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PRESS RELEASE

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Veterans for Common Sense Opposes Torture, Haspel Nomination

(Washington – May 8, 2018) – Veterans for Common Sense, a national veterans organization, today released the following letter opposing torture and the nomination to serve as Director of the Central Intelligence Agency of Gina Haspel:

May 8, 2018

Senator Richard Burr, Chairman
United States Senate
Select Committee on Intelligence
211 Hart Senate Office Building
Washington, DC 20510

Senator Dianne Feinstein, Ranking Member
United States Senate
Select Committee on Intelligence
211 Hart Senate Office Building
Washington, DC 20510

VIA FACSIMILE: (202) 224-1772

SUBJECT: Opposition to Torture and the Nomination of Gina Haspel to be the Director of the Central Intelligence Agency

Dear Senator Burr, Senator Feinstein, and Members of the Committee,

Veterans for Common Sense (VCS) is in support of a well-qualified, long-term careerist, and first-ever woman being confirmed as the Director of the Central Intelligence Agency (CIA). However, it is our position that this nominee, Gina Haspel, is disqualified from serving as Director of the CIA due to her recent past actions.

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To be eminently clear, VCS has since its inception repeatedly demonstrated forceful support for the rule of law and equally forceful opposition to the use of torture. Consistent with that history, we are strongly opposed to the U.S. Senate confirming the nomination of Gina Haspel to be the Director of the Central Intelligence Agency on the basis of her demonstrated record of helping to lead illegal torture, helping to lead the destruction of evidence of it, and failing to uphold the rule of law.

On VCS:

VCS was formed in 2002 and incorporated in 2003 by U.S. war veterans with deep concerns in the spirit of U.S. Revolutionary War patriot Thomas Paine regarding U.S. national defense, international relations, and veterans' affairs. Beginning shortly after our organizational inception, VCS has helped expose the actuality, extent, and impact of U.S. torture in Iraq and Afghanistan.

In 2003, VCS joined the American Civil Liberties Union and several other organizations in a Freedom of Information Act (FOIA) lawsuit seeking the release of documents related to the U.S. use of torture. Ultimately, as reported at the time by the Associated Press, the records released under the FOIA included 42 autopsy reports of detainees who died while in the custody of the U.S. military or another U.S. government agency. The autopsy reports described in detail the preponderance of evidence of extensive, brutal torture. The reports classified 21 of the deaths as homicides and the majority of the remainder as deaths from heart attack – evidently as the result of torture.

In 2004, VCS was one of the first veterans' organizations to call for an investigation of U.S. torture and to call for holding accountable all those responsible including those who had command responsibility. VCS co-lead a multi-organizational campaign to "Honor the Legacy" of WWII veterans, including the achievement of the Geneva Conventions developed following the investigation and prosecution of WWII war crimes. The campaign also rallied support for efforts by U.S. Senators John McCain and Patrick Leahy and others in Congress to investigate U.S. involvement in torture. Ultimately, over 50,000 people signed the Honor the Legacy petition, with considerable support from military retirees.

We remain firm that we as a nation must honor our commitment to the Geneva Conventions of 1949 and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) signed and/or ratified by the U.S. We also remain firm that torture of any detainee, regardless of whether or not he or she is a member of a nation-state's military, is illegal under U.S. and international law – including these Conventions to which the U.S. is a party – and that waterboarding constitutes torture.

On the use of torture:

1) The use of torture is counter-effective. Intelligence and interrogation specialists consistently underscore the facts that torture is ineffective, is counterproductive, and other interrogation methods that do not involve torture are in fact effective. As noted in the U.S. Department of Defense's 2015 Law of War Manual: "the law of war's prohibitions on torture and unnecessary destruction are consistent with the practical insight that such actions ultimately frustrate rather than accomplish the mission." Your own committee's 2014 report on the CIA's detention and interrogation programs found that waterboarding

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and other torture not only didn't work in eliciting actionable intelligence or foiling terrorist plots but led to fabricated information. War veterans know better than many that failure to heed past lessons learned can be expected to worsen the situation on the ground, potentially for years to come.

2) An important theme in the military's 2006 counterinsurgency operations manual was that "...using force precisely and discriminately strengthens *the rule of law that needs to be established.*" [emphasis added]. By contrast, **the use of torture circumvents and undermines the rule of law, becomes fodder for enemy and insurgent propaganda, and undermines long-term victory.**

3) The U.S. use of torture **encourages others to torture and puts Americans at greater risk of torture when captured**, including U.S. military personnel, other U.S. government personnel, and U.S. civilians. Furthermore, the use of torture increases the risk of mental health conditions, including to post-traumatic stress disorder (PTSD) and moral injury, in the U.S. military or other government personnel conducting, involved in, and witnessing torture.

4) The use of torture by the U.S. diminishes the world's view of the U.S. and jeopardizes U.S. operational capabilities. According to a December 20, 2011 CIA disciplinary review memo involving Haspel and her superior officer, the "publication of the tapes [showing detainee interrogations and torture] would damage the domestic and international standing of the CIA, perhaps significantly degrading our operational capabilities. ... the worldwide reaction to the leak of photos of the actions of US military personnel at Iraq's Abu Ghuraib [sic] prison in April 2004 cemented his view that the tapes represented a threat to his officers and the Agency." Furthermore, torturing these detainees almost certainly destroyed any possibility of lawfully convicting them in a court based on the rule of law.

5) Most importantly, the use of torture is contrary to both U.S. and international law and is a war crime. The U.S. led the way in establishing definitive anti-torture international law, to the extent of carrying out the execution of war criminals convicted during the Nuremberg trials. The U.S. also established precedent in prosecuting Japanese military personnel for a form of waterboarding. It remains our deep concern that U.S. personnel were not held accountable for their actions in the torture of detainees from operations in Iraq, Afghanistan, and beyond. Again, waterboarding is torture; indeed, after World War II, the U.S. prosecuted Japanese military personnel as war criminals for waterboarding U.S. prisoners of war, thereby setting a clear legal precedent that waterboarding is an illegal and punishable form of torture.

On the nomination of Gina Haspel:

In publicly released documentation, this nominee has been shown to not only condone the use of torture, but to have been directly involved in the use of torture by U.S. government personnel.

Furthermore, the 2011 CIA memo noted above documented her personal involvement in destroying evidence, including her role in the issuance of orders to destroy tapes of detainee interrogations, which included the use of torture. That memo also describes an egregious failure to notify Congress of the tapes' destruction.

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Finally, despite U.S. and international law prohibiting the use of torture and despite the firmly established precedents of U.S. prosecution of the use of torture as war crimes, it is clear from Ms. Haspel's recent past support for the use of torture that she will not put the rule of law first and will not challenge illegal orders. As the 2011 CIA memo noted, there is no "good soldier" defense in the case of an act that violates the law.

We call on you and all members of the United State Senate to firmly oppose this nomination and to send a clear message to past, current, and future Administrations that the use of torture by the U.S. will not and must not be accepted, permitted, or condoned.

Sincerely,

VETERANS FOR COMMON SENSE

Anthony Hardie,
National Board Chair & Director

Cc:

Senator John McCain
Senator Patrick Leahy
Senator Rand Paul

*- **Veterans for Common Sense (VCS)** was founded in 2002 by U.S. war veterans and with roots in the pragmatic ideals of Thomas Paine. VCS works to raise the voices of veterans for the betterment of current and former military service members and the nation they protect.*

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