

United States Senate  
WASHINGTON, DC 20510

May 13, 2020

Congressman John L. Ratcliffe  
223 Cannon House Office Building  
Washington, DC 20515

Dear Congressman Ratcliffe:

We are writing in response to your answers to questions regarding the issue of torture throughout the confirmation process for your nomination to be the Director of National Intelligence (DNI). The issue of torture by the government of the United States is personal to us, with Senator Feinstein having led a six year report on the CIA's detention and interrogation practices from 2002-2007, and Senator King supporting its adoption by the Senate Intelligence Committee.

In both your written and your oral responses to Committee questions about torture, you have been evasive and noncommittal. In your written response to questions from the Committee, you were asked whether you "believe that any of the CIA's former enhanced interrogation techniques are consistent with the Detainee Treatment Act, the U.S. statutory prohibition on torture, the War Crimes Act, or U.S. obligations under the Convention against Torture or Common Article 3 of the Geneva Convention." Rather than answer directly with either a "yes" or a "no" to a question that has both moral and legal dimensions, you responded only that you had "not conducted the legal and factual research and analysis that would be required to properly answer this question."

During your confirmation hearing, when asked by Senator King whether you personally believed that waterboarding was a violation of anti-torture law, you again refused to answer directly, saying only that, "the law makes clear in several places that torture is illegal." In fact, we agree with you that U.S. law clearly outlaws all torture, as do several U.S. treaty obligations. However, Senator King's question deserves a clear and unequivocal answer since President Trump has vowed to "bring back waterboarding [and] bring back a hell of a lot worse than waterboarding."

You went on to say that you "don't want to get into policy decisions about which the DNI should not be involved in." This demonstrates a lack of understanding of the DNI's role in policymaking. The DNI serves on the Principals' Committee, defined in

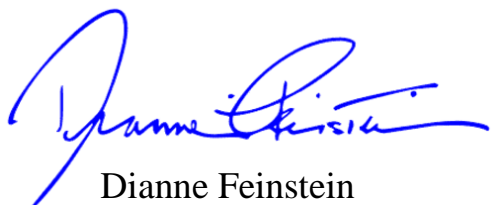
NSPM-4 as “the Cabinet-level senior interagency *forum for considering policy issues* that affect the national security interests of the United States.” (emphasis added) In that light, your opinion on what does and does not constitute torture is critical to understanding how you will advise the President on policy issues related to detainee treatment. The DNI also oversees all of the nation’s intelligence agencies, and is therefore in a position to determine appropriate limits on interrogation activities.

Therefore, we ask that you provide us with direct, unequivocal answers to the following questions.

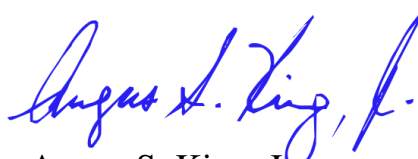
- Have you read the Committee’s declassified Executive Summary of its study of the CIA’s Detention and Interrogation Program?
- Do you believe that any of the CIA’s former enhanced interrogation techniques are consistent with the Detainee Treatment Act?
- Do you believe that any of the CIA’s former enhanced interrogation techniques are consistent with the U.S. statutory prohibition on torture?
- Do you believe that any of the CIA’s former enhanced interrogation techniques are consistent with U.S. obligations under the Convention Against Torture and other treaty obligations?
- Do you believe there are any circumstances in which current law could be interpreted to justify the use of interrogation practices other than those listed in the U.S. Army Field Manual?

We hope that you will take the time to provide your answers to these questions prior to a vote on your nomination. Our members deserve to know where you stand on the issue of torture.

Sincerely,



Dianne Feinstein  
U.S. Senator



Angus S. King, Jr.  
U.S. Senator