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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

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).

(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.

UNCLASSIFIED

(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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