

February 14, 2013

The Honorable Dianne Feinstein
Chairman, Senate Select Committee
on Intelligence
211 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Saxby Chambliss
Ranking Member, Senate Select Committee
on Intelligence
211 Hart Senate Office Building
Washington, D.C. 20510

RE: Nomination of John Brennan to be Director of the Central Intelligence Agency

Dear Chairman Feinstein and Ranking Member Chambliss:

Before voting on the nomination of John Brennan to be Director of the Central Intelligence Agency, the undersigned organizations strongly urge you to obtain from Mr. Brennan a clear, unequivocal statement that waterboarding and other so-called “enhanced interrogation techniques” are illegal torture or abuse and a firm commitment that Mr. Brennan will enforce laws banning torture.

During Mr. Brennan’s confirmation hearing, we were encouraged to hear that Mr. Brennan found waterboarding to be “reprehensible” and that it should never be used. However, we were deeply disappointed that he would not say that waterboarding constitutes torture, arguing that because he is “not a lawyer” he cannot “make the determination as to what’s in violation of an international convention.” One does not need to be a lawyer to know that waterboarding is torture, and Mr. Brennan’s position puts him at odds with President Obama, former CIA Director Leon Panetta, and Attorney General Holder.

In a November 2011 press conference, President Obama said, “Waterboarding is torture. It’s contrary to America’s traditions. It’s contrary to our ideals. That’s not who we are. That’s not how we operate.”¹ During his confirmation hearing to head the CIA, Leon Panetta said, “I believe that waterboarding is torture and it’s wrong.”² Similarly, Attorney General Eric Holder flatly stated during his confirmation hearing that “waterboarding is torture.”³

Waterboarding is a form of slow, controlled drowning. It unquestionably results in both “severe” physical and mental pain and suffering, in violation of U.S. and international laws banning torture. The United States has prosecuted waterboarding as a war crime. In a 2007 CBS interview, Mr. Brennan stated that waterboarding subjects an individual to severe pain and suffering, which is the classic definition of torture.

¹ The White House. (2011) President Obama Holds a Press Conference at the APEC Summit. Retrieved from <http://www.whitehouse.gov/photos-and-video/video/2011/11/13/president-obama-holds-pressconference-apec-summit#transcript>.

² <http://articles.latimes.com/2009/feb/06/nation/na-panetta6>

³ http://www.cbsnews.com/2100-250_162-4723280.html

Prior to voting on the nomination of Mr. Brennan to lead the Agency, the Committee should secure a clear, unequivocal statement from Mr. Brennan that waterboarding and other “enhanced interrogation techniques” – like forced nudity, sensory deprivation, prolonged isolation, and stress positions - are illegal torture or abuse and obtain a firm commitment that he will enforce U.S. laws banning torture.

Sincerely,

American Civil Liberties Union
Amnesty International USA
National Religious Campaign Against Torture
Open Society Policy Center
Physicians for Human Rights
The Center for Victims of Torture

cc: All members of the Senate Select Committee on Intelligence