

February 5, 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: Upcoming Confirmation Hearing for John Brennan to Be Director of the Central Intelligence Agency

Dear Chairman Feinstein and Senator Chambliss:

As you prepare for the upcoming confirmation hearing for John Brennan to be Director of the Central Intelligence Agency, the undersigned organizations strongly urge you to question John Brennan on any role he may have had in the CIA's interrogation, detention, and extraordinary rendition practices, during the period from 2001 to 2005, when he served as Deputy Executive Director of the CIA and then as head of the Terrorist Threat Integration Center and the National Counterterrorism Center.

Several of our organizations are writing to you separately with additional questions or concerns related to Mr. Brennan's background during the past four years as Deputy National Security Advisor for Homeland Security and Counterterrorism, as well as questions related to policies and practices of the CIA over the upcoming four years. However, we are writing to you jointly because of our longstanding--and still unanswered--questions about Mr. Brennan's role at the CIA during a critical period when the CIA was engaged in torture, abuse, the use of secret prisons, and extraordinary rendition.

As you know, many human rights and civil liberties organizations raised questions about Mr. Brennan's background when he reportedly was being considered as a candidate for nomination to be the Director of the CIA in November 2008. In withdrawing his name from consideration, Mr. Brennan wrote to then-President-Elect Obama, stating that:

It has been immaterial to the critics that I have been a strong opponent of many of the policies of the Bush Administration such as the preemptive war in Iraq and coercive interrogation tactics, to include waterboarding. The fact that I was not involved in the decision-making process for any of these controversial policies and actions has been ignored. Indeed, my criticism of these policies within government circles was the reason why I was twice considered for more senior-level positions in the current Administration only to be rebuffed by the White House.

Several recent news articles have restated the position Mr. Brennan took in his 2008 letter.

However, at least two news organizations have reported that the Committee's recently adopted report on the former CIA interrogation program references Mr. Brennan as someone who was

informed of details of the program, even though both news organizations state their sources have told them that the report does not indicate whether Mr. Brennan took action based on that information. The level of Mr. Brennan's knowledge appears to have been extraordinarily high, at what was the most critical period in the development and implementation of the torture and abuse practices. On January 30, 2013, Reuters reported that Mr. Brennan "had detailed, contemporaneous knowledge of the use of 'enhanced interrogation techniques' on captured terrorism suspects during an earlier stint as a top spy agency official," and official records reportedly "show that Brennan was a regular recipient of CIA message traffic about controversial aspects of the agency's counterterrorism program after September 2001, including the use of 'waterboarding.'"

The Committee should ask the following fundamental questions of Mr. Brennan: **even if Mr. Brennan "was not involved in the decision-making process" for the use of torture and abuse, what role did he have in the interrogation, detention, and extraordinary rendition programs during the 2001-05 period? In other words, if it is true that he received important information about these programs during their development and implementation, did he have any role or say whatsoever in either developing the policies or implementing them? And did he express support for, object, or remain silent in relation to these programs?**

During the last administration, several Senate committees, including your committee with a nominee for the position of General Counsel of the CIA, asked very specific questions of nominees on what roles they had in the interrogation, detention, and extraordinary rendition programs. Several of those nominees had no role in any "decision-making process," but still had roles that were significant enough that their nominations were rejected or the candidates withdrew their nominations. We urge that you hold Mr. Brennan to the same standard that the Senate applied to nominees during the last administration. These questions are too fundamental to who we are as a nation to be left unasked or unanswered.

Thank you for your attention to this matter.

Sincerely,

American Civil Liberties Union  
American Friends Service Committee  
Appeal for Justice  
Bill of Rights Defense Committee  
Center for Constitutional Rights  
Center for Victims of Torture  
Council on American Islamic Relations  
CREDO Action  
Defending Dissent  
Friends Committee on National Legislation  
Human Rights Watch  
National Religious Campaign Against Torture  
Physicians for Human Rights  
Win Without War

cc: All members of the Senate Select Committee on Intelligence