

**MILITARY COMMISSIONS TRIAL JUDICIARY
GUANTANAMO BAY, CUBA**

UNITED STATES OF AMERICA

v.

KHALID SHAIKH MOHAMMAD, WALID
MUHAMMAD SALIH MUBARAK BIN
'ATTASH, RAMZI BIN AL SHIBH, ALI
ABDUL-AZIZ ALI, MUSTAFA AHMED
ADAM AL HAWSAWI

AE 579 (KSM¹)

**Motion To Dismiss All Charges For
Unlawful Influence by Director of Central
Intelligence Agency**

14 June 2018

1. Timeliness

This motion is timely filed.

2. Relief Sought

Mr. Mohammad requests that the commission dismiss all charges and specifications with prejudice or remove death as a possible penalty based on actual and apparent unlawful influence.

3. Overview

The Military Commissions Act of 2009 (MCA) prohibits “any person” from unlawfully influencing or coercing the action of a military commission, the convening authority and the exercise of professional judgment by trial counsel or defense counsel. *See* 10 U.S.C. §949b(a)(2). Ms. Gina Haspel, during a public Senate Select Committee on Intelligence (“SSCI”) hearing on 9 May 2018 to consider her nomination as CIA director, made numerous comments concerning the guilt of Mr. Mohammad and other acts she asserts he committed. That

¹ Mr. Mohammad objects to the use of his initials (“KSM”) in the title of the present pleading, because these initials have been used by the government to refer to Mr. Mohammad in an extensive dehumanization campaign. The initials are used in the present pleading without waiving the stated objection, in compliance with AE 470 TRIAL CONDUCT ORDER, Appellate Exhibit Designations, 9 December 2016.

same day, President Donald Trump tweeted that Ms. Haspel did a “spectacular job” at the public hearing. Prior to the hearing, President Trump had tweeted several comments arguing that the only reason any senators opposed Ms. Haspel’s nomination as CIA director was because she was “tough on terror.” On 17 May 2018, Ms. Haspel was confirmed as the new director of the CIA, making her an original classification authority for the organization. Ms. Haspel’s inflammatory comments about Mr. Mohammad at a highly visible and public SSCI hearing amount to unlawful influence of this Commission and its members. This is especially true since her positions were adopted by President Trump with his subsequent tweet concerning her performance. Even if this Commission finds that Ms. Haspel’s and President Trump’s comments do not amount to actual unlawful influence, they amount to apparent unlawful influence because a reasonable observer would have doubts about the fairness of the proceedings, given Ms. Haspel’s obvious belief in Mr. Mohammad’s guilt, her presumed access to otherwise undisclosed evidence, and her position as the original classification authority over evidence to be provided to the defense. The appropriate remedy is dismissal of all charges and specifications with prejudice, or the removal of death as a possible punishment.

4. Burden of Proof

As the moving party, the defense has the burden of persuasion—by a preponderance of the evidence—to show “some evidence” of unlawful influence. *United States v. Ayala*, 43 M.J. 296, 300 (C.A.A.F.1995). Should the defense do so, the burden then shifts to the government to show—beyond a reasonable doubt—that unlawful influence does not exist. *United States v. Biagase*, 50 M.J. 143, 150 (C.A.A.F. 1999).

5. Facts

- a. On 13 March 2018, President Trump tweeted his intention to nominate Ms. Gina Haspel for CIA Director. *See* Attachment B.
- b. On 7 May 2018, President Trump tweeted “My highly respected nominee for CIA Director, Gina Haspel, has come under fire because she was too tough on Terrorists. Think of that, in these very dangerous times, we have the most qualified person, a woman, who Democrats want OUT because she is too tough on terror. Win Gina!” *See* Attachment C.
- c. On 8 May 2018, President Trump tweeted “Gina Haspel, my highly respected nominee to lead the CIA, is being praised for the fact that she has been, and always [sic] will be, TOUGH ON TERROR! This is a woman who has been a leader wherever she has gone. The CIA wants her to lead them into America’s bright and glorious future!” *See* Attachment D.
- d. On 9 May 2018, Ms. Haspel was questioned by members of the SSCI at a public hearing as part of the confirmation process. During the hearing, Ms. Haspel said the following:

Khalid Sheik Mohammad was the architect and mastermind of the 9/11 attacks. His nephew, Ramzi Yousef was behind the '93 attack on the world trade center and Khalid Sheik Mohammad financed that operation. He was also 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.

See Attachment E, Transcript at p. 35.

- e. On 9 May 2018, after her testimony, President Trump tweeted “Gina Haspel did a spectacular job today. There is nobody even close to run the CIA!” *See* Attachment F.
- f. After confirmation by the Senate, Ms. Haspel was sworn in as CIA director on 21 May 2018. Attachment G.

g. As CIA director, Ms. Haspel is an original classification authority for the CIA and responsible for classification decisions concerning Military Commissions. See Attachment H at p. 60.

6. Law and Argument

As this Military Commission has held, unlawful influence “goes to the very heart of the trial process.”² It is “the mortal enemy of military justice.” *United States v. Ashby*, 68 M.J. 108, 128 (C.A.A.F. 2009)³. Unlawful influence deprives the accused of constitutional rights. *United States v. Thomas*, 22 M.J. 388, 393 (C.M.A. 1986). It does so by depriving the defense of the opportunity to present favorable evidence, by adversely affecting an accused’s right to counsel, or by depriving the accused of his or her right to a truly impartial proceeding. *Id.* Due to the realities of the structured military society, unlawful influence is a looming concern for its potential to corrupt the truth-seeking function of the trial process. *Id.* Even the *appearance* of unlawful influence can be as devastating to the military justice system as the actual manipulation of a specific proceeding. *Ashby*, 68 M.J. at 128. Accordingly, “judicial authorities must take the necessary steps to preserve both the actual and apparent fairness of the criminal proceeding”. *United States v. Lewis*, 63 M.J. 405, 407 (C.A.A.F. 2006).

² AE 343C, RULING, Defense Motion to Dismiss For Unlawful Influence on Trial Judiciary, 25 February 2015, at 2.

³ “The Military Commission Act (MCA) prohibits Unlawful Influence. The Act prohibits such influence regardless of source and provides greater protection than the Uniform Code of Military Justice (UCMJ) prohibition of Unlawful Command Influence (UCI). Although the MCA provision is more expansive than the UCMJ, extensive UCI litigation in military courts provides a useful framework in analyzing the issue.” AE 343C at 4 (citations and paragraph headings omitted). *See also* AE 031BBB, ORDER, Joint Defense Motion to Dismiss For Unlawful Influence, 5 April 2016 at 11.

Important to the analysis of unlawful influence in this military commission is the recognition that even statements made by civilian leadership can unlawfully taint the course of military justice. *See United States v. Hutchins*, NMCCA 200800393, 2012 WL 933067 (N-M. Ct. Crim. App. Mar. 20, 2012) review granted in part, 71 M.J. 344 (C.A.A.F. 2012) (acknowledging the possibility that apparent unlawful command influence can manifest from statements of civilian leadership in reviewing statements made by the Secretary of the Navy); *United States v. Hagen*, 25 M.J. 78, 87-88 (C.M.A. 1987) (Sullivan, J., concurring) (recognizing that civilians in policy positions “must refrain from sending signals down the chain of command as to expected results in a criminal case”). The C.A.A.F. has more recently recommended that senior officials and those who advise them consider the content of public policy statements and their potential impact on the fairness of criminal proceedings including possible unlawful command influence. *United States v. Simpson*, 58 M.J. 368, 377 (C.A.A.F. 2003)

Comments made by civilian leadership are especially relevant to unlawful influence in military commissions. While Article 37, UCMJ, prohibits unlawful influence from individuals subject to the UCMJ, the protections against unlawful influence under the Military Commissions Act (MCA) are broader. Pursuant to 10 U.S.C. §949b(a)(C) and MMC 104, “any person” is prohibited from unlawful influence or coercion of a military commission.

The initial burden of raising the issue of unlawful influence at trial rests with the defense. *Biagase*, 50 M.J. at 150 (C.A.A.F. 1999). To meet its burden the defense must show facts which “if true, constitute unlawful command influence, and that the alleged unlawful command influence has a logical connection to the court-martial, in terms of its potential to cause unfairness in the proceedings.” *Id.* at 150. The requisite quantum of evidence needed to raise the issue at trial is low, but must arise to more than mere speculation. *Id.* Once the issue of unlawful

influence has been properly raised, the burden shifts to the government to show beyond a reasonable doubt either that the predicate facts on which it is based are untrue, that those facts do not constitute unlawful influence, or that the unlawful influence will not affect proceedings. *Id.* at 51; *see also Simpson*, 58 M.J. at 373 (C.A.A.F. 2003) (applying the *Biagase* framework and listing suggested ameliorative efforts that the Government may take to limit the impact of unlawful influence on a proceeding).

A. Actual Unlawful Command Influence Exists In This Commission

The statements made by Ms. Haspel at the public SSCI hearing on 9 May 2018 were unlawful influence of this Commission. During her sworn testimony at a highly visible and public hearing, while serving as Acting Director of the CIA, Ms. Haspel stated that Mr. Mohammad was the “architect” and “mastermind” of the 9/11 attacks, that he personally financed the 1993 attack on the World Trade Center, that he planned and committed other attacks, and personally committed and filmed the murder of a Wall Street Journal correspondent. Ms. Haspel has subsequently been confirmed and sworn-in as the director of the CIA. Not only are Ms. Haspel’s comments as the director of the CIA unlawful influence of this Commission, her statements were approved of by President Trump, the Commander-in-Chief of the Armed Forces. Prior to Ms. Haspel’s sworn testimony, President Trump indicated in several tweets that the only reason anyone would oppose her nomination as CIA director was because she was “tough on terrorists.” After Ms. Haspel made her inflammatory comments about Mr. Mohammad at the SSCI hearing, President Trump tweeted publicly that she had done a “spectacular job” and that no one else could run the CIA, indicating approval of her public statements in the confirmation process. Ms. Haspel’s statements about Mr. Mohammad’s guilt and President Trump’s support are unlawful influence of this Commission.

B. Apparent Unlawful Command Influence Exists In This Commission

Even if this Commission does not find that Ms. Haspel's statements and President Trump's approval amount to unlawful influence, the statements are clearly apparent unlawful influence. Apparent unlawful influence exists where an objective, disinterested observer, fully aware of the facts and circumstances of a case, would harbor significant doubt as to the fairness of the proceeding. *Lewis*, 63 M.J. 405, 415 (C.A.A.F. 2006). Even if the Military Commission has not *actually* been influenced, there may still be a question whether the events suggesting influence have intolerably strained the public perception of the military justice system. *United States v. Wiesen*, 56 M.J. 172, 175 (C.A.A.F. 2001). Accordingly, the C.A.A.F. has ruled that, even if actual unlawful influence is not shown, relief is still warranted where there is an appearance of it. *United States v. Stoneman*, 57 M.J. 35, 42 (C.A.A.F. 2002) ("disposition of an issue of unlawful command influence falls short if it fails to take into consideration the concern of Congress and this Court in eliminating even the appearance of unlawful command influence at courts-martial.").

Ms. Haspel's statements make clear that she believes Mr. Mohammad is guilty of the charged offenses at this Commission, as well as other uncharged "heinous" acts. President Trump's tweets indicate that he supports her testimony. At the time she made those statements, she was the Acting Director of the CIA, and now has been confirmed and sworn in as CIA Director. She was then, and remains now, the original classification authority for the CIA.⁴ In other words, Ms. Haspel, who has indicated her belief in Mr. Mohammad's guilt in sworn, public testimony, is now the classification authority determining what evidence is ultimately provided

⁴ As she testified before the SSCI, she was then serving as the OCA, specifically regarding what could and could not be released to the Senate about the RDI program: "[Senator] KING: You are making the classification decisions about what material should be released to this committee? HASPEL: I am electing not to make an exception for myself but I am adhering to existing RDI guidelines." Attachment E at p. 24.

to Mr. Mohammad's defense team. Her previous involvement in destruction of evidence which was embarrassing to the CIA indicates that she would not hesitate to withhold evidence, either by destroying it, withholding it from the Prosecution, or overclassifying it. Any objective observer would harbor significant doubt as to the fairness of any resulting proceeding.⁵

The dismissal of charges is appropriate when an accused would be prejudiced, *See United States v. Green*, 4 M.J. 203, 204 (C.M.A. 1978); *citing United States v. Gray*, 22 C.M.A. 433, 445 (1973). Here, the accused are prejudiced and there is no way to remedy the situation caused by Ms. Haspel's comments. The now director of the CIA has asserted in sworn public testimony that Mr. Mohammad is not only guilty of the charged offenses at this Commission but is also guilty of other uncharged offenses. Her comments have a greater appearance of and potential for influence because of her unique access to secret, proprietary, and undisclosed information about Mr. Mohammad. Her comments were met with public approval by President Trump. Potential members are now aware of not only the beliefs of the Director of the CIA concerning Mr. Mohammad's guilt, but also the President's approval of her testimony. As we have argued in another setting,⁶ these statements come in the context of the President having made clear that if a tribunal or its members do not return dispositions with which he agrees he will publicly and relentlessly attack their character, judgment and loyalty to the country.⁷

⁵ It is worth noting the D.C. Circuit's holding that comments made by Judge Silliman of the USCMCR that inferred that Mr. Mohammad was responsible for the 9/11 attacks was sufficiently problematic that the Circuit ordered him to be recused from hearing any matter involving Mr. Mohammad. *See In re Khalid Shaikh Mohammad*, No. 17-1156 (D.C. Cir. 2017) ("Silliman stated that: "We've got the major conspirators in the 9/11 attacks still at Guantanamo Bay—Khalid Sheikh Mohammed and four others." *Id.* at 149. Later in the interview, Silliman said that "[t]o compare Ghailani to Khalid Sheikh Mohammed, they're two totally different types of cases. And the magnitude of what they *did* is very different." *Id.* (emphasis added).") These comments, made prior to Judge Silliman being appointed to the USCMCR are significantly less inflammatory than those made by Ms. Haspel.

⁶ AE 559 (KSM), Motion To Dismiss All Charges For Unlawful Influence, 22 February 2018.

⁷ See e.g. New York Times article "Bowe Bergdahl Avoids Prison for Desertion; Trump Calls Sentence a 'Disgrace'" 3 November 2017, available at <https://www.nytimes.com/2017/11/03/us/bowe-bergdahl-sentence.html>

Although this motion focuses specifically on the recent comments by Ms. Haspel, when deciding an adequate remedy the commission must consider all the allegations of UCI in this case, as the cumulative effect of the various instances of unlawful influence is relevant. For example, the AE 031 series documents the voluminous and prejudicial statements made by high level government officials concerning this commission. The AE 343 series documents attempts made by the then CA to speed up the commission process by moving personnel permanently to Guantanamo Bay. The AE 550 series addresses comment made by President Trump during his State of the Union Address. The AE 559 series dealt with other tweets and statements made by President Trump. This commission has already granted the defense request for expansive voir dire in this case⁸, but at some point the statements made by government actors – which show no signs of ending or even diminishing in frequency or harmful effect -- become so overwhelming that the only proper remedy is dismissal of all charges or removal of death as a possible punishment. Nothing less can repair the years of prejudicial statements made to all members of the public, military commission personnel and potential panel members.

7. Conference

On June 13, 2018 counsel for Mr. Mohammad requested the position of the government on this motion. The government opposes this motion.

8. Oral Argument:

Oral argument is requested.

9. Witness and Evidence:

None at this time.

10. Additional Information:

⁸ AE 031BBB at 17.

None.

11. List of attachments:

- A. Certificate of Service
- B. @realDonaldTrump tweet dated 13 March 2018
- C. @realDonaldTrump tweet dated 7 May 2018
- D. @realDonaldTrump tweet dated 8 May 2018
- E.. Transcript of SSCI Confirmation Hearing for Gina Haspel, 9 May 2018
- F. @realDonaldTrump tweet dated 9 May 2018
- G. CIA News Release dated 25 May 2018
- H. Pre-Confirmation Hearing Questions dated 5 May 2018

Respectfully submitted,

//s//
DAVID Z. NEVIN
Learned Counsel

//s//
GARY D. SOWARDS
Defense Counsel

//s//
DEREK A. POTEET
LtCol, USMC
Defense Counsel

Counsel for Mr. Mohammad

ATTACHMENT A

CERTIFICATE OF SERVICE

I certify that on the 14th of June 2018, I electronically filed AE AE 579 (KSM)

Mr. Mohammad's Motion To Dismiss All Charges For Unlawful Influence by Director of Central Intelligence Agency, with the Clerk of Court and served the foregoing on all counsel of record by electronic mail.

//s//
DAVID Z. NEVIN
Learned Counsel

ATTACHMENT B



 **Donald J. Trump**  [@realDonaldTrump](#) [Follow](#) 

Mike Pompeo, Director of the CIA, will become our new Secretary of State. He will do a fantastic job! Thank you to Rex Tillerson for his service! Gina Haspel will become the new Director of the CIA, and the first woman so chosen. Congratulations to all!

5:44 AM - 13 Mar 2018

40,380 Retweets **121,795** Likes 

 **40K**  **40K**  **122K**

 **Steve** [@SteveZarebski](#) · May 23 
Replying to [@realDonaldTrump](#)

  **1**

ATTACHMENT C





Donald J. Trump 
@realDonaldTrump Follow 

My highly respected nominee for CIA Director, Gina Haspel, has come under fire because she was too tough on Terrorists. Think of that, in these very dangerous times, we have the most qualified person, a woman, who Democrats want OUT because she is too tough on terror. Win Gina!

4:04 AM - 7 May 2018

24,817 Retweets 92,587 Likes 

 13K  25K  93K



Blakety Yak @doozerblake · May 7 

Replying to @realDonaldTrump
Wina

  1



LOVE @life_death · May 7 

Replying to @realDonaldTrump
MAGA 2020 LOVE ❤️ MY PRESIDENT TRUMP

  3



JohnMB @JohnMB_RSA · May 7 

Replying to @realDonaldTrump
You really are a master of twisting the truth, ie. LYING.



ResistBigMoneyGOP @mmrsoft · May 7 

Replying to @realDonaldTrump

ATTACHMENT D



 **Donald J. Trump** 
@realDonaldTrump Follow 

Gina Haspel, my highly respected nominee to lead the CIA, is being praised for the fact that she has been, and always will be, **TOUGH ON TERROR!** This is a woman who has been a leader wherever she has gone. The CIA wants her to lead them into America's bright and glorious future!

4:09 AM - 8 May 2018

20,674 Retweets 91,494 Likes 

 9.0K  21K  91K

 **Wild Bill** @wmml188 · May 8 
Replying to @realDonaldTrump
HAH!!


"Eric Schneiderman is the only candidate for AG who represents the values of New York women. We need an Attorney General who *unequivocally supports a woman's right to choose.*"
U.S. SENATOR KIRSTEN GILLIBRAND

 43  61  175

 **Wild Bill** @wmml188 · May 8 
BULLSHIT!

ATTACHMENT E

1 of 1 DOCUMENT

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SENATE (SELECT) INTELLIGENCE COMMITTEE HEARING ON THE
NOMINATION OF GINA HASPEL TO BE DIRECTOR OF THE CENTRAL
INTELLIGENCE AGENCY

May 9, 2018 Wednesday

EVENT DATE: May 9, 2018

TYPE: COMMITTEE HEARING

LOCATION: WASHINGTON, DC

SPEAKER: SEN. RICHARD M. BURR

TEXT:

BURR: 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 benefits of members and for the benefit of our witness, if you're going to do it, do it fast, do it early and be gone.

(LAUGHTER)

I'd like to welcome our witnesses today -- or witness, Acting Director of the Central Intelligence Agency Ms. Gina Haspel.

Gina, congratulations on your nomination.

BURR: 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 collection 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 graduation from the University of Kentucky, Gina went on to work as a contractor with the 10th Special Forces Group. It was in Fort Devens 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's developed an extensive overseas experience and served as chief of -- chief of station in many locations. In Washington, she's held numerous senior leadership positions including, deputy director, deputy director of national clandestine services.

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 allow -- follow its charter and conduct vigorous and real-time oversight over CIA's operations and activities. We'll 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 -- 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 -- this hearing's about -- this hearing's not about programs already addressed by executive order, legislation and the court of law. It's about the woman seated in front of us.

BURR: Gina, if you -- I've reviewed your records closely. I've read your detailed and thoughtful answers to the committees prehearing questions and I've spoken with you many times over the years. You are without doubt the most qualified person the president could've 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've 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've 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've commented on your leadership skills and success in creating a more inclusive and fair workplace, and admired your operating at a -- 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.

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 represent the face of the U.N. -- 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 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 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 a counterterrorism center during the time of rendition, detention and interrogation programs.

Ms. Haspel has acknowledged the history of the program. She has stated that the law has changed and the RID -- RDI program is no longer equal -- 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 I.C. often operates and when the glaring light of public scrutiny is nonexistent.

No one should get credit for simply agreeing to follow the law. That's the least you 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 didn't 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 created -- treated detainees under the program, even if you believe 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, will 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?

WARNER: In the same vein, I would like to know your views from that And if given the chance, would you do it again?

In the same vein, I would like to know your views from that time -- 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 responses in the future -- requests in the future.

If confirmed, you will find 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 been some in this administration, even some in the president's own appointees, who 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 them 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'll 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.

BURR: 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?

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 -- 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 contributions, she's been awarded the Intelligence Medal of Merit America, 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 of 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 our 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 have reviewed her extensive record.

Gina has been criticized in the press for some of her work done at the CIA's Counterterrorism Center and, 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 and 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 Kerrey, 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.

CHAMBLISS: Everything I've said is -- 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 two 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 hotspot in the world.

On several of those stops, we did sit 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.

BURR: Thank you, Senator Chambliss.

Senator Bayh?

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 first hand the important responsibility each of you bear, 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 long-standing. 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 Congress -- 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 the 11th, 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 had been blunt in their criticism of some aspects of the current administration, but all support Gina Haspel.

Ms. Haspel, as it's 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.

BURR: Thank you, Senator Bayh.

And 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?

HASPEL: I do.

BURR: Thank you. Please be seated.

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?

HASPEL: I do.

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

HASPEL: I do.

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?

HASPEL: I do.

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

HASPEL: I will.

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?

HASPEL: I do.

BURR: Thank you, very much. We'll now proceed to your opening statement. Ms. Haspel, the floor is yours.

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 Principle 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 I.C. 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 my 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, and 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.

All together, 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'm 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 I.C. because they consider 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.

HASPEL: I am humbled by their confidence that I can successfully lead this agency and inspire 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, and 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 work 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 and 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. The calling and 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 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.

BURR: Ms. Haspel, thank you for that testimony. Let me inform members that we will have a five minute round of questions. We'll 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've 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?

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 of the deputy director for operations, has been very upfront 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 (ph) 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 -- to disposing of the tapes; so our job in -- 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 (ph) because he was going to have another conversation with then director of the agency to talk about this issue again. I did so.

A couple 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 and queries 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.

BURR: Thank you for that answer. Recognizing my five minutes is now up, I recognize the vice chairman.

WARNER: Thank you, Mr. Chairman. I want to follow-up on the question around the tapes, Ms. Haspel. November 4 of 2005, senator -- then Senator Levin introduced legislation to create a commission model on the 9/11 commission to look into the agency's treatment of detainees.

Three days later, you drafted the cable (ph). 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 was comments that -- that your superior, Mr. Rodriguez, was aware that two White House counsels, the counsel of 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 least aware of, and were you aware of the actions of Senator Levin when you drafted your memo and then had the tapes sequentially (ph) destroyed?

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

WARNER: What about the issue of all of the -- the councils, the counselor of the vice president, DNI, HPSCI ranking member. The fact that there was...

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.

WARNER: Well, with that overhang and no 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, and I -- I heard your statement about that if you're confirmed, there will never be an interrogation program under your leadership. And you address the issue -- 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?

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.

WARNER: 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 policy making, 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, and if that (ph) gives you a get out of jail free card, what will you do in that action when you are the director of the CIA?

WARNER: Senator, my father's 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.

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 option -- 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 would be.

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.

WARNER: So you would not follow the order if you felt it was...

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.

WARNER: Thank you, Mr. Chairman.

BURR: Senator Risch.

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, and 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 10 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...

HASPEL: I remember.

RISCH: Right. In any event, I have, 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 -- are very important.

And I have to tell you that uniformly, people who I have discussed here taking on this job have been very enthusiastic about it, and they know you, they trust you, and the trust of this agency is so important when we deal with five Is or amongst the five Is or with other intelligence partners, so -- so thank you for that. Also, I deal with a lot of the employees at 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 on this side of the table regularly hear 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're -- 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 10 years, I came here just as the investigation on the interrogation thing was starting, and I participated, other members of the committee 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?

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 I.C. 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 in 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.

RISCH: Thank you for that.

BURR: The gentleman's time (ph) has expired. Senator Feinstein.

FEINSTEIN: Thank you very much Mr. Chairman. Good morning Ms. Haspel.

HASPEL: Good morning Senator Feinstein.

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, and 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?

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

FEINSTEIN: yes or no will do.

HASPEL: No. And for the record, if you -- if you have your staff check, Mr. Rizzo has issued a correction. It is -- its true that it is hard for in a secret...

FEINSTEIN: Excuse me, my understanding...

HASPEL: That is not accurate.

FEINSTEIN: ...has recently confirmed that it was you.

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 to -- of certain organizations to correct their facts, and that was one of them, and he noted that Mr. Rizzo, about 10 days ago he was wrong. He did in fact check and that has been corrected.

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

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 counterterrorist center who had previously run the interrogation program.

Between them they were the staunchest advocates inside the building for destroying the tapes."

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...

FEINSTEIN: Were you an advocate for destroying the tapes?

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...

FEINSTEIN: Were you aware of what those tapes contained?

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.

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.

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

FEINSTEIN: All right, well thank you for -- 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 water board as publicly reported? Yes or no?

HASPEL: Senator, anything about my classified assignment history throughout my 33 years, we can talk about in this afternoon'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 they are very good reason 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 the classifying 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.

BURRS: Senator's time has expired. Senator Rubio.

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 and 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 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, to the 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 also about the men and women who serve us, of which I said at the (inaudible) that 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 has undertaken -- 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 world, second to ours. And so, my question, first and foremost, is the agency. As it stands today, equipped and structured to meet this multifaceted challenge.

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 counter terrorism 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 -- we have a good program, but your more general point is that we have to -- we have to do more and we have invest more on each of these hard targets.

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 as a -- with 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 or computer to a Huawei or ZTE network?

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

RUBIO: And.

BURR: The Senator's time has expired.

RUBIO: Thank you.

BURR: Senator Wyden.

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?

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 know the classification. So, let me take that for the record, if I may?

WYDEN: But do you have any objection?

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

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?

HASPEL: Senator, I think, like all of us who were in the counter terrorism 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 Counter Terrorism Center were working as hard as we could, with the tools that we were given...

WYDEN: Ma'am.

HASPEL: ...to make sure that we were successful in our mission.

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 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...

HASPEL: Senator, may I just say that...

WYDEN: Of course.

HASPEL: ... I don't - I haven't - 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.

WYDEN: I respect that.

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 casted a shadow over what has been a major contribution to protecting this country.

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 video tapes, Jose Rodriguez told you in advance that he was going to take matters into his own hands. Did that conversation happen?

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

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

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.

WYDEN: I'm over my time. I'll ask some more about this in the classified session. Thank you, Mr. Chairman.

BURR: Senator Collins.

COLLINS: Thank you, Mr. Chairman. Senator Jack Reed and I cosponsored the McCain-Feinstein bill that banned water boarding 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?

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

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

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.

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?

HASPEL: Senator, it was a new subject for me. We - 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.

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

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.

They 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.

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

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 be - 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 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.

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

HASPEL: We don't - we're not in the business of interrogating...

COLLINS: Interrogating (inaudible) is what you're saying.

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.

COLLINS: Thank you.

BURR: Senator's time has expired. Senator Heinrich.

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?

HASPEL: Senator, the president has selected me to give him...

HEINRICH: That's a yes...

HASPEL: ... advice. I would not restore it under any circumstances in an interrogation program at CIA under any circumstances.

HEINRICH: Thank you. You have repeatedly said that at the time the CIA's use of interrogation techniques like water boarding 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? Do -- are they consistent with American values fundamentally? What you believe?

HASPEL: Senator, I believe very strongly in American values and America be 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.

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

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.

HEINRICH: Where was that moral compass at the time?

HASPEL: Senator, that was 17 years ago and it's -- 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...

HEINRICH: No, I know...

HASPEL: ...to prevent another attack...

HEINRICH: ...you believed it was legal.

HASPEL: I'm sorry?

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.

HASPEL: Senator I -- you know, we provided the committee every evaluation since my -- 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 -- I know the difference between right and wrong.

HEINRICH: Let's move on to -- 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?

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 stakeholder's concurrence. There's also another very important leadership lesson; and is director of CIA, when your officers are concerned about their physical security, you can't let it languish in your inbox...

HEINRICH: Absolutely, I agree.

HASPEL: ...for three years with no action.

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 -- why actually destroy the videotapes? Doesn't that feel like a cover up, even if it isn't?

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 -- not an official release.

HEINRICH: No, I understand that; but if you would black out the agents faces, destroyed the videotapes and then kept a digital record, that would've addressed the security concerns.

HASPEL: Senator, I'm -- I'm just not a -- a technical person, so I -- I don't...

HEINRICH: Not that complicated.

HASPEL: Well I don't -- senator, I -- I don't know if that was considered or not.

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 is an actual video?

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

HEINRICH: Thank you.

BURR: It was time's expired. Senator Blunt.

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 associate have (ph) 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 the General Hayden, former CIA director say the other day that he would be incredibly comfortable when the president was making decisions -- he made have said, maybe even more than comfortably, said he would -- feels 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 I'm -- I'm -- it is the 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.

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 (ph) 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 is hugely important...

PROTESTER: (OFF-MIKE)

BURR: Capitol Police, please remove her.

BLUNT: So let's go back, your -- as a leader of the team, I -- 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?

HASPEL: Senator, thank you. I've already worked with this President and his team for 15 months. I think I have a -- 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 principal's meetings. I backup the former Director in the Oval Office where I'm part of Director Coats team; sometimes Sue Gordon is with me. soon. 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 and 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 analyst because we're really there to deliver the objective all source analysis that they write to support the President.

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

HASPEL: I think that's incredibly important Senator.

BLUNT: Thank you Chairman.

BURR: Thank you Senator. Senator King.

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 and -- and 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 2017, the IC issued a joint report on the the Russia involvement in the 2016 elections. Do you agree with the findings of that report?

HASPEL: Senator, I do.

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 2001-03 Deputy Group Chief Counterterrorism Center; '03 to '04 Senior Level Supervisor Counterterrorism Center; '04 to '05, Deputy Chief National Resources Division. In any of those jobs, were you in a supervisory or management capacity in connection with the rendition and -- and interrogation program?

HASPEL: Senator, we'll be able to go over and I know you -- 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.

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

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

KING: Who is deciding?

HASPEL: We are following the existing guide...

KING: Who is we?

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

KING: You are making the classification decisions about what material should be released to this committee?

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

KING: That's -- that's fine. I -- I just wanted to understand that. With regard to the table -- 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 did -- 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?

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 revalidation of those two points.

KING: And when you drafted the cable, is that correct?

HASPEL: Yes at his request.

KING: Isn't it common practice in the CIA when a cable particularly of this importance is drafted that there could be copied to various parts of the legal establishment within the CIA and was it -- was that done in this case? Was that cable copy to Mr. Rizzo or other lawyers within the agency?

HASPEL: Senator, there was there was robust coordination with the lawyers at CIA...

KING: Were they copied on the cable?

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.

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

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

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?

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.

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?

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

KING: But you do know, Mr. Morel 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 EPSI (ph) the (inaudible) ranking member had either expressed opposition or reservation about the destruction of tapes."

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

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.

KING: Final question, was a matter of coincidence that you -- that this decision was made to destroy the tapes in the same week the two major stories appeared in American newspapers. The Levin Amendment was being considered in 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.

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.

KING: There's a broader question, not -- 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?

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

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.

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 Inspector's 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, Frank -- I'm sorry, 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 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 happening in our hemisphere, dealing with drug trafficking organizations, international drug trafficking, in particular. What do you sense is a role the CIA should have in the ongoing work to be able to do counter narcotics work in our hemisphere?

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, but 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, I, 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 stock 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.

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. They -- 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.

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

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. And every -- 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 the -- 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.

LANKFORD: I will look forward to that. I yield back.

BURR: Senator Manchin.

MANCHIN: Ms. Haspel, I wanted 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 was your thoughts and greatest concerns for the United States of America after the 9/11 attack?

HASPEL: I think for, probably, every American it was also 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.

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 have acquaintances with? Next of all, my final thought was, was any other Americans harmed. That's all I cared

about. How -- what was this doing and what (inaudible).

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, say, procedure changed because of the attacks -- of those attacks? Any -- 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 where were going, that's not where you want the CIA to be. Were those changed after that?

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

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 that you -- of your knowledge?

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 a 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.

MANCHIN: And then, we'll go into this. Explain why you feel so strongly that the CIA should not be an interrogation business, and would it have anything to do with basically the makeup of the CIA with -- with the appointments -- appointment to the -- your appointment now for -- 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?

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.

MANCHIN: I'm saying (ph) most of the questions have been directed to you has been because of that.

HASPEL: Yes that's right. And why 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 as part of that; we support that was substantive expertise about a particular group or an individual, but we don't conduct interrogation.

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

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

MANCHIN: Let me say this about the CIA -- and 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'll -- I -- 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 -- 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 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 the West Virginian in this country for the job you all do.

HASPEL: Thank you, Senator.

BURR: Thanks, senator. Senator Cotton.

COTTON: Thank you, Mrs. 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 at 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?

You don't have to answer.

(LAUGHTER)

I also have to take exception at 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.

HASPEL: Senator, CIA follows the law.

COTTON: Exactly what I thought. Let's turn to the circumstances of what the counterterrorism center was doing the day that you were there. I think Senator Collins asked a excellent sequence of questions that got at many of these points; I just want to tie a bow on some of them.

This was -- these programs, or 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?

HASPEL: That's correct, senator.

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

HASPEL: That's correct.

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?

HASPEL: Senator, I believe Mr. Brennan was the deputy extern (ph) of the agency at that time.

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

HASPEL: I believe it's a number four position.

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, 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 there was a legal prohibition to destroy those tapes?

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

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

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.

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 court room, is that correct?

HASPEL: That's correct, senator.

COTTON: You were the Chief Of Staff, to Mr. Rodriguez when this happened, correct?

HASPEL: Yes.

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

HASPEL: That's correct.

COTTON: Michael Morell who supported Hillary Clinton in the last election cleared you of any wrongdoing in directing the cable?

HASPEL: He did.

COTTON: As did in investigation by the Office of Special Counsel and the Office of the Inspector General?

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

COTTON: Would hold you responsible for drafting a cable at your boss's direction make any more sense than holding a Senate speech writer responsible for the boring speeches senators give on the Senate floor?

HASPEL: Senator, I'll defer to you.

(LAUGHTER)

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 take responsibilities when they are placed in certain positions, whether they are elected or appointed, and give the answers they are responsible for giving yes or no and take the chips to fall where they may.

BURR: The senator's time has expired. Senator Harris.

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?

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

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

HASPEL: Senator, I believe that CIA...

HARRIS: It's yes or no.

HASPEL: ... extraordinary work to prevent another attack on this country given the legal tools that we were authorizing...

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

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

HARRIS: Will you answer the question?

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

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

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

HARRIS: OK, so I understand that -- you've 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.

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...

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

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

HARRIS: Assuming you do.

HASPEL: ...I'm not a lawyer. I don't -- I'm not sure about that.

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

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.

HARRIS: OK. And you also have hearing have a responsibility to ask -- answer the questions that are being asked of you. I'm going to ask you a different question. Do you -- 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?

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 is had the opportunity to look at that classified material...

HARRIS: Indeed I have.

HASPEL: But there are...

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?

HASPEL: Senator, I -- I -- I don't believe that torture works. I believe that in the CIA's program -- and -- 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.

HARRIS: Is that a yes?

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

HARRIS: Thanks (ph) for (ph) my time.

BURR: The senator's time has expired. Senator Cornyn.

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 the 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 10 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 was meeting with the 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 the 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 there -- was that the environment in which you and the country were operating in at the time?

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, between extremists and Pakistani nuclear scientists.

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 that, in addition to the double standard that I believe you and this President are being held to, compared to Secretary Brennan, compared -- I mean 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...

HASPEL: Thank you for doing that.

CORNYN: ...in the CIA and I was struck by talking to one gentleman, he was talking about his girlfriend that he no longer had.

(LAUGHTER)

And I said...

HASPEL: It's a common story.

CORNYN: ...I said this this must be incred bly 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?

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 Counter Terrorism 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 -- 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.

BURR: I thank, Senator Cornyn. Senator Reed.

REED: Thank you, Mr. Chairman and I 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?

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.

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?

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.

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?

HASPEL: Senator, I've worked very closely with this President. I don't, 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.

REED: If it occurred, would you inform the committee?

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

REED: It does not seem to be hypothetical if people have alleged that that has happened already.

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

REED: OK. 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 express no moral concerns. In fact, you have suggested that it was trade -- good tradecraft, and that it contributed to information that was developed.

If one of your operation's officers was captured and subject to waterboarding, today or tomorrow or the next day...

PROTESTER: Sorry to interrupt here -- Senator Wyden, your -- your (inaudible).

BURR: Senator will suspend. Capitol Police will remove.

PROTESTER: Waterboarding (inaudible), waterboarding of Al Azhari (ph) and (inaudible).

(UNKNOWN): Stop resisting. Stop resisting!

PROTESTER: (Inaudible)

(UNKNOWN): Stop resisting!

PROTESTER: (Inaudible).

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

The senator can continue.

REED: Thank you, Mr. Chairman.

If one of your operators were captured, subjected to waterboarding and enhanced interrogation techniques, which you, I believe, supervise. Would you consider that to be moral since, perhaps, the other entity did not have legal restrictions and good trade craft as you appeared to do when you were involved in it, previously?

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

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 (inaudible) activities, if that's the analogy you're going to draw.

HASPEL: Senator, I'm sorry, can you -- I can't...

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.

(CROSSTALK)

A civilized nation was doing it until it was outlawed by this Congress.

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.

REED: Finally, in the morale 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 - the director - the next - this case, Mr. Goss, being notified?

HASPEL: Senator, I think that in 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's also a leadership lesson, don't let real security issues go unaddressed.

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

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 do -- I will say this, Mr. Rodriguez has taken full accountability for his decision, which he thought he was operating under his own authority.

REED: Thank you.

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

And 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 peoples purpose, would you share for them who Khalid Sheikh Mohammed is and Nashiri?

HASPEL: Chairman, thank you. Khalid Sheikh Mohammed was the architect and mastermind of the 9/11 attacks. His nephew, Ramzi Yousef was behind the '93 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.

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.

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 expressed -- who stated that he expressed his personal objections and some of his views to agency colleagues. Which I think is a relevant piece of information when we considered Mr. Brennan's testimony, for those of us who decided to vote in favor of him.

(UNKNOWN): And that would be the same ...

WARNER: Excuse me, sir ...

(UNKNOWN): That would be the same ...

WARNER: Excuse me, sir ...

(UNKNOWN): ... Mr. Brennan who supports her nomination.

BURR: Senator will suspend.

(UNKNOWN): You need the full record on the record.

BURR: No, Senator will suspend.

(UNKNOWN): John Brennan supports her nomination.

WARNER: Appreciate that, Mr. Chairman.

Let me also say this, I -- 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 -- you now hold a 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 work force. 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 de-classification. 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 putting -- 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 those -- some of your decisions made there.

I also appreciate very much and -- and -- and we -- 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.

I've heard (ph), is all and -- 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 -- 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 your -- 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 -- 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.

WYDEN: Mr. Chairman?

BURR: Thank you, Vice Chairman. I would ask unanimous consent to enter into the record two documents provided by Senator Feinstein in opposition to the nomination, one from myself of a statement of support from Attorney General Michael McCassey. 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 member be given the opportunity for additional follow-on questions, and those QFRs would be -- would need to be in by the close of business tomorrow.

WYDEN: Mr. Chairman?

BURR: Yes.

WYDEN: Very -- 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.

BURR: Duly noted.

CORNYN: Mr. -- Mr. Chairman, can I -- may I ask you a question, please, briefly?

BURR: Senator Cornyn.

CORNYN: I think there's been some comment made about the 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?

BURR: Every -- 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.

HASPEL: Thank you.

BURR: And I look forward to continuing the conversation in the closed setting.

Before we adjourn the open session -- 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 the 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. And 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 currently 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 -- 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's now adjourned.

END

LANGUAGE: ENGLISH

SUBJECT: INTELLIGENCE SERVICES (89%); MILITARY SCHOOLS & ACADEMIES (84%); ASSOCIATIONS & ORGANIZATIONS (78%); ESPIONAGE (74%); APPROVALS (73%); INTERIM MANAGEMENT (71%); AIR FORCES (63%); EDUCATIONAL INSTITUTION GRADUATION (60%)

ORGANIZATION: CENTRAL INTELLIGENCE AGENCY (83%)


STATE: KENTUCKY, USA (90%)



COUNTRY: UNITED STATES (92%); ENGLAND (51%)

LOAD-DATE: May 9, 2018

ATTACHMENT F








Donald J. Trump  [@realDonaldTrump](#) Follow 

Gina Haspel did a spectacular job today.
There is nobody even close to run the CIA!

7:19 PM - 9 May 2018

19,121 Retweets 96,735 Likes 



 10K  19K  97K




Elaine [@Elaine82636760](#) · May 11 

Replying to [@realDonaldTrump](#)


No she didn't and is so wrong for this position of CIA Director. She couldn't answer a couple questions that required a yes or no answer. One by Senator Harris asking if this form of interrogation was immoral. It's immoral and Haspel skirted around some questions.


 1  6




Tonyhott 3 [@3Tonyhott](#) · May 23 

Do you know how the middle eastern enemy will do to us and we only give them a little water come on



 





Just a Bag [@PatrioticBag](#) · May 10 

Replying to [@realDonaldTrump](#)

You only want her because she's good at destroying evidence


 





Lance Dugas [@SpartanLance420](#) · May 10 

Replying to [@realDonaldTrump](#)

What a terribly crafted sentences. You need to go back to school Donald.



Powered by Raspberry Mocha [@whoaminow2969](#) · May 18 

Replying to [@realDonaldTrump](#)

And she will water board the 🇺🇸 out of anyone who disagrees

ATTACHMENT G



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Gina Haspel Sworn in as First Female CIA Director

On Monday, May 21, Gina Haspel was sworn in as the first woman to serve as CIA Director in our Agency's 70-year history. President Trump, Vice President Pence, Secretary of State and former D/CIA Mike Pompeo, Chief Operating Officer Brian Bulatao, and hundreds of Agency officers attended the ceremony at CIA Headquarters in Langley, Virginia.

"I am truly honored to have this opportunity to lead the best workforce in government," Director Haspel said. "It has been nearly 50 years since an operations officer rose up through the ranks to become the Director, and after the experience of the past two months, I think I know why that is," she joked.



(/news-information/blog/2018/images/Haspel_swearing_in.jpg/image.jpg)
 CIA Director Gina Haspel at Swearing In Ceremony

Vice President Pence administered the oath of office. Director Haspel addressed the workforce, emphasizing our global mission, and noting the importance of increasing CIA's foreign language proficiency, strengthening our partnerships, and deploying more officers to the foreign field. "For me, being Director is about doing right by all of you so that you have the tools and support needed to carry out our sacred mission," she said.

She also addressed the historic significance of the moment, especially for the women of CIA, past and present. "I would be remiss if I did not also note the tremendous pride I take in being the first woman to serve as Director. I would not be standing before you today if not for the remarkable courage and dedication displayed by generations of OSS and Agency women. In roles both large and small, they challenged stereotypes, broke down barriers, and opened doors for the rest of us. I am deeply indebted to them, and I am extremely proud to follow in their footsteps and to carry on their extraordinary legacy."

Director Haspel's complete remarks can be viewed here (<https://www.c-span.org/video/standalone/?445861-1/gina-haspel-sworn-cia-director>) or by clicking the video below.

Posted: May 25, 2018 11:49 AM
Last Updated: May 25, 2018 01:28 PM

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ATTACHMENT H

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(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.

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(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.

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(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.

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(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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