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March 22, 2018

The Honorable Mitch McConnell
Senate Majority Leader, US Senate

The Honorable Chuck Schumer
Senate Minority Leader, US Senate

The Honorable Bob Corker
Chairman, US Senate Committee on Foreign Relations

The Honorable Bob Menendez
Ranking Member, US Senate Committee on Foreign Relations

Re: Nomination of Michael Pompeo to be Secretary of State

Dear Majority Leader McConnell, Minority Leader Schumer, Chairman Corker, and Ranking Member Menendez:

Human Rights Watch writes to express our serious concerns regarding the nomination of Michael Pompeo to be US Secretary of State. This nomination sends a dangerous message to US allies and adversaries alike that respect for the rule of law is no longer a leadership requirement.

Pompeo has expressed support for the use of interrogation methods that amount to torture, the CIA's abusive Rendition, Detention and Interrogation (RDI) program and mass surveillance practices. He has also in the past made numerous discriminatory comments about American Muslims, women, and the LGBT community. His confirmation would validate concerns domestically and abroad that the US commitment to human rights is inconsistent and insincere, built not on bedrock principles but on shifting sands of expediency.

Pompeo's past support for coercive interrogation techniques under the RDI program and prolonged, indefinite detention without charge or trial at Guantanamo Bay is one of many reasons he would not make a suitable Secretary of State. The State Department also plays a key role in ensuring individuals in US custody are not transferred to countries where they face a real risk of torture. Pompeo's expressed frustration with laws banning torture and his support for its use in the past raise concerns that even though he has acknowledged a 2015 law that would bar the US from directly engaging in torture, he would support the use of secret unlawful renditions to torture, or proxy detentions or interrogations, in violation of international law.

In addition, prior to becoming CIA director, Pompeo suggested that the US government should collect records of US citizens' communications, without warrants and in bulk, and combine them with "publicly available financial and lifestyle information into a comprehensive, searchable database." The State Department's role in collecting intelligence under Executive Order 12333, and potentially in negotiating intelligence-sharing arrangements with other



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governments, would allow Pompeo to put his dangerous views regarding the privacy and other rights of Americans into practice.

Pompeo's discriminatory comments about Muslims could hinder his effectiveness as America's top diplomat and will raise questions at home about his willingness to represent all Americans. More specifically, this could undermine the State Department's authority to fairly designate individuals or entities as foreign terrorist organizations. If confirmed, he would be tasked with upholding laws and legal obligations against which he fought vehemently as a Member of Congress. In addition, Pompeo has co-sponsored and voted for legislation that would significantly restrict women's and girls' access to reproductive health care beyond current law and policy, and has stated he does not believe women should be able to access abortion services even in the case of rape. His opposition to LGBT rights will send the wrong message abroad and could harm efforts by the State Department to attract and retain foreign service officers who broadly represent the breadth and scope of America. His views on women's access to certain reproductive health services, including on some forms of contraception or abortion after rape or to save a woman's health, could hinder his ability to carry out existing US laws, policies, and programs under the State Department's authority related to women and girls.

The US Senate is charged with scrupulously examining the administration's nominees for senior positions in government. Confirmation of Michael Pompeo as Secretary of State not only runs the risk of eroding US law on torture and other ill-treatment but also undermines US engagement in the international legal system and the State Department's commitment to human rights as a core tenet of US foreign policy. We opposed the confirmation of Mike Pompeo as CIA director and now, for many of the same reasons, described above and in greater detail below, we urge you to oppose his nomination to be Secretary of State.

Sincerely,



Sarah Margon
Washington Director
Human Rights Watch



Nicole Austin-Hillery
Executive Director, US Program
Human Rights Watch

APPENDIX

A. Tacit Approval of Torture

Pompeo has [expressed support](#) for the use of “enhanced interrogation” techniques as part of the CIA RDI program, which he said were “being used within the law,” and he [criticized](#) President Barack Obama for ending the CIA program. He opposed releasing the Senate Intelligence Committee summary of its report on the CIA program in December 2014. During his confirmation hearing to be CIA director, Pompeo acknowledged that waterboarding and other previously used interrogation techniques that amounted to torture were barred by a 2015 federal law. But in written follow-up questions, he [raised the possibility](#) that the law may have to be revised if it became an impediment for US interrogators. That reasoning was repeated publicly as recently as in a January 2018 [speech](#) at the American Enterprise Institute and in a [July 2017 speech](#) at the Aspen Forum.

B. Anti-Muslim Views

Pompeo has depicted American Muslim leaders as “[potentially complicit](#)” in violent attacks in the United States, [claiming wrongly](#) that they failed to speak out against attacks committed by Muslims. He also said that this alleged behavior “casts doubt upon the commitment to peace by adherents of the Muslim faith.” As [reported](#) by *The Intercept*, Pompeo described a “minority” of Muslims who “abhor Christians” as a “threat to America” in a 2014 [speech](#) to a church group and appeared to depict US counterterrorism efforts as a conflict between Christian and Muslim ideologies. While in Congress, Pompeo [co-sponsored legislation](#) to designate the Muslim Brotherhood as a foreign terrorist organization, an [action that would undermine](#) the ability of the Muslim Brotherhood’s members and supporters to participate in democratic politics abroad and would threaten the rights to association of Muslim groups in the United States.

C. Opposition to LGBT and Women’s Rights

While serving as a congressman from Kansas, Pompeo repeatedly issued discriminatory comments about LGBT people and supported attempts at discriminatory legislation. When the Supreme Court endorsed marriage equality in 2015, Pompeo [called it](#) a “a shocking abuse of power” that “flies in the face of centuries of shared understanding of our Constitution.” On the campaign trail, Pompeo [opposed](#) the repeal of Don’t Ask, Don’t Tell in the US armed forces and has [called](#) families with same-sex parents less “ideal.” He [opposed](#) the Violence Against Women Act, in large part because it included a provision covering LGBT survivors of domestic violence. He co-sponsored legislation that sought to slow the spread of marriage equality and co-sponsored two bills that would have limited recognition of same-sex marriages -- the [Marriage and Religious Freedom Act of 2013](#) and the [State Marriage Defense Act of 2014](#) — following the 2013 Supreme Court ruling against the Defense of Marriage Act.

As a member of Congress, Pompeo took the lead on measures to restrict women's reproductive rights. He repeatedly co-sponsored "personhood" bills that would effectively prohibit some forms of contraception and in vitro fertilization, and bills limiting women's access to reproductive health services. Beyond voting for bills that restrict access to legal abortion, he [opposed access to abortion](#) in the case of rape or to save the health of the pregnant woman or girl. Even the Protecting Life in Global Health Assistance (previously the Mexico City Policy, also referred to as the Global Gag Rule) and the Helms amendment, both governing US global health assistance, permit exceptions in access to abortion services for the health of a woman or girl and in the case of incest or rape. As Secretary of State, Pompeo will be overseeing monitoring and implementation of US programs related to billions of dollars of global health assistance, as such we are very concerned that his positions on women's reproductive health make him unsuitable to implement even the very restrictive policies and laws that the US undertakes abroad.