



The
CENTER for
VICTIMS of
TORTURE

November 8, 2017

Dear Senator:

We write to urge you to oppose Steven Bradbury's nomination to be general counsel at the Department of Transportation. In its more than 30-year history, the Center for Victims of Torture (CVT) has never before opposed nor supported nominees for political positions chosen by the President. Mr. Bradbury warrants an exception.

Earlier today, Senator McCain voted against confirming Steven Engel to lead the Justice Department's Office of Legal Counsel (OLC) because Mr. Engel "reviewed and commented" on one of Mr. Bradbury's torture memos (described below). "I cannot in good conscience vote for any nominee who in any way has supported the use of enhanced interrogation," [Senator McCain said](#). Clearly, Mr. Bradbury fits that bill.

Mr. Bradbury was acting head of OLC from 2005 to 2009. In that role, he authored several memos providing legal cover to the CIA for the use of torture and cruel treatment. For example, he concluded that waterboarding, sleep deprivation for up to 180 hours, and stress positions including shackling, were not contrary to domestic or international law. He signed off on the CIA's request to continue to use "enhanced interrogation" even *after* the Senate passed the Detainee Treatment Act (DTA) by a vote of 90-9, legislation that was designed to reinforce the longstanding prohibition on exactly those types of abuses. And he did so in part by misrepresenting Members' views, deceptively claiming that no Member of either the House or Senate Intelligence Committees, nor Senator McCain, voiced concerns when briefed on the CIA's "enhanced interrogation" program. In fact, as the Senate Intelligence Committee's oversight report on the program [describes](#), several Members did raise objections, and Senator McCain was already on record calling sleep deprivation torture.

A vote to confirm Mr. Bradbury is a vote sanctioning executive branch defiance of clear congressional intent. Confirmation would also needlessly chip away at the powerful bipartisan consensus against torture that this body has been instrumental in forging—from the DTA to the 78-21 vote, just last Congress, in favor of Senators McCain and Feinstein's anti-torture amendment to the FY2016 defense authorization bill.

Most disquieting of all, confirming Mr. Bradbury would send a terribly cruel message to the million-plus refugee torture survivors living in the United States, and the millions more across the globe. CVT extends rehabilitative care to thousands of survivors every year. We know well the struggle they must endure to rebuild their lives. Major depression. Post Traumatic Stress Disorder. Physical damage and pain. Fear. The journey is long and hard. Those courageous enough to travel it deserve better than for the United States Congress to elevate into a senior government position somebody deeply complicit in the same kinds of atrocities they suffered.

The Senate already once refused to confirm Mr. Bradbury, in 2008, because of his role in the CIA torture program. It should refuse to do so again. Members knew less then than they do now about the gravity of the abuses he facilitated, and the United States did not then have a President openly advocating for the use of torture as such.

There must be accountability for those who champion repugnant and immoral misuses of government authority. We urge you to vote no on Mr. Bradbury's confirmation.

Sincerely,



Curt Goering
Executive Director



Scott Roehm
Director of the Washington Office