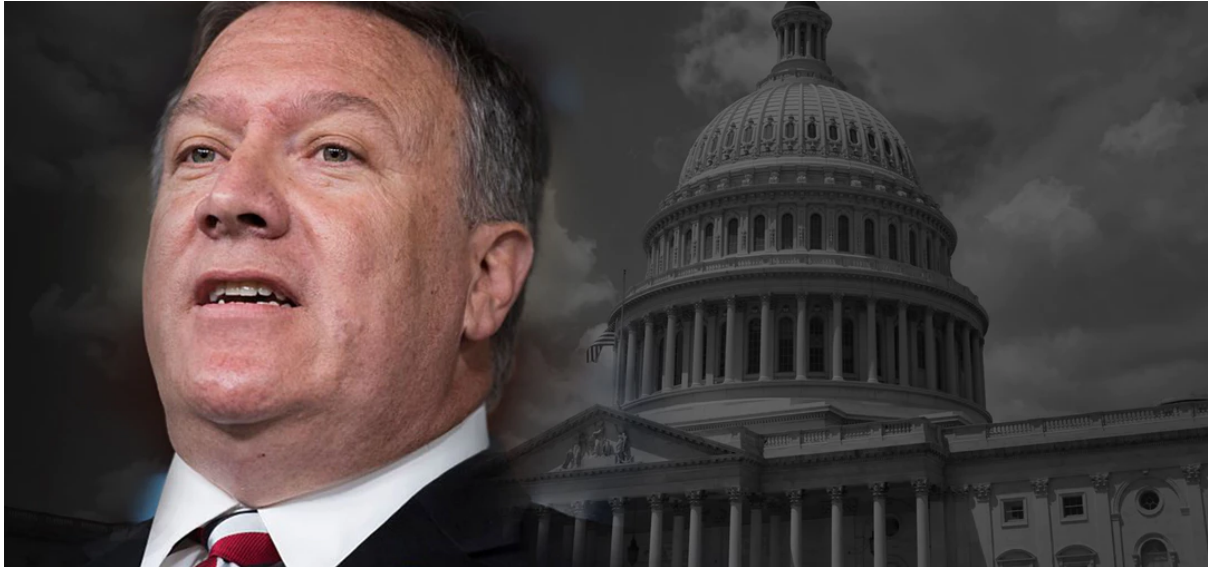


Questions for Mike Pompeo, Nominee to be CIA Director



**The National
Security Program**

President-elect Donald Trump nominated Representative Mike Pompeo to be the next Director of the CIA. This memo provides a brief biography and a list of questions senators could ask him during the confirmation hearing and in private meetings.

Biography

Mike Pompeo graduated first in his class from West Point in 1986 and spent five years in the U.S. Army. He graduated from Harvard Law School and briefly worked as an attorney in Washington, D.C., before moving to Kansas. In Kansas, he started a business, Thayer Aerospace, and later became president of a company called Sentry International, which makes equipment used for oilfields. In 2010, he was elected to the House of Representatives after running on a Tea Party platform. He served on the Intelligence Committee and was highly critical of Secretary Clinton's handling of the Benghazi attacks, writing his own report on the issue. He's also an ardent supporter of U.S. surveillance programs and has said

that the U.S. should revive provisions from the Patriot Act that would allow the NSA access to bulk metadata.¹

Questions

Russian Hacking

President-elect Trump has repeatedly denied that Russian operatives were involved in hacking the servers of U.S. politicians and interfering in the 2016 elections. However, the overwhelming consensus among the Intelligence Community is that Russian government agencies are the source of such efforts. President-elect Trump has also failed to criticize Russia for its election hacking, its support for Assad in Syria, or its aggressive tactics in Ukraine. In recent weeks, the President-elect even released a congratulatory letter that he received from Putin and expressed support for closer ties with Russia. You, on the other hand, have countered the President-elect's view that Russia is trying to defeat ISIS and have said that Russia is "heck bent on changing the geopolitical future."²

- Is Russia America's friend or foe?
- Did Russia interfere in the 2016 presidential and congressional elections?
- Do you agree with the U.S. Intelligence Community's assessment that Russia interfered in the U.S. election to help elect Donald Trump?
- Do you think that the U.S. military should respond to such Russian provocations? If so, how do you propose it go about doing so?
- What is a proportionate response to Russian interference in U.S. elections?

- What do you think of the President-elect's choice to ignore the conclusions of the Intelligence Community regarding such Russian hacking? Is that a responsible action to take on the part of a man tasked with defending the United States?
- Is the CIA politicizing intelligence or is it doing a good job on Russia hacking?
- What would you do if, like the Russia situation, the President completely disregards intel assessments under your leadership?
- What will you do to personally assure Congress that all information about Russian election hacking won't be whitewashed under the new administration?
- What will you do to personally assure Congress that we will be fully briefed on all aspects of Russian hacking and any possible contact between the Trump campaign and Russian operatives?
- How much does the public have a right to know Russian influence, Russian attempted influence, and Russian preference for Trump based on CIA intelligence?
- Is Julian Assange America's friend or foe?
- Do we know enough about computers to tell the difference between state-sponsored Russian hacking and a 14-year old sitting on a bed hacking into computers?

Torture

During his campaign, President-elect Trump publicly called for U.S. forces to use torture in the War on Terror. He said he'd reinstitute waterboarding, which he called a minor form of torture, and bring back "a hell of a lot worse than waterboarding."³ This brought tremendous condemnation from our allies and enemies alike. Also, many intelligence and security professionals have declared that torture is largely ineffective at getting reliable intelligence.

- If given an order by the President to begin waterboarding or other prohibited interrogation techniques, how would you respond?
- How would you respond to intelligence officials who have said torture is ineffective?
- If directed by President Trump, would you allow CIA intelligence officers to conduct torture?

Surveillance and Encryption

Representative Pompeo, you have consistently been an opponent of efforts to limit surveillance practices that may infringe on Americans' civil liberties and the privacy interests of those abroad. In a January 2016 op-ed in the *Wall Street Journal*, you criticized the ban on governmental collection of Americans' phone metadata and stated that legal impediments to surveillance "should be removed."⁴ In the same piece, you called for abolishing Presidential Policy Directive-28, a measure that protects foreign nationals from intrusive examinations of their private communications and which ensures the economic health of the U.S. tech and telecom sectors. If confirmed as CIA Director, you will be responsible for overseeing your agency's extensive surveillance capabilities, capabilities that have often been abused and that have violated express statutory and constitutional prohibitions. Yet your record in Congress and your public statements indicate that you often favor expanding surveillance activities, as opposed to implementing limits on their scope that can guard against abuses.

- As CIA Director, how would you balance the interests of the U.S. tech sector, which has been negatively impacted by government surveillance practices, against the CIA's surveillance practices?

In your January 2016 *Wall Street Journal* op-ed, you asserted that "the use of strong encryption in personal communications may itself be a red flag" of terrorist activity.

WhatsApp, a messaging service that features end-to-end encryption, is used by millions of Americans and over a billion people worldwide.⁵ Likewise, another end-to-end encryption app, Telegram, is used by over 100 million people, with a large portion being Americans.⁶

- Given the ubiquity of strong encryption, do you still believe that its use for personal communications is a “red flag” for malicious intent?
- Do you believe that use of an end-to-end encrypted service justifies the surveillance of an individual?

CIA Foreign Mission

The CIA’s mission is focused on understanding and impacting America’s foreign adversaries. Its lowest moments have been when it and other elements of the Intelligence Community have used their espionage powers against U.S. domestic opposition groups, as they did in the Sixties and Seventies. The mission of identifying and prosecuting domestic threats is one left to the FBI. This is a core division between the two agencies.

- Can you commit that you will reject any effort to turn the CIA into a domestic intelligence-gathering agency?
- If such an attempt is made, can you commit that you will notify your oversight committee immediately?

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END NOTES

- 1.** Mike Pompeo and David B. Bivkin, Jr., "Time for a Rigorous National Debate about Surveillance," *The Wall Street Journal*, January 3, 2016. Accessed January 6, 2017. Available at: <http://www.wsj.com/articles/time-for-a-rigorous-national-debate-about-surveillance-1451856106>.
- 2.** Jennifer Williams, "Mike Pompeo, Trump's Pick for CIA Director, Could Take the Agency Back to Its Darkest Days," *Vox*, November 21, 2016. Accessed January 6, 2017. Available at: <http://www.vox.com/policy-and-politics/2016/11/18/13676756/mike-pompeo-trump-pick-cia-director>.
- 3.** Ibid.
- 4.** Pompeo and Bivkin, Jr.
- 5.** "One Billion," WhatsApp Web, February 1, 2016. Accessed January 6, 2017. Available at: <https://blog.whatsapp.com/616/One-billion>.
- 6.** Paul Sawers, "Mobile Messaging App Telegram Passes 100 Million Monthly Active Users, a 60% Increase in 9 Months," *VentureBeat*, February 23, 2016. Accessed January 6, 2017. Available at: <http://venturebeat.com/2016/02/23/telegram-now-has-100-million-monthly-active-users-a-60-increase-in-9-months/>.