for an effectively functioning chain of command that has caused me to find fault in Mr. Rodriguez's decision to destroy the tapes and for me to give him a letter of reprimand. My purpose in doing so is to confirm the principal that no one--whatever their rank or their belief in the righteousness of their position--can disregard the views of those above them. Having said that, I believe the factors that I have cited above are mitigating ones--and significantly so--and this is why I have opted not to attach sanctions to the letter of reprimand.

6. ~~(S//NF)~~ There is one more issue I want to address, given its importance, and that is CIA's failure to inform Congress of the destruction of the tapes. This is a serious issue. Notification should have occurred within days of the destruction, even though the leadership of the oversight committees had been told in early 2003 of CIA's intent to destroy the tapes. I do not hold Mr. Rodriguez accountable for this failure, as it was ultimately the responsibility of the Director. According to Mr. Rizzo's draft chapter, Director Goss made clear that he intended to notify the leadership of the

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SUBJECT: ~~(S//NF)~~ Disciplinary Review Related to Destruction of
Interrogation Tapes

oversight committees in private without staff present.
Mr. Rodriguez is not responsible for the fact that Congress was
not informed about the tapes destruction until two years after
the fact.



Michael J. Morell

~~SECRET//NOFORN~~

Former CIA Officers Endorse Haspel

Gina Haspel is the first CIA career Clandestine Service officer to be nominated as Director since Richard Helms in the 1960s and William Colby in the 1970s. Ms. Haspel, currently the Acting Director of the CIA, has been endorsed by a host of former national security senior officials drawn from the ranks of the Intelligence Community, the Department of Defense, and the State Department. When someone rises through the bureaucracy, it is important to take their measure from those who have served closely with them—their peers.

The undersigned represent an array of former Agency officers who have served with Gina either in the foreign field or in CIA Headquarters. Some of us have known her for over 30 years since she was a first-tour operations officer. Others worked closely with her after she reached mid-level management ranks and then later as one of the most accomplished Senior Intelligence Service leaders the Agency has produced. In her, we saw the image of what we want a peer and leader to be: someone who offers professional respect, a person who commits to the highest standards of conduct and ethical behavior, and a bold but pragmatic decision-maker who places the interests of our nation above personal advancement or petty politics.

While Gina has spent most of her career on the operations side of the intelligence business, the officials who strongly support her nomination come from all disciplines, to include analysis, administration, and technology. Hers is a corporate, whole-of-Agency, whole-of-government approach designed to work productively within the national security community to keep our nation safe.

We urge swift Senate approval of her nomination to be the next Director of the Central Intelligence Agency.

Heidi August, former Chief of Station
Mike Baker, former Operations Officer
Stephanie Usry Bellistri, former Directorate of Operations senior officer
Bob Benedetti, former Chief of Station
Vaughn Bishop, former Directorate of Intelligence senior manager and Chief of Station
Alex Bolling, former Chief of Station
Andrea Hattler Bramson, former Directorate of Science and Technology senior manager
Patty Brandmaier, former Senior Executive Officer
Timothy Buch, former Directorate of Intelligence senior officer and component chief
Christy Jobe Carter, former Reports Officer
Jim Costana, former Senior Intelligence Service officer
Jack Devine, former Acting Deputy Director of Operations
Paula Doyle, former Chief of Station and Associate Deputy Director of Operations Technology
John Driscoll, former Operations Officer
Bob Eater, former attorney, Office of General Counsel
Shaun Fitzpatrick, former intelligence officer
Carol Rollie Flynn, former Chief of Station
Melvin Gamble, former Chief of Station and Directorate of Operations component chief
Christopher T. Griffin, former Directorate of Operations senior officer
Mark T. Gygi, former Chief of Station
Gerald Hamilton, former Chief of Station and Directorate of Operations component chief
Beth Hitchings, former Deputy Chief Financial Officer
Daniel Hoffman, former senior clandestine service officer
Paul Hollingsworth, former Directorate of Operations senior officer and Senior Director for Intelligence Programs, National Security Council
Monelle Holshey, former Directorate of Operations reports officer
Robert Hultslander, former Chief of Station

Terry Hussey, former Directorate of Operations senior officer

Leslie Ireland, former Assistant Secretary of Intelligence and Analysis for the Treasury Department

Susana Isaacson, former Chief of Leadership Development, Directorate of Operations

Justin J. Jackson, former Deputy Director/National Clandestine Service

Kenneth Kaiser, former Directorate of Operations component chief

Elinor Kelly, former Senior Intelligence Service officer

James E. Kirkman, former Chief, Protective Programs

Paul Kolbe, former Chief of Station and Directorate of Operations component chief

Frank Knott, former Chief of Station and Directorate of Operations component chief

William Lofgren, former Directorate of Operations component chief

Jason Matthews, former Chief of Station

Suzanne Matthews, former Directorate of Operations officer

Mary Rose McCaffrey, former Director of Security

Patricia McGuckin Stuart, former Chief of Station

Carmen A. Medina, former Deputy Director for Intelligence

Carmen Middleton, former Directorate of Intelligence senior officer and Deputy Executive Director

Carla Gayle Milor, former Directorate of Operations senior officer

James Micsan, former Chief of Station and Directorate of Operations component chief

Michael Morgan, former Directorate of Operations senior officer and Assistant Deputy Director of National Intelligence

Gerald A. O'Shea, former Chief of Station

William R. Piekney, former Chief of Station and Directorate of Operations component chief

Richard E. Pound, former Chief of Station and Directorate of Operations component chief

Pamela Purcilly, former President's Daily Briefer and Associate Deputy Director for Intelligence

William Richardson, former Deputy Director of the Office of South Asian Analysis

Keith E. Riggin, former Chief of Station

David Rolph, former Chief of Station

Norman Roule, former Directorate of Operations component chief and National Intelligence Manager for Iran

Thomas A. Ruth II, former Chief of Station

James F. Sartain, former Chief of Station

Dawn Scalici, former Directorate of Intelligence senior officer

Joe Schmank, former Senior Intelligence Service Center Director

John Sears, former Senior Intelligence Service officer

Charlie Seidel, former Chief of Station

Rodney G. Smith, former Directorate of Operations component chief

Mark S. Sparkman, former Chief of Station

Sue Waldman Steinke, former analyst

Susan R. Symington, former Directorate of Operations component chief

Sara B. Thibault, former Directorate of Operations component chief

Jeanne Tisinger, former Deputy Director for Support

Thomas Twetten, former Deputy Director for Operations

Robert Wallace, former Director, Office of Technical Service

DeNeige Watson, former President's Daily Briefer

Harry Wetherbee, former Directorate of Operations senior operations officer

James Wilcox, former Directorate of Science and Technology senior officer

Meredith Woodruff, former center chief

Paul Zalucky, former Directorate of Operations senior officer

The Honorable Richard Burr
Chairman,
U.S. Senate Select Committee on Intelligence

The Honorable Mark Warner
Vice Chairman,
U.S. Senate Select Committee on Intelligence

211 Hart Senate Office Building
Washington, D.C. 20510

April 9, 2018

Dear Chairman Burr and Vice Chairman Warner:

As national security leaders who have helped safeguard America against global threats and challenges over many decades, we write to express our strong support for the nomination of Gina Haspel to serve as Director of the Central Intelligence Agency (CIA).

Ms. Haspel's qualifications to become CIA Director match or exceed those of most candidates put forward in the Agency's 70-year history. She has spent more than 30 years of her life quietly serving America and the CIA, routinely stepping up to handle some of the most demanding assignments around the globe. Ms. Haspel is a proven leader who inspires others and has what it takes to make tough calls in times of crisis. She is a true intelligence professional who brings care, integrity and a commitment to the rule of law to her work every day. She will speak truth to power, offering unbiased intelligence to policymakers no matter how difficult the situation.

Throughout her distinguished career, Ms. Haspel has received numerous honors, including the Intelligence Medal of Merit, the George H.W. Bush Award for Excellence in Counterterrorism, the Donovan Award and a Presidential Rank Award, the highest award in the federal service.

Those who have served alongside Ms. Haspel have only the utmost praise and respect for her. She has broad support from the CIA workforce. Within the U.S. national security community and among our allies around the globe, admiration for her is unsurpassed. It is truly telling that a broad spectrum of national security leaders from both Republican and Democratic administrations has voiced unequivocal support for her nomination.

Given the nature of CIA's mission, most of her achievements cannot be shared publicly. But we can tell you she has made vital contributions to the strength and security of our country and has dedicated her life to serving her fellow Americans. In considering her nomination, the Senate, and through them the public, will gain a deeper understanding of the many attributes that Ms. Haspel would bring to the job of CIA Director. Any fair examination of those qualities will reveal that she would be an outstanding choice for that position.

The threats to America today are grave and numerous, but the U.S. Senate can help protect our country by swiftly confirming Gina Haspel. She has the integrity, experience and determination it takes to safeguard our nation and lead the men and women of the CIA.

Sincerely,

Charles E. Allen,
Former Assistant Director of Central Intelligence for Collection

Frank Archibald,
Former Director, CIA National Clandestine Service

Matthew Barzun,
Former US Ambassador to the United Kingdom and to Sweden

Jeremy Bash,
Former Chief of Staff to the Secretary of Defense and the Director of the Central Intelligence Agency

John Bennett,
Former Director, CIA National Clandestine Service

Ambassador Cofer Black,
Former Director, CIA Counterterrorist Center and State Department Coordinator for Counterterrorism

John O. Brennan,
Former Director of the Central Intelligence Agency

V. Sue Bromley,
Former Executive Director, Central Intelligence Agency

Vice Admiral Albert M. Calland III, USN, Ret.,
Former Deputy Director Central Intelligence Agency

Saxby Chambliss,
Former United States Senator and Vice Chairman, Senate Select Committee on Intelligence

James R. Clapper, Jr.,
Former Director of National Intelligence

David Cohen,
Former Deputy Commissioner New York Police Department (Intelligence) and former CIA Deputy Director for Intelligence

David S. Cohen,
Former Deputy Director of the Central Intelligence Agency and former Under Secretary of the Treasury for
Terrorism and Financial Intelligence

Ambassador Henry A. Crumpton,
Former CIA officer and Coordinator for Counterterrorism

Porter J. Goss,
Former Director of Central Intelligence and former Chairman of the House Permanent Select Committee on
Intelligence

Mary Margaret Graham,
Former Deputy Director of National Intelligence for Collection and CIA Associate Deputy Director of
Operations for Counterintelligence

Avril Haines,
Former Deputy Director of the Central Intelligence Agency and former Deputy National Security Advisor

General Michael V. Hayden, USAF (Ret.),
Former Director of the Central Intelligence Agency and National Security Agency

Stephen R. Kappes,
Former Deputy Director of the Central Intelligence Agency

Bob Kerrey,
Former United States Senator and Vice Chairman, Senate Select Committee on Intelligence

Henry A. Kissinger,
Former Secretary of State

A.B. Krongard,
Former Executive Director, of the Central Intelligence Agency

Robert S. Litt,
Former General Counsel, Office of the Director of National Intelligence

Mike McConnell,
Former Director of National Intelligence

John E. McLaughlin,
Former Acting Director and Deputy Director of Central Intelligence

Admiral William H. McRaven, USN, (Ret.),
Former Commander, U.S. Special Operations Command

Fran Moore,
Former Director for Intelligence, Central Intelligence Agency

Michael J. Morell,
Former Acting Director and Deputy Director of the Central Intelligence Agency

John H. Moseman,
Former Chief of Staff to the Director of Central Intelligence

Michael B. Mukasey,
Former Attorney General

Lieutenant General John F. Mulholland, USA (Ret.),
Former Associate Director of Military Affairs, Central Intelligence Agency

Ambassador John Negroponte,
Former Director of National Intelligence

Stephanie O'Sullivan,
Former Principal Deputy Director of National Intelligence

Leon Panetta,
Former Secretary of Defense and Director of the Central Intelligence Agency

Meroe Park,
Former Executive Director of the Central Intelligence Agency

James L. Pavitt,
Former Deputy Director for Operations, Central Intelligence Agency

Stephen W. Preston,
Former General Counsel of the Department of Defense and the Central Intelligence Agency

John A. Rizzo,
Former Acting General Counsel, Central Intelligence Agency

Jose A. Rodriguez, Jr.,
Former Director, CIA National Clandestine Service

Mike Rogers,
Former Chairman of the House Permanent Select Committee on Intelligence

George P. Shultz
Former Secretary of State

Jeffrey H. Smith,
Former General Counsel, Central Intelligence Agency

Admiral James G. Stavridis, USN (Ret.)
Former NATO Supreme Allied Commander

Michael Sulick,
Former Director, CIA National Clandestine Service

Louis B. Susman,
Former United States Ambassador to the United Kingdom and Northern Ireland

George J. Tenet,
Former Director of Central Intelligence

Frances Fragos Townsend,
Former Counterterrorism and Homeland Advisor to President George W. Bush

Michael G. Vickers,
Former Under Secretary of Defense for Intelligence

Greg Vogle,
Former Deputy Director for Operations, Central Intelligence Agency

Cindy Webb,
Former CIA Associate Deputy Director for Counterintelligence

Judge William H. Webster,
Former Director of Central Intelligence and Director of the Federal Bureau of Investigation

Pete Wilson
Former U.S. Senator, former member of the President's Foreign Intelligence Advisory Board and former member of the Defense Policy Board (advisory to the Secretary of Defense)

Douglas H. Wise,
Former Deputy Director, Defense Intelligence Agency

May 09, 2018

Dear Senator:

We write as former ambassadors of the United States to register our serious concern over Gina Haspel's nomination to be Director of the Central Intelligence Agency (CIA).

As career and non-career senior diplomats, we experienced no higher honor than to have represented the American people and their interests and values to foreign governments abroad. We did so while recognizing that foreign audiences—governments and their citizens, friends and foes—rightly look to the senior-most representatives of our government to embody what our nation holds dear. It is for this reason that we cannot support Ms. Haspel's nomination, given credible information in the public domain.

There remains much we do not know about the specific roles and responsibilities Ms. Haspel held in relation to the CIA's rendition, detention, and interrogation program generally, and the use of so-called "enhanced interrogation" specifically. Mindful of this, we support calls made by various members of Congress for the CIA to declassify additional information regarding her relationship to the program, commensurate with the need to protect legitimate intelligence sources and methods, so that the American people have a meaningful and accurate understanding of the role that Ms. Haspel played.

What we do know, based on credible, and as yet uncontested reporting, leaves us of the view that she should be disqualified from holding cabinet rank. This includes that, in 2002, she oversaw a secret detention facility in Thailand in which at least one detainee was repeatedly subjected to waterboarding, and that she later strongly advocated for and helped implement a decision to destroy video tapes of torture sessions, including ones she oversaw.

We have no reason to question Ms. Haspel's credentials as both a leader and an experienced intelligence professional. Yet she is also emblematic of choices made by certain American officials in the wake of the attacks of September 11, 2001 that dispensed with our ideals and international commitments to the ultimate detriment of our national security.

America's power in the world is defined in part by the strength of our military, the size of our economy, the prestige of our universities, and the quality of our entrepreneurs. But our influence, and thus our security, is also advanced by the principles and values set forth in our Declaration of Independence, Constitution, and laws and treaties, as well as our adherence to the rule of law, to democratic norms and institutions, and to our willingness to stand up for men and women living under repression.

We have little doubt what lesson governments that rely on torture and other forms of mistreatment to maintain their grip on power will draw from Ms. Haspel's confirmation. Whether or not she uses the opportunity of her confirmation hearing to reject torture—which we hope she will do—the point will remain that her record of involvement in torture was judged worthy of and compatible with holding the CIA's highest office. The message inherent in this decision will be understood by authoritarian leaders around the world. They will welcome it, as it

will allow them to proclaim, however cynically, that their behavior is no different from ours. Her confirmation will thus undercut the work of countless diplomats, military service members, and intelligence professionals who continue to engage with their foreign counterparts on why the United States believes that torture and other forms of abuse are not only morally wrong, but strategically shortsighted and legally impermissible. In an era in which the rule of law is under considerable strain around the world, this is a cost we can ill afford.

For all these reasons, we urge you to scrutinize Ms. Haspel's record with the utmost care. If that record demonstrates that Ms. Haspel played a role in torture or other forms of detainee abuse, or the destruction of evidence relating to such activities, we urge you to reject her nomination.

Sincerely,

Thomas Pickering
Career Ambassador, Former Under Secretary of State for Political Affairs and former Ambassador to Russia, India, the United Nations, Israel, El Salvador, Nigeria, and Jordan

James R. Jones
Former Ambassador to Mexico and former Member of the U.S. House of Representatives

Daniel Baer
Former Ambassador to the Organization for Security and Cooperation in Europe (OSCE)

Rob Barber
Former Ambassador to Iceland

Leslie Bassett
Former Ambassador to Paraguay

Donald S. Beyer, Jr.
Former Ambassador to Switzerland and the Principality of Liechtenstein; Member of the U.S. House of Representatives

Jack R. Binns
Former Ambassador to Honduras

Clyde Bishop
Former Ambassador to the Republic of the Marshall Islands

James K. Bishop
Former Ambassador to Niger, Liberia, and Somalia

Robert O. Blake, Jr.
Former Assistant Secretary of State for South and Central Asian Affairs and former Ambassador to Indonesia and Sri Lanka and Maldives

Barbara Bodine
Former Ambassador to Yemen

Avis Bohlen
Former Assistant Secretary of State for Arms Control and former Ambassador to Bulgaria

Aurelia E. Brazeal
Former Ambassador to the Federated States of Micronesia, Kenya, and Ethiopia

James (Wally) Brewster Jr.
Former Ambassador to the Dominican Republic

Sue K. Brown
Former Ambassador to Montenegro

Edward Brynn
Former Ambassador to Burkina Faso and Ghana

John Campbell

Former Ambassador to Nigeria and Deputy Assistant Secretary of State for Human Resources

Carey Cavanaugh

Former Ambassador and Special Negotiator for Eurasian Conflicts

Luis CdeBaca

Former Ambassador-at-Large to Monitor and Combat Trafficking in Persons

James F. Collins

Former Ambassador to the Russian Federation

Elinor G. Constable

Former Ambassador to Kenya

Edwin G. Corr

Former Ambassador to Peru, Bolivia, and El Salvador and former Deputy Assistant Secretary of State for International Narcotics Matters

Ruth A. Davis

Former Director General of the Foreign Service, Director of the Foreign Service Institute, and Ambassador to Benin

Robert Dillon

Former Ambassador to Lebanon

Shaun Donnelly

Former Ambassador to Sri Lanka and Maldives

David Dunford

Former Ambassador to Oman

Harriet L. Elam-Thomas

Former Ambassador to Senegal

Nancy Ely-Raphel

Former Ambassador to Slovenia

Gregory W. Engle

Former Ambassador to Togo

Robert W. "Bill" Farrand

Former Ambassador to Papua New Guinea and Principal Deputy Assistant Secretary in the Bureau of Human Rights and Humanitarian Affairs

Gerald M. Feierstein

Former Ambassador to Yemen

Robert S. Ford

Former Ambassador to Algeria and Syria

Chas W. Freeman, Jr.

Former Ambassador to Saudi Arabia and former Assistant Secretary of Defense for International Security Affairs

James I. Gadsden

Former Ambassador to Iceland and former Deputy Assistant Secretary for European Affairs

Rufus Gifford

Former Ambassador to Denmark

David N. Greenlee

Former Ambassador to Bolivia and Paraguay

Michael Guest

Former Ambassador to Romania

Keith Harper

Former Ambassador and Permanent Representative to the United Nations Human Rights Council

Douglas A. Hartwick

Former Ambassador to Laos and Assistant US Trade Representative

Samuel D. Heins

Former Ambassador to the Kingdom of Norway

Carla A. Hills

Former Secretary of Housing and Urban Development and former U.S. Trade Representative with title of ambassador

Heather Hodges

Former Ambassador to Moldova and Ecuador

Henry Allen Holmes

Former Ambassador to Portugal

Thomas C. Hubbard

Former Ambassador to the Republic of Korea and the Republic of the Philippines

Arthur H. Hughes

Former Ambassador to Yemen and Deputy Assistant Secretary of State for Near East Affairs

Edmund Hull

Former Ambassador to Yemen

Robert E. Hunter

Former Ambassador to NATO

Bonnie Jenkins

Former Coordinator for Threat Reduction Programs with title of ambassador

Dennis Jett

Former Ambassador to Peru and Mozambique

Linda Jewell

Former Ambassador to Ecuador

L. Craig Johnstone

Former Ambassador to Algeria

Deborah K. Jones

Former Ambassador to Kuwait and Libya

Richard H. Jones

Former Ambassador to Lebanon, Israel, Kuwait, and Kazakhstan

Ian Kelly

Former Ambassador to the OSCE and Georgia

David T. Killion

Former Ambassador to UNESCO

Jimmy Kolker

Former Ambassador to Uganda and Burkina Faso

John Kornblum

Former Ambassador to the Federal Republic of Germany

Mark P. Lagon

Former Ambassador-at-Large to Monitor and Combat Trafficking in Persons

Suzan LeVine

Former Ambassador to the Swiss Confederation and the Principality of Liechtenstein

Carmen Lomellin

Former Permanent Representative to the Organization of American States (OAS)

Frank E. Loy

Former Under Secretary of State for Global Affairs and former Director of the Bureau of Population, Refugees, and Migration, with the personal rank of ambassador

Princeton N. Lyman

Former Assistant Secretary of State for International Organization Affairs and former Ambassador to Nigeria and South Africa

Jack F. Matlock, Jr.

Former Ambassador to the USSR and
Czechoslovakia

Nancy McEldowney

Former Ambassador to Bulgaria and
Director of the Foreign Service Institute

James D. McGee

Former Ambassador to Swaziland,
Madagascar, the Comoros Islands, and
Zimbabwe

Donald F. McHenry

Former Permanent Representative to the
United Nations

William B. Milam

Former Ambassador to Pakistan and
Bangladesh

Richard Miles

Former Ambassador to Georgia, Bulgaria,
and Azerbaijan

Day Mount

Former Ambassador to Iceland

Thomas Niles

Former Ambassador to Canada, the
European Union, and Greece

Robert M. Orr

Former Ambassador to the Asian
Development Bank

Ted Osius

Former Ambassador to Vietnam

Maurice S. Parker

Former Ambassador to Swaziland

June Carter Perry

Former Ambassador to Lesotho and Sierra
Leone

Robert C. Perry

Former Ambassador to the Central African
Republic

Pete Peterson

Former Ambassador to Vietnam and Former
Member of the U.S. House of
Representatives

John R. Phillips

Former Ambassador to Italy

Nicholas Platt

Former Ambassador to Pakistan,
Philippines, and Zambia

Michael C. Polt

Former Ambassador to the Republic of
Estonia, Serbia, and Montenegro

Laurence Pope

Former Ambassador to Chad and Associate
Coordinator for Counter-terrorism

Samantha Power

Former U.S. Permanent Representative to
the United Nations

Jon R. Purnell

Former Ambassador to Uzbekistan

Stephen J. Rapp

Former Ambassador-at-Large for War
Crimes Issues

Charles Ray

Former Ambassador to Zimbabwe and
Cambodia

Arlene Render

Former Ambassador to Ivory Coast, Zambia,
and Gambia

Peter F. Romero

Former Assistant Secretary of State for Western Hemisphere Affairs and Ambassador to Ecuador

Edward M. Rowell

Former Ambassador to Bolivia, Luxembourg, and Portugal, and Principal Deputy Assistant Secretary of State for Consular Affairs

Stapleton Roy

Career Ambassador, Former Assistant Secretary of State for Intelligence and Research and former Ambassador to Singapore, China, and Indonesia

Nancy Rubin

Former Ambassador to the United Nations Commission on Human Rights

William A. Rugh

Former Ambassador to Yemen and the United Arab Emirates

David Saperstein

Former Ambassador at Large for International Religious Freedom

Teresita Schaffer

Former Ambassador to Sri Lanka and Maldives

David Scheffer

Former Ambassador-at-Large for War Crimes Issues

Theodore Sedgwick

Former Ambassador to Slovakia

John Shattuck

Former Assistant Secretary of State for Democracy, Human Rights, and Labor and former Ambassador to the Czech Republic

Sally Shelton-Colby

Former Ambassador to Barbados, Grenada, and Dominica and Minister to St Lucia, and Special Representative to Antigua, St. Christopher-Nevis-Anguilla, and St. Vincent

Harry Shlaudeman

Former Ambassador to Venezuela, Peru, Argentina, Brazil, and Nicaragua and former Assistant Secretary of State for Inter-American Affairs

Alan Solomont

Former Ambassador to Spain and Andorra

Joan E. Spero

Former Ambassador to the United Nations for Economic and Social Affairs

Ronald I. Spiers

Former Ambassador to Pakistan, Turkey, and the Bahamas

Sylvia Stanfield

Former Ambassador to Brunei Darussalam

Kathleen Stephens

Former Ambassador to the Republic of Korea

Strobe Talbott

Former Deputy Secretary of State and former Ambassador-at-Large on the New Independent States

Clyde D. Taylor

Former Ambassador to Paraguay

Patrick N. Theros

Former Ambassador to Qatar

Alexander Vershbow

Former Ambassador to NATO, Russia, and South Korea and former Deputy Secretary General of NATO

Kirk Wagar

Ambassador to Singapore

Edward S. Walker, Jr.

Former Assistant Secretary of State for Near Eastern Affairs and Ambassador to Israel, Egypt, and the United Arab Emirates

Alexander F. Watson

Former Assistant Secretary of State for Western Hemisphere Affairs, Ambassador to Peru, and Deputy Permanent Representative to the United Nations

Melissa Wells

Former Ambassador to Guinea Bissau and Cape Verde, Mozambique, Zaire, and Estonia

Allan Wendt

Former Senior Representative for Strategic Technology Policy and former Ambassador to Slovenia

Barry B. White

Former Ambassador to the Kingdom of Norway

Philip C. Wilcox, Jr.

Former Ambassador-at-Large for Counterterrorism

Kenneth Yalowitz

Former Ambassador to Belarus and Georgia

John M. Yates

Former Ambassador to Cape Verde, Benin, Cameroon, and Equatorial Guinea and Special Representative for Somalia



April 23, 2018

Dear Senator:

As retired general and flag officers of the United States military, we write to express our profound concern about the nomination of Gina Haspel to be Director of the Central Intelligence Agency (CIA). We urge you to examine closely the full extent of Ms. Haspel's involvement in the rendition, detention, and interrogation program and, should you find that she played any role in carrying out, supervising, or directing the torture or abuse of people in U.S. custody, or the destruction of evidence relating to these activities, we urge you to reject her nomination.

We are deeply troubled by the prospect of someone who appears to have been intimately involved in torture being elevated to one of the most important positions of leadership in the intelligence community. While the public record concerning Ms. Haspel is incomplete, there are multiple uncontested reports that she ran a CIA "black site" prison, at which at least one detainee, Abd al-Rahim al-Nashiri, was repeatedly tortured, including by waterboarding. In addition, former CIA general counsel John Rizzo has stated that for some period of time a person we now know to be Ms. Haspel oversaw the CIA's entire interrogation program—a program that was rife with mismanagement and abuse.

We understand that some well-respected former senior government intelligence officials have spoken highly of Ms. Haspel's experience and long record of service to the Agency. However, we do not accept efforts to excuse her actions relating to torture and other unlawful abuse of detainees by offering that she was "just following orders," or that shock from the 9/11 terrorist attacks should excuse illegal and unethical conduct. We did not accept the "just following orders" justification after World War II, and we should not accept it now. Waterboarding and other forms of torture or cruel and inhuman treatment are—and always have been—clearly unlawful. Individuals in the service of our country, even at the lowest levels, have a duty to refuse to carry out such actions.

Moreover, Ms. Haspel appears to have been involved in inappropriate actions that went beyond what was authorized by Congress or senior officials in the executive branch. Public reports suggest that cases of detainee abuse she supervised or otherwise had an operational role in involved conduct even more abusive than what the discredited legal memos supported. In addition to her role in overseeing and implementing torture, Ms. Haspel also appears to have strongly advocated for and played a key role in carrying out an order to destroy 92 videotapes of individuals in U.S. custody being subjected to torture. She did so despite federal court orders requiring preservation of all records pertaining to detainee abuse, and over the objections of congressional leaders, the Director of National Intelligence, Director of Central Intelligence, two successive White House counsels, Department of Justice officials, and the vice president's top lawyer. This disregard for lawful checks on the CIA's power is troubling.

We devoted our lives to the defense of our country. We know that fidelity to our most cherished ideals as a nation is the foundation of our security. The torture and cruel treatment of prisoners



undermines our national security by increasing the risks to our troops, hindering cooperation with allies, alienating populations whose support the United States needs in the struggle against terrorism, and providing a propaganda tool for extremists who wish to do us harm. It would send a terrible signal to confirm as the next Director of the CIA someone who was so intimately involved in this dark chapter of our nation's history.

Given the serious allegations made against Ms. Haspel, we urge you to insist on full declassification, with appropriate redactions to protect sensitive national security information, of all information regarding her role in the rendition, detention, and interrogation program. If the record shows that Ms. Haspel played any role in carrying out, supervising, or directing any form of torture or detainee abuse, or the destruction of evidence relating to these activities, we urge you to reject her nomination.

Sincerely,

General John R. "Jack" Dailey, USMC (Ret.)

General Ronald H. Griffith, USA (Ret.)

General Walter Kross, USAF (Ret.)

General David M. Maddox, USA (Ret.)

General Hugh H. Shelton, USA (Ret.)

Vice Admiral Richard H. Carmona, USPHS (Ret.)

Lieutenant General Michael D. Dubie, USAF (Ret.)

Lieutenant General Robert G. Gard, Jr., USA (Ret.)

Vice Admiral Kevin P. Green, USN (Ret.)

Vice Admiral Lee F. Gunn, USN (Ret.)

Lieutenant General Arlen D. Jameson, USAF (Ret.)

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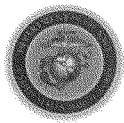
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March 23, 2018

The Honorable Mitch McConnell
Senate Majority Leader, US Senate

The Honorable Chuck Schumer
Senate Minority Leader, US Senate

The Honorable Richard Burr
Chairman, US Senate Select Committee on Intelligence

The Honorable Mark Warner
Vice Chairman, US Senate Select Committee on Intelligence

Re: Nomination of Gina Haspel to be CIA Director

Dear Majority Leader McConnell, Minority Leader Schumer, Chairman Burr,
and Vice Chairman Warner:

We write on behalf of Human Rights Watch to express our opposition to the
impending nomination of Gina Haspel to be Central Intelligence Agency
director.

President Donald Trump's decision to nominate as CIA director someone
closely involved in the torture of detainees under the CIA's Rendition,
Detention, and Interrogation (RDI) program,¹ and the destruction of related
evidence, demonstrates contempt for the prohibition against torture under
US and international law. It sends a message to the American people and
the world that acting without regard for rights protections and the rule of
law will be rewarded.

Much of Haspel's role in the RDI program is not publicly known because the
government has classified extensive information related to that program.
Information on her role should be declassified and released publicly prior to
her hearing so that both senators and the American public have a clear and
full understanding of her record. However, what is already known should
disqualify her from this critical cabinet-level position.

¹ Human Rights Watch, *No More Excuses: A Roadmap to Justice for CIA Torture*, December 2015,
<https://www.hrw.org/report/2015/12/01/no-more-excuses/roadmap-justice-cia-torture>.



HRW.org

Ran CIA "Black Site," Oversaw Torture

Haspel is credibly reported to have run a CIA "black site" in Thailand from late October 2002 until late December 2002 where at least two detainees, Abu Zubaydah, and Abd al-Rahim al-Nashiri, were held.²

Though Haspel appears to have physically arrived at the Thai site toward the end of Abu Zubaydah's most aggressive interrogation period, she would have known or should have learned that Abu Zubaydah had been subject to extensive torture and ill-treatment. This included being stripped naked, hit, slammed into walls, shackled into extremely painful stress positions, subjected to extreme cold, and waterboarded 83 times—on at least one occasion to the point of near death.³

Within weeks of her arrival, Haspel supervised the interrogation of al-Nashiri, a new detainee brought to the site. Interrogators used many of the same unlawful techniques used on Abu Zubaydah, including waterboarding.⁴

Role in Other Aspects of the RDI Program

By the end of December 2002, Haspel reportedly returned to the CIA Counterterrorism Center outside Washington as an operations officer.⁵ No public record exists of the role she played in the RDI program between then and the time that she became chief of staff to Jose Rodriguez, who headed the CIA's National Clandestine Service from 2004 or 2005 until 2007.⁶ But credible, public accounts suggest that during this time she played a leading, supervisory role.

In his book, former CIA General Counsel John Rizzo describes Haspel as having "run the [CIA] interrogation program."⁷ Glenn Carle, a former undercover CIA operative involved in

² Adam Goldman, "Gina Haspel, Trump's Choice for C.I.A., Played Role in Torture Program," *New York Times*, March 13, 2018, <https://www.nytimes.com/2018/03/13/us/politics/gina-haspel-cia-director-nominee-trump-torture-waterboarding.html?smid=tw-share> (accessed March 18, 2018).

³ Senate Select Committee on Intelligence, "Committee Study of the Central Intelligence Agency's Detention and Interrogation Program," Executive Summary, December 13, 2012, https://www.feinstein.senate.gov/public/_cache/files/7/c/7c85429a-ec38-4bb5-968f-289799bf6d0e/D87288C34A6D9FF736F9459ABCF83210.sscistudy1.pdf (accessed March 18, 2018)(hereinafter "Senate Summary"), pp. 31-47.

⁴ Senate Summary, p. 67.

⁵ Goldman, *New York Times*, March 13, 2018.

⁶ Jose Rodriguez, "A CIA veteran on what 'Zero Dark Thirty' gets wrong about the bin Laden Manhunt," *Washington Post*, January 3, 2013, https://www.washingtonpost.com/opinions/a-cia-veteran-on-what-zero-dark-thirty-gets-wrong-about-the-bin-laden-manhunt/2013/01/03/4a76f1b8-52cc-11e2-a613-ec8d394535c6_story.html?utm_term=.e33121c5e84a (accessed March 19, 2018).

⁷ John Rizzo, *A Company Man*, Scribner: New York 2014, p. 14.

interrogating a detainee in CIA custody described her as “one of the architects, designers, implementers and one of the top two managers of the [CIA interrogation program].”⁸

In addition to using so-called “enhanced interrogation techniques,” the CIA also held detainees in long-term incommunicado detention in unsanitary conditions, forced detainees to be naked or wear diapers, and deprived them of food, and fed at least five detainees through their rectums.⁹ The agency also unlawfully rendered numerous men to various countries, many of whom were then tortured by US partner forces.¹⁰

Haspel should publicly explain which aspects of the CIA program she was involved in during this time, if any, and her role. The CIA has admitted to a number of “management failures” during the time that she was in charge of the Thailand CIA “black site.”¹¹ This included a failure to discipline for detainee abuse. The agency also admitted to inflating the value of intelligence gathered from detainees to continue justifying the program.¹²

Destruction of Videotapes

In 2005 Haspel was involved in destroying 96 videotapes of some of the most violent images of CIA torture, mostly depicting the torture of Abu Zubaydah.¹³ During one waterboarding session likely recorded, a CIA cable describes Abu Zubaydah having become “completely unresponsive, with bubbles rising through his open, full mouth.”¹⁴

⁸ Natasha Bertrand, “A Controversial Record of Torture, but Maybe Not a Deal-Breaker for Democrats,” *The Atlantic*, March 13, 2018, <https://www.theatlantic.com/politics/archive/2018/03/democrats-may-look-past-a-cia-nominees-record-on-torture/555554/> (accessed March 19, 2018).

⁹ See generally, Senate Summary. See also: Human Rights Watch, *No More Excuses: A Roadmap to Justice for CIA Torture*.

¹⁰ See Human Rights Watch, *Delivered Into Enemy Hands: US-Led Renditions to Gaddafi's Libya*, September 5, 2012, <https://www.hrw.org/report/2012/09/05/delivered-enemy-hands/us-led-abuse-and-rendition-opponents-gaddafis-libya>; See also, Globalization of Torture Open Society Justice Initiative (OSJI), “Globalizing Torture: CIA Secret Detention and Extraordinary Rendition,” February 2013, <http://www.opensocietyfoundations.org/sites/default/files/globalizing-torture-20120205.pdf> (accessed March 20, 2018).

¹¹ See U.S. Central Intelligence Agency, “Comments on the Senate Select Committee on Intelligence's Study of the Central Intelligence Agency's Former Detention and Interrogation Program,” June 27, 2013, [https://www.cia.gov/library/reports/CIA June2013 Response to the SSCI Study on the Former Detention and Interrogation Program.pdf](https://www.cia.gov/library/reports/CIA%20June2013%20Response%20to%20the%20SSCI%20Study%20on%20the%20Former%20Detention%20and%20Interrogation%20Program.pdf) (accessed March 22, 2018).

¹² Ali Watkins, “CIA Strikes Back At Senate: Torture Program Was Poorly Run, But It Worked,” *The Huffington Post*, December 9, 2014, https://www.huffingtonpost.com/2014/12/09/cia-torture-program_n_6272220.html (accessed March 22, 2018).

¹³ The exact number of tapes destroyed varies by source. In his book, “A Company Man, former CIA General Counsel John Rizzo who has a first-hand account of the episode, says there were 100 hours of recordings on 96 tapes. See Rizzo, *A Company Man*, p. 7. Many media reports say 92 tapes were destroyed. See e.g., Adam Goldman and Matt Apuzzo, “Lawyers Left Off Memo to Destroy CIA Terror Tapes,” *Associated Press*, July 26, 2010, http://www.nbcnews.com/id/38416094/ns/us_news-security/t/lawyers-left-memo-destroy-cia-terror-tapes/#.WguUY6jwY2x (accessed March 20, 2018).

¹⁴ Annabelle Timsit, “What Happened at the Thailand 'Black Site' Run by Trump's CIA Pick,” *The Atlantic*, March 14, 2018, https://www.theatlantic.com/international/archive/2018/03/gina-haspel-black-site-torture-cia/555539/?utm_source=polity (accessed March 22, 2018).

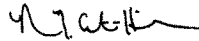
John McPhearson, a CIA lawyer who reviewed the tapes, said they showed Abu Zubaydah, “crying” and “gagging” and that they were “very unpleasant to look at.”¹⁵

In November 2005, Haspel drafted the order to destroy the tapes and Rodriguez signed it though Rizzo had instructed Rodriguez not to do so without his and further White House approval.¹⁶ According to Rizzo, Rodriguez and Haspel were “the staunchest advocates inside the [CIA] for destroying the tapes,”¹⁷ and Rodriguez said in his book that destroying the tapes was something that he and Haspel had been trying to do for a long time.¹⁸

Conclusion

The US Senate is charged with scrupulously examining the administration’s nominee for CIA director. Given her record, confirming Haspel would not only erode US respect for the prohibition on torture and other ill-treatment but would undermine US commitments to human rights at home and abroad. For these reasons, we urge you to oppose her nomination.

Sincerely,



Nicole Austin-Hillery
Executive Director, US Program
Human Rights Watch



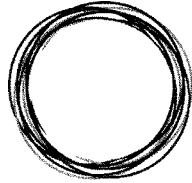
Sarah Margon
Washington Director
Human Rights Watch

¹⁵ Rizzo, *A Company Man*, p. 8.

¹⁶ *Ibid.*, pp. 16-17.

¹⁷ *Ibid.*, *A Company Man*, p. 14.

¹⁸ Jose Rodriguez, *Hard Measures: How Aggressive CIA Actions After 9/11 Saved American Lives*, Threshold Editions: New York, 2012, p. 193.



The
CENTER for
VICTIMS of
TORTURE

March 20, 2018

Dear Senator:

We write to urge you to oppose Gina Haspel's nomination to be director of the Central Intelligence Agency. Ms. Haspel played a significant, operational role in a program that tortured people. Elevating her to one of the highest and most powerful positions in government—especially when we have a President who has openly advocated for torture—would be a dangerous and damaging act.

Former CIA general counsel John Rizzo describes Ms. Haspel as having “previously run” the CIA’s “interrogation” program. This is a program in which men were stripped naked, diapered, and shackled to the ceiling; brutally beaten; waterboarded to the point of near-death; and stuffed for hours in boxes the size of small dog crates (among a host of other sadistic abuses). Mr. Rizzo has also said that Ms. Haspel was one of “the staunchest advocates inside the building” for destroying videotaped evidence of these torture sessions. Indeed, the centrality of her role in the tapes’ eventual destruction has not been disputed.

There is an ongoing public discussion about the more granular details of Ms. Haspel’s involvement in CIA torture because much of that information remains classified. Several senators have demanded the information’s public release, and we applaud them for it; too much about the United States’ use of torture has been secret for too long. But even to ask the kinds of questions on which such declassification will shed light—e.g., for which detainees’ vicious torture was Ms. Haspel in a position of responsibility on-site, versus off-site?—is to make clear that she does not deserve a *promotion* to a Cabinet-level position.

CVT has been providing care to torture survivors for more than 30 years. Every day, our clinicians sit across from people who have survived unspeakable brutality. We know all too well that torturers intimately dismantle their victims’ identity and humanity, intentionally breaking both their bodies and minds. That is precisely what the program Gina Haspel helped run (and then tried to cover up) did. Confirming her would not just sanction those atrocities, it would reward them.

Ms. Haspel’s supporters have said that she knows the CIA’s inner workings, is well regarded by her colleagues there, and is a skilled intelligence officer. That may all be true. But when making your confirmation decision, we hope you will agree that there can be no counterbalance to deep complicity in torture.

We urge you to reject Gina Haspel’s nomination for CIA director.

Sincerely,

Curt Goering
Executive Director

Scott Roehm
Director of the Washington Office



May 7, 2018

The Honorable Richard Burr, Chair
The Honorable Mark Warner, Vice Chair
U.S. Senate Select Committee on Intelligence

cc: All U.S. Senators

Dear Senator,

I write to you to ask you to oppose the nomination of Gina Haspel to be CIA Director. Her role in the CIA's torture program disqualifies her from leading the agency. The NCC is a founding member of the National Religious Campaign Against Torture and has long been on record in opposition to the use of torture.

Not only are we deeply troubled by Ms. Haspel involvement in the CIA's torture program, we are concerned with the lack of transparency displayed by the agency as evidenced by its unwillingness to share adequate information regarding Ms. Haspel's involvement in the destruction of CIA videotapes documenting the agency's use of torture.

What little we do know about Ms. Haspel's record excludes her, in our judgment, from being CIA Director. We know that Ms. Haspel supervised the torture of Abd al-Rahim al-Nashiri at the CIA black site in Thailand. While we don't know the full list of techniques used on Mr. al-Nashiri while she supervised his interrogation, we do know that he was waterboarded multiple times and likely faced other forms of torture. Before considering her nomination, the Senate Intelligence Committee should ensure that the full record of Ms. Haspel's role supervising torture is made public.

One declassified memo, written by Deputy CIA Director Michael Morrel, is purported to exonerate her for her role in the destruction of the tapes. The memo also suggests that the CIA's leadership "failed" Haspel and her then-boss Jose Rodriguez, because "beyond the Acting General Counsel discussing the issue with White House Counsel" (who told the agency not to destroy the tapes), "there is no record of any effort on the part of the Agency leadership to engage White House policymakers." This memo suggests that despite the CIA General Counsel, the White House Counsel, and at least one Member of Congress weighing in against destroying the tapes, Ms. Haspel and her boss Mr. Rodriguez were nevertheless right to do so.

According to the Morell memo, Mr. Rodriguez believed that destroying the tapes was justified. He said that "the publication of the tapes would damage the domestic and international standing of the CIA." He also stated that "the worldwide reaction to the leak of the photos of the actions of US military personnel at Iraq's Abu Ghraib prison" "cemented his view that the tapes represented a threat to his officers and the Agency."

By confirming Gina Haspel, someone who is known to the world as having supervised torture, to a Cabinet-level position, the U.S. Senate will do exactly what Mr. Rodriguez feared – it will damage the domestic and international standing of the CIA, the Senate, and indeed our country itself. Confirming Haspel will be widely understood as a message that the U.S. accepts torture and it will be used by tyrants and dictators to justify both torture and a legion of other human rights abuses.

The National Council of Churches has for years called for the whole record of torture in the post-9/11 period to be made fully known. Ms. Haspel's nomination signals a return to the darkest, most immoral policies our nation has supported. I pray that you and your colleagues will consider the deep cost of promoting someone who supervised torture to be CIA Director and will ultimately choose to oppose this nomination.

Sincerely,

A handwritten signature in black ink, appearing to read "James E. White". The signature is written in a cursive, flowing style with a large initial "J".

President and General Secretary
National Council of the Churches of Christ in the USA



NC Stop Torture Now
 P.O. Box 12707, Raleigh, NC 27605

May 7, 2018

Dear Chairman Burr and Ranking Member Warner,

Some 70 years ago, the U.S. acted for justice as a member of the Allied forces that tried and sentenced World War II criminals. How far we have come, in the wrong direction, to now be considering the confirmation of Gina Haspel, who by rights herself should be charged with war crimes, as Director of the CIA. As is well known, Haspel oversaw a CIA black site during the Bush-era torture program, and was instrumental in the destruction of videotapes that would have served as evidence of torture.


North Carolina Stop Torture Now is a statewide organization, working since 2005 for investigation of and accountability for the participation of NC airports in the CIA's rendition, detention, and interrogation (RDI) program begun soon after 9/11. Several airports, in particular that of Johnston County, which hosts the CIA front company Aero Contractors, Ltd., launched at least 80 flights to kidnap "suspects" – some detained due to mistaken identity or faulty intelligence – and deliver them to CIA black sites or to countries known to torture. These men were tortured in horrible ways, and still struggle with serious physical and psychological sequelae of their ordeals.

Gina Haspel is deeply implicated in these atrocities. For example, she was Chief of Base at the CIA's Thai black site while Abd Al-Rahim Al-Nashiri was kept naked and shackled there, threatened with sodomy and the arrest and rape of his family, and repeatedly waterboarded. In addition, Ms. Haspel and her boss at the time, Jose Rodriguez, were apparently the staunchest advocates for destroying the CIA's videotapes of those Thai torture sessions.

We will continue to provide public education on the illegality and ineffectiveness of torture, and on North Carolina's role, and will continue to urge local, state, and federal officials to seek accountability. We are deeply disturbed that Ms. Haspel's elevation to the directorship of the CIA would constitute an endorsement of torture. It would invalidate the suffering of countless survivors, not only of U.S. torture but of torture by other countries, which would perceive the U.S. as offering a green light for their own dehumanizing policies.

On behalf of North Carolina Stop Torture Now, we urge you to support full transparency on Ms. Haspel's role in the torture program, and to oppose her nomination to direct the CIA.

Sincerely,


 Joaft Walsh
 Durham, NC


 Christina Cowger
 Raleigh, NC



T'ruah: The Rabbinic Call for Human Rights
266 West 37th Street, Suite 803
New York, NY 10018

May 8, 2018

The Honorable Richard Burr, Chair
The Honorable Mark Warner, Vice Chair
U.S. Senate Select Committee on Intelligence

cc: All U.S. Senators

Dear Senator,

We write on behalf of close to 2,000 rabbis and cantors across the United States to urge you to oppose Gina Haspel's nomination for CIA Director. Given Ms. Haspel's role in the CIA's now-defunct torture program, a vote to confirm her is incompatible with any kind of meaningful commitment to the prohibition on torture and so-called "enhanced interrogation." Her oversight of a CIA black site is an extreme moral offense that overrides any other qualifications she might have to serve as the head of the CIA.

As Jews, we believe that every human being is created in God's image. This assertion applies to all people, friend or enemy. The shame and humiliation caused by torture degrade the divine spark inherent in each of us. Furthermore, the Torah commands not to inflict punishments that degrade the perpetrator. How much more so must dignity be respected in interrogations, where guilt has not been established and where torture neither effectively produces accurate intelligence nor keeps us safer.

But torture is more than just ineffective. It is also deeply immoral. Torture violates the very basic human dignity of the suspects, even if they turn out to be guilty. As the Talmud teaches, "When a human being suffers, what does God say? My head is too heavy for me, my arm is too heavy for me. Thus God suffers over the blood of the wicked, how much more so over the blood of the righteous." (Mishnah Sanhedrin 6:5)

The rabbis and cantors of T'ruah represent the moral voice of the Jewish community. In 2005, T'ruah was one of the first Jewish organization to condemn American use of torture in the ongoing War on Terror. We are founding members of the interfaith National Religious Campaign Against Torture.

We hope that the United States will never again return to the dark days of state-sponsored

torture. We must not appoint officials who fail to respect the power of international prohibitions against torture and the Geneva Conventions.

We urge you to support America's moral standing and reject the nomination of Gina Haspel as CIA Director.

Sincerely,

Rabbi Jill Jacobs
Executive Director, T'ruah

Rabbi Rachel Kahn-Troster
Deputy Director, T'ruah

Rabbi Michael Cohen
Manchester Center, VT

Rabbi Amy Eilberg
Los Altos, CA

Rabbi Zev-Hayyim Feyer
Pomona, CA

Rabbi Howie Schneider
Aptos, CA

Rabbi Suzanne Singer
Riverside, CA

Rabbi Manachem Creditor
Berkeley, CA

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Pleasanton, CA

Rabbi Samuel Broude
Oakland, CA

Rabbi Meredith Cahn
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Oakland, CA

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Foster City, CA

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Chicago, IL



Gina Haspel is the wrong choice to head the CIA

BY LAURA PITTER, OPINION CONTRIBUTOR — 03/25/18 06:00 AM EDT
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Much concern has been raised, for good reason, about President Trump's nomination of Gina Haspel to head the Central Intelligence Agency. Haspel allegedly was involved in reckless, illegal torture under the agency's "rendition, detention and interrogation" program.

Since records remain classified, the full extent of Haspel's involvement is not clear. The New York Times reports she ran the CIA's first "black site" in Thailand when one detainee, Abd al-Nashiri, was severely tortured there. She also appears to have played a key role in pressing for and ultimately destroying videotapes of the torture of another detainee, Abu Zubaydah, whose detention at the same site began before she arrived.

One section of a Senate Intelligence Committee summary of a much larger classified report describes the CIA's torture of Zubaydah to the point of near death: "In at least one waterboarding session, Abu Zubaydah 'became completely unresponsive, with bubbles rising through his open, full mouth.'" The CIA discussed what to do if Zubaydah died and how to make sure no one learned what the CIA did to him. "In light of the planned psychological pressure techniques to be implemented, we need to get reasonable assurances that [he] will remain in isolation and incommunicado for the remainder of his life," a CIA cable read.

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The CIA's apparent hopes that Abu Zubaydah's treatment would never see the light of day is one likely reason why Jose Rodriguez, head of the CIA clandestine service at the time, ordered 92 video tapes of CIA interrogations destroyed. Rodriguez claims this was done solely to keep CIA agents' identities confidential.

The government continues to keep classified many facts related to the CIA's torture program, making it difficult to attribute to specific officials responsibility for incidents of torture or oversight of it. But it is clear that Haspel held a senior role at the CIA, and at a "black site," during the height of the agency's torture program.

Glenn Carle, a former undercover CIA operative who was involved in interrogating a suspected al Qaeda detainee, described her as "one of the architects, designers, implementers and one of the top two managers of the [CIA interrogation program]." Former CIA general counsel John Rizzo, in his book, "A Company Man," describes Haspel as having "run the [CIA] interrogation program."

Rizzo also says in his book that Rodriguez and Haspel were "the staunchest advocates inside the [CIA] for destroying the tapes." Rodriguez, in his book, "Hard Measures," says that Haspel drafted the order, which Rodriguez signed even though Rizzo says he had told him not to do so without approval.

If this much is correct — that Haspel was heavily involved in running the torture program and destroying evidence of it — this is enough to disqualify her from heading the CIA. True, the Justice Department signed off on the program, and others in higher positions at the CIA made the decisions to carry it out. But the culpability of other senior officials doesn't absolve her of responsibility.

The torture program clearly was inhumane. Many CIA professionals are reported to have taken stands against it, reported their concerns, or refused to carry out orders. The "enhanced interrogation techniques" were just the tip of the iceberg. There also was long-term incommunicado detention in unsanitary conditions, unlawful rendition, forced nudity, food deprivation and diapering, among other things.

Haspel should not be confirmed to head the CIA even if she is "a consummate professional," as some CIA colleagues have described her, or "a good deputy director" this past year, as Sen. Dianne Feinstein (D-Calif.) said. It's fine to weigh these positives when considering someone for a position, but they cannot possibly outweigh the negatives associated with a record that includes running a program that was illegal under both U.S. and international law.

Failing to promote her to head the CIA would not be punishment, as some have claimed. Despite this huge black mark, she already has ascended to great heights within the agency.

Some U.S. senators such as Rand Paul (R-Ky.), Ron Wyden (D-Ore.) and Mark Heinrich (D-N.M.), have expressed their opposition to Haspel's nomination. Others, such as Feinstein, are reserving judgment but demanding more information be made public about Haspel's role in the program prior to her confirmation hearing.

The public has a right to know more about this dark chapter in U.S. history. Without declassification, senators cannot ask important questions about Haspel's record because her answers would be classified. Among these

questions: Was she responsible for "management failures" that the CIA itself has described? Were these failures related to detainee abuse, or conditions of detention? Did she discipline officers for their conduct? Did she raise concerns about aspects of the program? Did she play a role in inflating reports of the intelligence gained from the program, which the CIA also has acknowledged?

Other questions, such as whether she would ever use such techniques again and if she believes they were illegal, could be asked in a public setting. But even if Haspel disavows torture, it wouldn't come close to erasing concerns to a degree that would favor confirmation. Promoting someone who made such profound errors in judgment to the senior position in an important and powerful agency, at a time when the president has himself supported the use of torture, sends the message to other U.S. government officials — and to the world — that fundamental violations of the law will be rewarded and that impunity in the United States is the order of the day.

Laura Pitter is the senior national security counsel at Human Rights Watch.

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BY JOHN BOWDEN - 06/06/18 11:43 AM EDT

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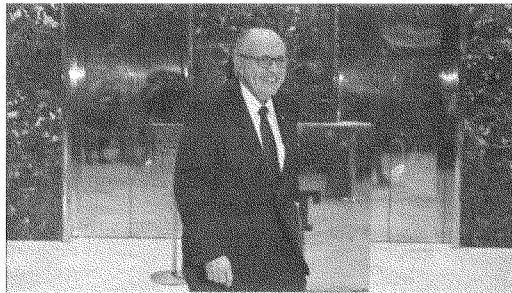
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STEVEN A. CASH
7707 MacArthur Boulevard
Cabin John, Maryland 20818

May 9, 2018

Chairman Mark Warner
United States Senate
Select Committee on Intelligence
211 Hart State Office Building
Washington, D.C. 20510

Senator Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Warner and Senator Feinstein:

I am writing to urge you to vote in favor of Deputy Director Gina Haspel's nomination as CIA Director. I do so despite what I consider the indisputable findings of the Committee's report on enhanced interrogation, and my firm opposition to the use of torture as an instrument of intelligence gathering.

I believe it is critical that we do not expect, or even permit, our intelligence officers to substitute their judgment for our elected officials. Ms. Haspel, and others like her, must see themselves as following the direction of our elected officials, rather than substituting their judgment for those of our elected leaders.

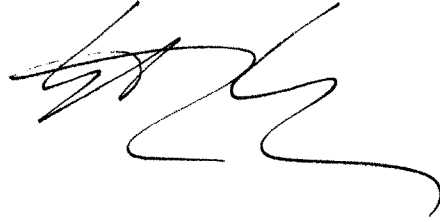
I realize that this view, on its surface, evokes the specter of Nazi Germany and the so-called Nuremberg defense. But such comparisons are misplaced. We are not Nazi Germany. We live in a functioning democracy, and there is a fundamental difference between following Hitler's orders and following the direction of a U.S. President and the Congress. Ironically, the idea that CIA officers should disobey directions which on their face are lawful, presents the danger of slipping into a system where the security services take on the role of a "check" on elected officials. That is a role that has no place in our system.¹

Whether, and if so, under what circumstances, we should use "enhanced interrogation" (or, as I believe better described, "torture,") is a hard question, to be answered by the American people through their elected officials, not by CIA officers. I believe that rejecting Ms. Haspel because she did not substitute her judgment for that of those officials would endanger perhaps

¹ I have attached a short essay on this subject (which has been approved for publication by the CIA Publication Review Board and the SSC) for your review; it has not yet been accepted for publication as an Op-Ed.

the most successful aspect of our intelligence apparatus: that it works well within our democracy.

I hope you will consider these issues as you make this most consequential decision.

A handwritten signature in black ink, consisting of several fluid, connected strokes. The signature is positioned to the right of the text above it.

Gina Haspel should be confirmed

Gina Haspel's nomination to be the next Director of Central Intelligence is being considered by the U.S. Senate. The first woman, and the first career intelligence professional since Director Casey to lead the CIA, Ms. Haspel promises to be an excellent, apolitical and talented leader. She should be confirmed.

But concerns have been raised that, because of allegations of her involvement in so-called "enhanced interrogation," she should be rejected. These concerns are misplaced. Whether you believe that "enhanced interrogation" was legal or immoral, necessary or counterproductive, it is critical that we do not look to the CIA or its professional officers to make these judgments for us. Why is this so important? A bit of historical context is necessary.

In the aftermath of the Second World War, the allied victors prosecuted Nazi officials for an array of horrific crimes. The trials, held at Nuremberg, advanced in the face of a defense asserted by some of the Nazis that they were "just following orders," an argument that came to be named for the city in which the trials were held. That defense failed, and the "Nuremberg defense" has come, in different contexts, to stand for a general sense of outraged rejection of the idea that simply following orders can excuse shockingly wrongful conduct.

The visceral rejection of the Nuremberg Defense is so ingrained in our politics and culture that it is difficult to even discuss it as legitimate in any context. This wholesale disavowal of the defense in our public discourse should be reexamined and reaffirmed.

Why now? Because in its original and unexamined form, it is being applied to our examination (and self-examination) of so-called "enhanced interrogation," or torture, as practiced by the CIA in the years following the September 11, 2001 attacks. This issue was high-profile after release of the thorough and meticulous report of the Senate Select Committee on Intelligence on Enhanced Interrogation; it has reemerged in the context of Ms. Haspel's nomination as the next Director of the Central Intelligence Agency.

Ms. Haspel is a career intelligence officer who is well respected throughout the Agency. According to press reports, she was involved in "enhanced interrogation." It remains to be seen whether any of these allegations are true. But, even if true, they should not be disqualifying and should not be compared to the horrific crimes during World War II.

First, the easy, and frequent, comparison of the CIA's actions with that of Hitler and the Nazis is inappropriate. It diminishes the evil of the Nazi regime, and by inviting easy analogy, warps our assessment of our own actions. There simply is no appropriate comparison between the two sets of events.

Second, we should abandon the dramatic rhetoric that has surrounded the issue of enhanced interrogation since it was first discussed (largely out of the public view), and in the ensuing public discussion. It is foolish for those who defended what the Bush Administration called "enhanced interrogations" to characterize opposition or criticism as "soft on terrorism," or

treasonous. It is equally foolish for those who believe that enhanced interrogation is a misleading euphemism for torture to equate these polices with that of Nazi Germany.

Third, we need to add into the debate a reevaluation of the Nuremberg Defense, and, as difficult as it is to articulate, accept it as legitimate within bounds – a defense of the Defense. Why is this important? Because some type of Nuremberg Defense is, counterintuitively, essential to our democracy. How can this be so?

In any government system such as our representative democracy, the fundamental concept that elected representatives make policy choices, while government employees defer to the democratic decisions, is critical. This is particularly so in the areas of the military and intelligence services. It has long been well understood that civilian control of the military is necessary to the continued existence of American democracy. The army has the guns and trained personnel who can, if they wish, overturn almost any action of the elected representatives they do not like – it is their deeply engrained forbearance that saves us from the military controlling our government. This same logic applies to our intelligence services, particularly the CIA.

The CIA, by necessity (and as directed in law and executive order), has the capability to act in secret with less oversight and less constraint than almost any other government entity. Despite the softening of its image in recent times, through both popular culture and its own efforts (take a look at the friendly CIA website), it still has its primary mission: two functions that are at odds with the norms of our society. It conducts espionage (“stealing secrets”) and covert action (secretly effecting the course of history). Both of these functions must be conducted in secret.

These necessary characteristics of an entity such as the CIA make it inevitably dangerous to our democracy. It is one of the more difficult and laudable capabilities of our government that we have, with great, but imperfect, success, managed to balance this tension. It has been tested over time and while there have been failures; those failures have been largely addressed and remedied over the years. It is a tension that will never fully be resolved.

The existence of the Senate Select Committee on Intelligence (and its House of Representatives equivalent, the House Permanent Committee on Intelligence), along with Executive Branch oversight mechanisms too numerous to list, as well as vigorous press (armed with First Amendment protections) have provided the framework for this imperfect success. But one major element rarely discussed is the adoption and acceptance of a variation on the Nuremberg Defense. CIA officers, at the highest and lowest levels, have nearly uniformly accepted the idea that they are subordinate to the directions of elected officials – most importantly, the President, but also the Congress; and they are bound by the Constitution and Law. This acceptance, at the field level, is the product of ideology (we live in a democracy and “following the orders” of elected officials is, in part, what distinguishes the CIA from its historical adversaries, such as the KGB); this ideological acceptance is buttressed by the practical aspects of working in a secret, and compartmented, profession – field level officers accept orders not only because they should, but because they recognize that they usually do not have enough information to assess whether these orders are “good” or “bad.”

The fundamental point is that this limited acceptance of the Nuremberg principal is critical to our ability to have the CIA and democracy at the same time. CIA officials, and most importantly, field officers, should consider rejecting orders as extraordinary and nearly impossible to even consider. The CIA, at no level, should function as a type of court of review for the determinations of elected officials, nor should it hold a veto on those decisions.

Intelligence agencies such as the CIA are a necessary but dangerous tool for our democracy. These agencies should be led by intelligence professionals who will follow the direction and guidance of our democratically elected leaders and not substitute their views and preferred policies. They can persuade, argue, complain and even resign in protest. But they cannot serve as our conscience. Ms. Haspel should be confirmed.

DRAFT

May 7, 2018

The Honorable Richard Burr
U.S. Senator
217 Russell Senate Office Building
Washington, DC 20510

The Honorable Mark Warner
U.S. Senator
703 Hart Senate Office Building
Washington, DC 20510

CC: All Members of the U.S. Senate

RE: Torture and the Nomination of Gina Haspel to be CIA Director

Dear Senator:

As national Catholic advocacy organizations, we write to ask you to oppose the nomination of Gina Haspel to be CIA Director. While we recognize that Ms. Haspel is an experienced career CIA employee; her role overseeing torture in the CIA's black site in Thailand raises serious questions and using basic moral standards for human dignity disqualifies her from leading the agency.

Most of Ms. Haspel's career is classified, leaving the public with little on which to evaluate her nomination. Public reports, though, which have not been disputed by the CIA, indicate that she supervised the CIA black site in Thailand while Abd al-Rahim al-Nashiri was tortured through a variety of techniques – including waterboarding. CIA records indicate that agency interrogators at that site were at times at “the point of tears and choking up” and “likely to elect transfer away from the site.” There is no indication, however, that Ms. Haspel attempted to stop the use of torture at the site – indeed she may have been transferred there to tamp down on concerns the interrogators at the site had over the legality of the techniques being used.

Confirming someone who actively supervised torture to be CIA Director would send a very unhealthy, unethical, and anti-rule of law message to the world. Our friends and allies would question our opposition to torture, and tyrants and dictators would once again point to us to justify their own use of torture. Those at the CIA, the FBI, and in our military who objected to torture would be betrayed as they watched someone who was responsible for torture elevated above them. American Catholic pastoral and humanitarian aid workers would be distrusted and endangered. It would also be understood as a message of support for torture by our President – who has repeatedly stated his personal interest in restarting the torture program.

Ms. Haspel's undisputed role supervising torture should be reason enough for Senators to vote against her nomination. Additionally, though, the CIA's decision to selectively declassify no more than a handful of pages from her more than three decade career makes it impossible for the American people to fairly evaluate someone who has been nominated for a Cabinet-level

position. A CIA spokesperson recently told the NYTimes that the agency “is being more robust than normal in supporting this nomination.” In essence, that means that the agency Ms. Haspel now effectively heads, and which has admitted to supporting her nomination, has used its authority to prevent the release of almost any information about her role in the torture program, let alone the rest of her career. Keeping this information from the American people is an inappropriate and undemocratic use of classification authority.

We ask our Senators to demand that the full record of Ms. Haspel’s involvement in torture be made public prior to the consideration of her nomination. Further, we pray that you will see her role supervising torture as disqualifying and vote against this nomination.

Sincerely,

Conference of Major Superiors of Men
Franciscan Action Network
Maryknoll Office of Global Concerns
National Advocacy Center of the Sisters of the Good Shepherd
NETWORK Lobby for Catholic Social Justice
Sisters of Mercy of the Americas Institute Justice Team
Society of the Sacred Heart, USC Province
Pax Christi USA

**Statement from September 11th Families for Peaceful Tomorrows
Concerning the Nomination of Gina Haspel as Director of the CIA**

Torture is immoral and illegal. No one who played an operational role in torture, oversaw a "black site" where torture was committed, or destroyed evidence of torture rather than promote transparency and accountability should hold the office of Director of the CIA. That is why September 11th Families for Peaceful Tomorrows opposes Gina Haspel, President Trump's nominee for CIA Director, and urges all U.S. Senators to vote NO.

As 9-11 family members, we know all too well the cost our nation now pays for having violated our prohibition against torture. It is the central reason that there has not been, and may never be, justice for the victims of the 9-11 terrorist attacks, their families, and America's citizens.

After six years of Military Commission hearings at Guantanamo Bay, there is still no trial date for the five men alleged to have planned the 9-11 attacks. Why? Because these five defendants were tortured. Details of cruel and degrading treatment at CIA black sites remain classified for reasons of national security, which has led to years of legal arguments. There is now serious question as to whether evidence gathered in later interrogations by FBI "clean teams" will be admissible in court. The 9-11 hearings could be on a collision course for a mistrial, an outcome no one wants.

There were good reasons the U.S. ratified the 1984 Convention against Torture and encouraged other nations to do so. By universally condemning cruel, inhuman or degrading treatment, we ensure that our military personnel and citizens do not suffer torture.

We must ask, if the practices that Gina Haspel allegedly supported and protected were carried out on an American soldier, would they be described as torture? Further, we know torture does not work. Declassified portions of the Senate 'Torture Report' show that interrogations conducted without torture produced actionable information, while torture often led victims to fabricate information or to tell the interrogators what they wanted to hear.

Gina Haspel is alleged to have had an operational role in the torture of one al-Qaeda suspect, Abd al-Rahim al-Nashiri, while at a CIA black site. Such practices have caused irreparable harm to our international standing and to the integrity of the Rule of Law in our nation.

It is time to once and for all put this tragic and immoral chapter of our national history to rest. All U.S. elected officials, indeed all American citizens, need to answer for the torture carried out in our name. Gina Haspel must answer today as well. Ms. Haspel's role in government gave her the opportunity to project a beacon of American jurisprudence. She chose a shadowy path instead, one that must not lead to the position of Director of the CIA.

March 16, 2018

Dear Senator,

We write to express our grave concerns regarding the nomination of Gina Haspel for Director of the Central Intelligence Agency (CIA), and to ask that you not advance her nomination until all of the records on her past involvement in the CIA torture program are declassified and released to the public. Senators should be concerned not only by Ms. Haspel's reported role overseeing the torture of detainees at a secret CIA detention site in Thailand, but also by her participation in a deliberate attempt to avoid accountability by destroying video evidence of CIA torture.

Ms. Haspel joined the CIA in 1985, and has held several leadership roles in the agency's clandestine operations. She was named Deputy Director of the CIA in 2017, despite the objections of senators who urged President Trump to reconsider her nomination in light of her past connection to torture.¹ Amid similar controversy in 2013, Haspel was denied a promotion to lead the CIA's National Clandestine Service.²

We have strong concerns about Ms. Haspel's reported role overseeing the torture of detainees at a clandestine detention site in Thailand, and her subsequent role in the destruction of evidence of those torture crimes. Detainees at the Thailand "black site" were waterboarded, slammed against walls, subjected to enforced sleeplessness, and confined to coffin-shaped boxes, among other criminal practices.³ Ms. Haspel reportedly was in a supervisory position over the Thailand "black site" during this period—including an on-site leadership role when at least one detainee was brutally tortured—and knew about, reported on, and was otherwise involved in other cases of torture and detainee abuse.⁴ But the full extent of her involvement is impossible to confirm because the CIA continues to insist that information about the full extent of her role remain classified. Executive Order 13526 prohibits the classification of records to "conceal violations of law, inefficiency, or administrative error" or "prevent embarrassment to a person, organization, or agency," so there is no reason for the torture program, or

¹ See: "Wyden, Heinrich Express Concern on Selection of Gina Haspel to be Deputy Director of the CIA," February 2, 2017, *available at*:

<https://www.wyden.senate.gov/news/press-releases/wyden-heinrich-express-concern-on-selection-of-gina-haspel-to-be-deputy-director-of-the-cia>

² Greg Miller, "CIA selects new head of clandestine service, passing over female officer," Washington Post, May 7, 2013, *available at*:

https://www.washingtonpost.com/world/national-security/cia-selects-new-head-of-clandestine-service-passing-over-female-officer-tied-to-interrogation-program/2013/05/07/c43e5f94-b727-11e2-92f3-f291801936b8_story.htm

³ Senate Select Committee on Intelligence, "Committee Study of the Central Intelligence Agency's Detention and Interrogation Program," Executive Summary, December 13, 2012, *available at*:

https://www.feinstein.senate.gov/public/_cache/files/7/c/7c85429a-ec38-4bb5-968f-289799bf6d0e/D87288C34A6D9FF736F9459ABCF83210.sscistudy1.pdf

⁴ Adam Goldman, "Gina Haspel, Trump's Choice for C.I.A., Played Role in Torture Program," New York Times, March 13, 2018, *available at*:

<https://www.nytimes.com/2018/03/13/us/politics/gina-haspel-cia-director-nominee-trump-torture-waterboardin.html?smid=tw-share>

Ms. Haspel's role in it, to remain classified. Senators and the American people must be able to read these documents in assessing her nomination to be CIA Director.⁵

In addition to her role overseeing the use of torture, Ms. Haspel's participation in the destruction of videotapes of the torture program, over objections of White House counsel and CIA General Counsel among others, is alarming. In November 2005, amid increasing public outrage over revelations of torture at the Guantanamo Bay, Cuba detention facility, the CIA destroyed 92 videotapes of interrogations at clandestine facilities elsewhere.⁶ While the CIA maintains that the decision to destroy the tapes was made by then-Director of the National Clandestine Service Jose Rodriguez, Rodriguez says in his 2013 book that Haspel drafted the order herself.⁷ Former CIA Acting General Counsel John Rizzo says Haspel and Rodriguez were the "staunchest advocates inside the building for destroying the tapes."⁸

Destruction of the tapes appears to constitute a concerted effort to escape embarrassment and legal consequences. In 2004, in a Freedom of Information Act suit filed by the ACLU, a judge had ordered the government to preserve all records related to abuse of detainees overseas, which clearly applied to the videotapes.⁹ The incident was also a clear violation of the Federal Records Act, and indicates that Ms. Haspel does not believe she has an obligation to follow the law or a court order.¹⁰ The destruction of the videotapes even prompted then-Attorney General Michael Mukasey to appoint a prosecutor to investigate the destruction.

The Senate's constitutional obligation to "advise and consent" on any nomination requires that it have full access to relevant information on the nominees before it. In Ms. Haspel's case, the precise details of her role in the torture program remain classified. All senators should demand that those records be declassified and made public—before her nomination moves any further—so that they can actually discuss Ms. Haspel's deeply disturbing background in open session, and so that the public can glean a more detailed picture of her role in one of the darkest chapters in U.S. history.

Ms. Haspel was a central figure in the torture program and the destruction of evidence of torture. Based on already available records and public reporting, it is clear by her wrongdoing that she demonstrated disregard for the rule of law and fundamental human rights.

Sincerely,

American-Arab Anti-Discrimination Committee
American Civil Liberties Union
Arab American Institute

⁵ See: "Heinrich, Wyden Urge CIA to Declassify Information About Deputy Director Haspel's Background," February 23, 2017, *available at*: <https://www.heinrich.senate.gov/press-releases/heinrich-wyden-urge-cia-to-declassify-information-about-deputy-director-haspels-background>

⁶ Mark Mazetti, "U.S. Says C.I.A. Destroyed 92 Tapes of Interrogations," *New York Times*, March 2, 2009, *available at*: <http://www.nytimes.com/2009/03/03/washington/03web-intel.html>

⁷ Jose A. Rodriguez Jr., *Hard Measures: How Aggressive CIA Actions After 9/11 Saved American Lives*, Threshold Editions, 2013, pg. 193.

⁸ John Rizzo, *Company Man: 30 Years of Controversy and Crisis in the CIA*, Scribner, 2014, pg. 14.

⁹ See: *ACLU v. Department of Defense*, *available at*: <https://www.aclu.org/cases/aclu-v-department-defense>

¹⁰ Federal Records Act, 44 U.S.C. Chapter 31.

Brennan Center for Justice
Campaign for Liberty
Center for Constitutional Rights
Center for Victims of Torture
Citizens for Responsibility and Ethics in Washington
Defending Rights & Dissent
Demand Progress Action
Free Press
Government Accountability Project
Government Information Watch
Herd on the Hill
Human Rights First
Human Rights Watch
Indivisible
National Religious Campaign Against Torture
National Security Archive
No More Guantanamos
North Carolina Stop Torture Now
Open the Government
PEN America
Physicians for Human Rights
Project On Government Oversight
Reprieve
Restore The Fourth
Sunlight Foundation
Win Without War