

This report complements the Senate Intelligence Committee's 2014 report on the RDI program, which found that the CIA's "enhanced interrogation techniques" were not effective, that the program was poorly managed, and that the CIA misled Congress and the public. I commend Senator Dianne Feinstein and the other Committee members and staff who worked on this report, and I applaud NCCIT for their steadfast commitment to bringing transparency and accountability to the State of North Carolina's involvement in these activities.

Even in our darkest moments, we must always uphold core American values, including respect for the rule of law and human rights. I encourage my colleagues to read NCCIT's report, including its recommendations for local, state, and federal officials, so that we may learn from the mistakes of the past and chart a more promising course for the future.

TORTURE FLIGHTS: NORTH CAROLINA'S ROLE IN THE CIA RENDITION AND TORTURE PROGRAM—EXECUTIVE SUMMARY

North Carolina Commission of Inquiry on Torture

In the wake of the attacks of September 11, 2001, the U.S. government ushered in a large-scale program of secret detention and torture that relied significantly on the State of North Carolina. Six days after the attacks, President George W. Bush signed a covert memorandum that authorized the Central Intelligence Agency (CIA) to seize, detain, and interrogate suspected terrorists around the world. This report investigates North Carolina's role in that illegal program.

The program made use of Department of Defense facilities, a network of ten CIA-controlled secret prisons or black sites in six countries, and the facilities of foreign governments. In what was called the Rendition, Detention, and Interrogation (RDI) program, the CIA abducted and imprisoned at least 119 individuals before the practice was officially ended and repudiated by Executive Order in 2009. Given that detainees were also handed over to foreign governments, and the secrecy surrounding the program, the number of affected individuals is likely far higher.

Within weeks of the RDI program's authorization, Aero Contractors, Ltd. (Aero), based in Smithfield, NC, began operating the first of two aircraft for extraordinary, or violent and secret, renditions. Between September 2001 and March 2004, Aero-operated aircraft—a Gulfstream V turbojet and Boeing 737 business jet—were used in more than 80% of identified RDI renditions. Over the full length of the program, Aero transported 34 of the known 119 CIA prisoners, plus at least 15 of those sent by the CIA to foreign custody, on 69 identified rendition circuits. These flights, using North Carolina's public infrastructure and flown by its citizens, implicate North Carolina directly in abduction, forced disappearance, and torture.

Since 2005, North Carolina anti-torture activists from across the political spectrum have protested these actions. Motivated by diverse ethical and religious beliefs as well as a firm commitment to the rule of law, activists from North Carolina Stop Torture Now have joined with the North Carolina Council of Churches and many other allies. Citizens have pressured public officials at all levels of government to investigate the state's complicity in the CIA's illegal and immoral program.

Citizen-led activism culminated in 2015 in the creation of the North Carolina Commission of Inquiry on Torture (NCCIT), a non-governmental organization dedicated to transparency and accountability regarding

the state's participation in U.S. torture. The NCCIT launched officially in 2017 with a blue-ribbon panel of Commissioners who have expertise in domestic and international law, military operations, human rights, interfaith religious dialogue, psychology, and public health.

The Commission initiated a large-scale investigation into North Carolina's involvement in torture and rendition. Torture Flights: North Carolina's role in the CIA rendition and torture program details the results of that investigation and makes recommendations for future action. The report draws on original research and expert testimony provided at public hearings as well as the extensive data compiled by The Rendition Project, the Bureau of Investigative Journalism, and the Human Rights Policy Lab of the University of North Carolina School of Law, among other sources.

Torture Flights provides the most comprehensive research to date on North Carolina's complicity in the rendition phase of the RDI program. The Senate Select Committee on Intelligence "Torture Report," a redacted Executive Summary of which was released in 2014 while the full report remains classified, focused on the detention and interrogation of detainees who were held in CIA custody. Torture Flights demonstrates that that program depended upon both North Carolina's private citizens and public infrastructure.

Further, Torture Flights builds on the Senate's work by addressing renditions themselves as an integral component of a system to break individuals down through violent interrogations. As the report details, Aero transported at least 49 individuals, who were forcibly seized without any due process, in a manner that itself amounted to torture and cruel, inhuman or degrading treatment. Preparation for "rendition" involved physical and sometimes sexual assault, drugging, and sensory deprivation. Rendition flights were experiences of prolonged pain, dread, and terror. The whereabouts of the individuals flown by Aero, who were citizens of 16 countries and included a 16-year-old student and a pregnant woman, were not disclosed, not even to their families. They were "disappeared" for months if not years, causing agony to them and their loved ones. Even today, the fates of eight of those rendered by Aero remain unknown.

Many of the prisoners were taken to CIA "black sites," where they experienced beatings, prolonged stress positions, temperature extremes, long-term isolation, various water tortures, mock execution, and sexual abuse. In violation of international law, the CIA transported some prisoners to foreign custody where they were subject to torture and abuse. Kidnapping, torture, and secret detention occurred without respect for victims' innocence or guilt and absent any legal process for them to contest their abductions.

Survivors of the RDI program and their families continue to suffer from these experiences. Torture and prolonged detention have left lasting physical, emotional, and social injuries. This in turn harms relationships and livelihoods, which then amplifies the psychological damage. To resume meaningful and secure lives, survivors need medical, psychological and social support, guaranteed legal status, and economic opportunity.

This report also carefully considers the moral and legal responsibility of North Carolina for its involvement in CIA-sponsored activities. The federal government has international law obligations under both the Convention Against Torture and the International Covenant on Civil and Political Rights not only to prevent torture, but also to provide accountability and redress for torture. It did none of these and therefore has

failed to meet its international obligations. Given that the federal government has abdicated responsibility, North Carolina can and should fill the gap. Its role as home to Aero obligates it to do so. State and federal laws against conspiracy and corruption are among those instruments that apply to Aero's activities.

As this report documents, Aero's central role in the CIA rendition and torture program is beyond dispute. But instead of holding Aero accountable, the State of North Carolina and Johnston County until now have effectively endorsed its activities. This support has taken the form of hosting the company's headquarters at the Johnston County Airport and providing it with various airport and other county services. Since Aero's participation in criminal abduction and assault was publicly revealed, the State of North Carolina has made several grants to the county airport, at least one of which was specifically used to fortify the perimeter of only Aero's corner of the facility.

Torture Flights concludes with specific recommendations directed at federal and state officials as well as toward North Carolina citizens, whose engagement has kept the spotlight on Aero's activities and whose continued attention is needed to ensure accountability. The recommendations seek to increase transparency about the program and accountability for the illegal actions; provide acknowledgment, redress and reparations to its victims; and prevent the future use of torture. As the report notes, additional research is also needed on the involvement of other North Carolina private corporations and public airports in extraordinary renditions in order to complete the record of the RDI program. At the broadest level, the goal is to ensure that neither the federal government nor the state of North Carolina engage in or support torture again.

HONORING GERALD FISCHMAN OF THE CAPITAL GAZETTE

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 2019

Mr. SARBANES. Madam Speaker, I include in the RECORD an obituary of Gerald Fischman, a writer for the Capital Gazette in Annapolis Maryland.

[From the Baltimore Sun]

GERALD FISCHMAN, CAPITAL GAZETTE VICTIM EDITORIAL WRITER, WAS KNOWN AND RESPECTED FOR HIS SHARP WIT AND COMMAND OF FACTS

(By Frederick Rasmussen)

If veteran Capital Gazette editorial writer Gerald Fischman could have chosen what he would be doing on the last day of his life, this was it:

He was a newspaperman.

Mr. Fischman, longtime editorial page editor for The Capital, was killed June 28 in the attack on the newspaper's Annapolis office. He was 61.

"You know the cliche, still waters run deep? That was Gerald," said Rick Hutzell, editor of the Capital Gazette newspapers. "He was thoughtful, witty, dedicated to his craft—all the things you hear other people say. But he also had a strong sense of what was moral and what was right."

"He was a wonderful person and really quiet, but if you took the time to get to know him you discovered how brilliant he was and his extraordinary dry wit," said Teri Winslow, a former Capital Gazette writer,

editor and State House correspondent who sat next to him for 20 years.

“He was a walking encyclopedia of Maryland history and just plain facts. His desk was overrun with books,” said Ms. Winslow, a Hanover resident who is now digital news manager for the state Department of Transportation.

“At night, Gerald wrote his editorials and when he was finished, would help me proof the paper. . . . He never missed anything, and if we found something funny we’d crack up and double over laughing,” she said.

“When he finished an editorial he’d read it out loud to check its cadence, and had a clicker he used to count the words,” she recalled. “He was incredibly thorough.”

Gerald Fischman was born in Washington, the son of Morton and Charlotte Fischman. He was a year old when the family moved to Silver Spring.

After graduating from high school, Mr. Fischman attended the University of Maryland, College Park, and received a bachelor’s degree in journalism in 1979. During his college days he was an editor for *The Diamondback*, the university’s student newspaper.

He began his career in 1980 as a reporter at *The Carroll County Times* and later was promoted to copy editor. Edward J. “Mac” McDonough, public information officer for the Maryland Emergency Management Agency, was sports editor of *The Times* during Mr. Fischman’s tenure there.

“Fisch, we always called him that, was very meticulous, quiet and gifted, with a wry sense of humor,” said Mr. McDonough, a Towson resident who was later an editor on *The Baltimore Sun*’s old Carroll County edition.

“As the chaos of deadline approached, he’d come up with some wry observation, and then he’d go back to work. This happened fairly frequently,” he said. “He was a great copy editor; the paper would never have gotten out on time without him.”

He recalled Mr. Fischman as being “not gregarious . . . but very engaging when talking to you. [He] was not the kind of guy who’d go out for a drink with the staff after the paper was put to bed.”

In 1990 he joined the staff of *The Montgomery Journal* in Rockville. He did a two-year stint as a copy editor, then was promoted to assistant city editor.

Ron Jones was a friend of Mr. Fischman’s for more than 30 years. They had worked together at *The Carroll County Times* and later *The Montgomery Journal*.

“As an editor, Gerald was incredibly thorough and always had tons of questions for reporters unless their pieces were incredibly well-written, which was not often,” said Mr. Jones, a Gaithersburg resident who is a night copy editor for *The Washington Post*. “He rarely got upset or raised his voice and was always calm, collected and very detailed-oriented.”

“He wanted stories to be as objective and accurate as possible,” he said. “He wanted to know their core themes and that everything made sense, and it was the same with his editorials.”

Mr. Fischman went to work for *The Capital* in 1992, and quickly developed a reputation for his trenchant, hard-hitting and fact-laden editorials that reflected the newspaper’s community temperament and roots. Mr. McDonough said his colleague “found his niche” at *The Capital*.

“When he had an idea for an editorial, he’d parse every word and check every fact,” he said. “That he was a survivor for more than 30 years in the business is a testament to who he was.”

Mr. Fischman was fascinated by the bizarre absurdities of government and wrote often about them. He also wrote about mass shootings, gun violence and gun ownership.

“He loved the odd things from history, and was skeptical of any New Age stuff and religion,” Mr. Jones said.

Mr. Fischman’s work earned him numerous awards from the Maryland-Delaware-D.C. Press Association—including two recent honors for editorials related to the case involving a noose found at a Crofton school, and a piece about censorship at County Council meetings. He also received awards from the Chesapeake Associated Press, as well as Mark Twain Awards for Outstanding Editorial, Best Editorial and Best of Show Editorial.

Mr. Fischman brought an unflappable nature and strong work ethic to the newsroom. Long hours and days were not uncommon, and he steered clear of debates over long hours, low pay and where newspapers will be in 10 years—or in 10 minutes.

“When deadlines approached and things were going on, Gerald never panicked,” recalled Mr. Jones. “He was the kind of person who always kept his cool. He was level-headed.”

“He was a human search engine and did he know Maryland politics,” Ms. Winslow said. “He was so loved by his colleagues.”

“I’ve have the difficult task of trying to write in Gerald’s place,” Mr. Hutzell said. “I’ve written four editorials so far, and before I start every one I ask myself: What would Gerald say? I wish I had half the insight into our community and human nature that he brought to the job every day.”

Mr. Fischman had lived most of his life as a confirmed newspaper bachelor, and surprised his colleagues when he announced some years ago that he had fallen in love and was marrying the former Saran Erdenebat, a noted opera singer from Mongolia.

He had met the lyric soprano at the John F. Kennedy Center for the Performing Arts while attending a performance of Richard Wagner’s *“Die Walkure.”* They were married shortly thereafter.

The Pasadena resident who enjoyed collecting books and reading was also a classical music, opera and ballet fan.

Services scheduled for Sunday are private. In addition to his wife, he is survived by a stepdaughter, Uka Saran of Miami, Fla.

IN RECOGNITION OF THE REDEDICATION OF THE SLOCUM STREET PARK IN HONOR OF ANDREW BARILLA, JR.

HON. MATT CARTWRIGHT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 2019

Mr. CARTWRIGHT. Madam Speaker, I rise today to recognize Andrew Barilla, Jr. and Swoyersville Borough, Pennsylvania as Swoyersville rededicates its Slocum Street Park as the Andrew Barilla, Jr. Park.

Andrew Barilla, Jr. has been a force for positive change in Swoyersville Borough and an outstanding member of his community in every way. He was born in Swoyersville and was the borough’s first All-Scholastic athlete in three sports. Driven to athletic and academic excellence, he attended Michigan State University on a football scholarship. After a severe knee injury ended his athletic career, Andrew finished his degree at Lock Haven State Teachers College.

As a ten-year member of Swoyersville Borough Council, Andrew made it his mission to share his love of sports and remain active with the children in his community. He founded

Slocum Street Park, which will now bear his name. He is also a charter member of the Swoyersville Baseball Club for Boys and was a driving force behind building Roosevelt Stadium. Andrew also generously sponsors Barilla’s team in the Wyoming Valley Girls’ Travel Softball League. For his athletic prowess and commitment to sports, he was inducted into the Luzerne County Sports Hall of Fame in 1991.

Andrew’s dedication to his community does not end with athletics. He is a past president of the Crime Clinic of Greater Wyoming Valley and the Special Court Judges Association, and he recently retired as the Magisterial District Judge for Swoyersville, Forty Fort, Luzerne, Courtdale, and Pringle.

It is a privilege to recognize Andrew during the rededication of the Slocum Street Park in his honor. I thank him for his lifetime of service to the people of Swoyersville Borough and beyond. May the park continue to be a place for residents and visitors to gather and enjoy for generations to come.

HONORING OPERA MAINE

HON. CHELLIE PINGREE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 2019

Ms. PINGREE. Madam Speaker, I am delighted to congratulate Opera Maine on its 25th anniversary season.

Since its inception, opera has mirrored and challenged culture, politics, and power. And now, in our fast-paced world, opera invites us to slow down. It is bold and extravagant, and it evokes emotion unlike other art forms. Both passionate and beautiful, opera is an antidote to our busy lives, showcasing voices both powerful and exquisite, honed by years of training.

I am grateful to Opera Maine for bringing acclaimed, nationally and internationally known vocal artists to the state. They have developed a reputation for creativity, sophistication, and artistic excellence, and they have played a key role in educating the next generation of aspiring theater performers.

As Maine’s creative culture continues to grow and receive well-deserved recognition, I want to thank Opera Maine for 25 years of enhancing the quality of life in our beloved state.

I commend them—the little opera company that could—for their outstanding leadership and success, and for many years of entertainment and inspiration.

Bravo.

PERSONAL EXPLANATION

HON. JODY B. HICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 2019

Mr. HICE of Georgia. Madam Speaker, on the afternoon of June 25th, I was delayed in returning to the Capitol due to a meeting with President Donald Trump at the White House. Had I been present, I would have voted NAY Roll Call No. 403; NAY on Roll Call No. 404; YEA on Roll Call No. 405; and NAY on Roll Call No. 406.