

May 15, 2018

The Honorable Richard Burr
Chair, Senate Select Committee on Intelligence
217 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Mark Warner
Vice-Chair, Senate Select Committee on Intelligence
703 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Burr and Vice-Chairman Warner and Members of the Senate Select Committee on Intelligence,

The undersigned organizations write to oppose the Committee's decision to move forward with a vote on whether to advance Gina Haspel's nomination for CIA director given that Ms. Haspel is personally responsible for the near-total secrecy that continues to shroud her background. At this stage, with the Senate Select Committee on Intelligence scheduled to vote tomorrow, the CIA has not released sufficient information for the Senate to move Ms. Haspel's nomination process forward, and as such her nomination should be rejected.

Already, Ms. Haspel's nomination process has been muddied by the CIA's campaign of selective disclosures. Senators on both sides of the aisle have made requests for more information on Ms. Haspel's record to be released to the Senate and the public, including multiple bipartisan requests for the Durham Report, but their requests have been met with stonewalling as the agency instead has opted to release only information favorable to Ms. Haspel's nomination.¹ As you know, Senators Feinstein, Wyden, and Heinrich have joined Senator Warner in calling the level of declassification on Ms. Haspel's record "unacceptable."²

Exacerbating concerns that the Senate and the public have not been able to fairly consider Ms. Haspel's nomination is the fact that during her nomination hearing before the Committee last week, Ms. Haspel admitted that she herself, as acting Director, is making decisions about which documents to declassify—a clear conflict of interest. At the same time, she refused to recuse herself.

¹ See: Letter from Senators Feinstein, Wyden, and Heinrich, April 16, 2018, available at: <https://www.feinstein.senate.gov/public/index.cfm/press-releases?id=EAA19329-AD87-4FC0-A107-A53CB93B40D1> and Letter from Senator Jeff Flake, May 10, 2018, available at: <https://www.flake.senate.gov/public/cache/files/0c1dec01-7197-4e73-abc7-8dc104a7f27e/05.10.2018-letter-to-ag-sessions.pdf>

² See: Jeremy Herb, "Warner asks Haspel to fix 'unacceptable' public disclosure of her record," *CNN*, May 9, 2018, available at: <https://www.cnn.com/2018/05/07/politics/gina-haspel-mark-warner-public-record/index.html> and "Senators to CIA: Refusal to Make Haspel Information Public 'Unacceptable,'" available at: <https://www.feinstein.senate.gov/public/index.cfm/press-releases?ID=5D07FDD7-DEBB-4209-B977-A9D98761C531>

Moreover, a news report published yesterday revealed that the Committee had restricted Senators' access to a memo outlining minority SSCI members' concerns about Gina Haspel's nomination and highlighted the difficulty Senators have had accessing complete information on Ms. Haspel throughout the process.³ The Senate cannot fulfill its constitutional "advice and consent" responsibilities when the full Senate lacks meaningful access to all the documents relevant to the nomination, and when the public—whose job it is to hold their elected representatives accountable—remains largely in the dark.

Finally, it is troubling that the Committee will vote on Ms. Haspel's nomination in a closed session. Given that this process has already given the public reason to believe that important information on Ms. Haspel's record is still being kept secret, a closed vote further weakens the public's trust.⁴

The Director of the CIA is an immensely powerful position. To vote on whether to advance Ms. Haspel's nomination – behind closed doors and when so little information has been released to the public, and when the nominee has reportedly supervised torture, facilitated its cover-up, and obstructed access to her record on these matters – would be a disservice to the public and to congressional oversight of the executive branch. We ask that you reject this nomination.

Thank you for your attention to our request. For further information, please contact Lisa Rosenberg at Open the Government, rosenberg@openthegovernment.org or 202-332-6736.

Sincerely,

American-Arab Anti-Discrimination Committee
Amnesty International
Arab American Institute
Center for Constitutional Rights
Center for Media and Democracy
Center for Victims of Torture
Demand Progress Action
Engage Action
Foreign Policy for America
Franciscan Action Network
Free Speech Coalition
Government Information Watch
Human Rights First
Human Rights Watch

³ Ryan Grim, "Ahead of vote on Gina Haspel, Senate pulls access to damning classified memo," *The Intercept*, May 14, 2018, available at: <https://theintercept.com/2018/05/14/haspel-memo-ahead-of-vote-on-gina-haspel-senate-pulls-access-to-damning-classified-memo/>

⁴ Senate rule xxvi 5(b) requires all committees to hold open meetings unless the committee votes in open session to close the meeting. There is no indication the Committee has held a public vote to close tomorrow's meeting, pursuant to Senate Rules. <https://www.rules.senate.gov/#FDB72CA1-DB41-5857-1F7E-414E3DBEA596>

Indivisible
Muslim Advocates
Muslim Justice League
National Religious Campaign Against Torture
National Security Archive
National Security Counselors
No More Guantanamos
North Carolina Stop Torture Now
Open Society Policy Center
Open the Government
PEN America
People for the American Way
Physicians for Human Rights
Project On Government Oversight
Public Citizen
Restore the Fourth, Inc.
RootsAction.org
Sunlight Foundation
T'ruah: The Rabbinic Call for Human Rights
Veterans For Peace
Win Without War
World Privacy Forum

cc: Senator Jim Risch, Senator Marco Rubio, Senator Susan Collins, Senator Roy Blunt, Senator James Lankford, Senator Tom Cotton, Senator John Cornyn, Senator Dianne Feinstein, Senator Ron Wyden, Senator Martin Heinrich, Senator Angus King, Senator Joe Manchin, Senator Kamala Harris