

January 27, 2017

President Donald Trump
The White House
1600 Pennsylvania Ave., NW
Washington, DC 20500

Dear President Trump:

We are a diverse coalition of human rights, civil liberties, and religious groups writing to oppose any executive action that would facilitate torture or other abusive interrogation and detention practices.

Torture is morally reprehensible. It has long been absolutely prohibited under both domestic and international law, a prohibition that Congress strongly reinforced on an overwhelming, bipartisan basis just last year. There is no serious debate over this.

Your nominees, cabinet members, and senior advisors have openly rejected bringing back the CIA's now-defunct "enhanced interrogation" program. Senator Sessions, your nominee for Attorney General, told the Senate Judiciary Committee that it would be "absolutely improper and illegal" for any U.S. government department or agency "to use waterboarding or any other form of torture." Homeland Security Secretary Kelly told the Senate Homeland Security and Government Affairs Committee that he does not think "we should ever come close to crossing a line that is beyond what we as Americans would expect to follow in terms of interrogation techniques." Your National Security Advisor, Mr. Flynn, has said that he helped draft the Army Field Manual on interrogation (AFM), which reaffirms the unqualified, universal prohibition on torture and cruel treatment (and now applies to national security interrogations government-wide). Both Defense Secretary Mattis and CIA Director Pompeo have said that they fully support the AFM, and were reportedly "blindsided" by recent stories about an executive order contemplating resurrecting the CIA torture program. Indeed, when Senator Feinstein asked Director Pompeo just several days prior if he would comply with an order "to restart the CIA's use of enhanced interrogation techniques that fall outside of the [AFM]," he responded: "absolutely not." On Wednesday this week Senator McCain expressed the same view: "[T]he law is the law. We are not bringing back torture in the United States of America."

According to 176 retired flag officers who wrote to you recently, "[o]ur greatest strength is our commitment to the rule of law and to the principles embedded in our Constitution." Torture is inimical to those principles and "violates our core values as a nation," they said. The same is true for the prison at Guantanamo Bay, and the two pillars on which it rests: indefinite detention without charge or trial, and a military commissions system seemingly incapable of delivering either fairness to defendants or justice to victims.

These practices are dangerous and damaging in other ways, first and foremost to the people who suffer them, but also to the men and women ordered to inflict them. When the United States employs such practices as part of a campaign that demonizes an entire religion, as did a recently leaked draft executive order using the insidious term "radical Islamism," it tears even further the very fabric of the nation. It also makes the U.S. less safe: terrorist groups continue to use Guantanamo, and the abuses it represents, as a recruiting tool.

Over and over, history has taught us that when countries sacrifice liberty in the name of security, they lose both. We urge you not to repeat that same mistake here.

Sincerely,

American Civil Liberties Union

Amnesty International USA

Appeal for Justice

Bill of Rights Defense Committee/Defending Dissent Foundation

Center for Constitutional Rights

Center for Victims of Torture

The Constitution Project

Human Rights First

Human Rights Watch

National Association of Criminal Defense Lawyers

National Religious Campaign Against Torture

Open Society Policy Center

OpenTheGovernment.org

Physicians for Human Rights

Union for Reform Judaism

Win Without War