



VOTE “YES” ON THE HOLT VIDEO RECORDING AMENDMENT TO DEFENSE BILL

SUPPORT BEST PRACTICES FOR INTERROGATIONS

BOLSTER ACCOUNTABILITY FOR COMPLIANCE WITH FEDERAL ANTI-TORTURE LAWS

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June 25, 2009

CAROLINE FREDRICKSON
DIRECTOR

RE: Holt Amendment to the National Defense Authorization Act (H.R.
2647)

NATIONAL OFFICE
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Dear Representative:

OFFICERS AND DIRECTORS
NADINE STROSSEN
PRESIDENT

ANTHONY D. ROMERO
EXECUTIVE DIRECTOR

KENNETH B. CLARK
CHAIR, NATIONAL
ADVISORY COUNCIL

RICHARD ZACKS
TREASURER

The American Civil Liberties Union strongly urges you to support the video recording amendment that Representative Rush Holt will offer during consideration of the defense authorization bill today. The amendment would make an important--and extraordinarily practical--change to Defense Department interrogation practices by requiring the recording and retention of videos of strategic interrogations of persons under the custody or control of the Defense Department. The amendment would bring these interrogations into conformity with recommended best practices for military and law enforcement interrogations, and increase accountability for compliance with President Obama’s Executive Order prohibiting torture and abuse, the Army Field Manual on Interrogations, the McCain anti-torture amendment and other federal anti-torture laws.

The Holt Amendment Conforms to Best Practices for Military and Law Enforcement Interrogations

This amendment would apply the recommendations of the United States Army’s Inspector General to the entire Defense Department that

because interrogations are confrontational, a monitored video recording of the process can be an effective check

against breaches of the laws of land warfare and Army policy. It further protects the interrogator against allegations of mistreatment by detainees and provides a permanent record of the encounter that can be reviewed to improve the accuracy of intelligence collection. All facilities conducting interrogations would benefit from routine use of video recording equipment.

In addition, the U.S. Army Field Manual on Human Intelligence Collector Operations states that

video recording is possibly the most accurate method of recording a questioning session since it records not only the voices but also can be examined for details of body language and source and collector interaction.

The Holt Amendment would codify these recommendations for the video recording of military interrogations.

Video recording of interrogations by domestic law enforcement is now routine across the country. The Justice Project reported in 2007 that more than 450 individual police departments or law enforcement agencies require video recording of interrogations. This practice is consistent with the unanimously approved recommendation of the American Bar Association that

all law enforcement agencies [should] videotape the entirety of custodial interrogations of crime suspects at police precincts, courthouses, detention centers, or other places where suspects are held for questioning, or, where videotaping is impractical, to audiotape the entirety of such custodial interrogations.

The House should apply this same best practices standard to the Defense Department.

The Holt Video Recording Amendment Would Bolster Accountability for Compliance with Federal Anti-Torture Laws

During consideration of the Defense Department authorization bill for Fiscal Year 2006, an overwhelming bipartisan majority of the House of Representatives voted to support the McCain anti-torture amendment. As passed by Congress and signed by President Bush, the McCain Amendment reinforced the long-standing ban on the use of torture or cruel, inhuman, and degrading treatment across the entire government. The McCain Amendment was an important step to returning the rule of law to the federal government's interrogation and detention policies.

President Obama applied these prohibitions government-wide in his January 22nd executive orders. The Holt Amendment would reinforce this bipartisan commitment to ending torture and abuse.

The Holt Amendment builds on the McCain Amendment, the Obama executive order, the Army Field Manual on Interrogations and other federal anti-torture laws by requiring an additional layer of accountability. It will provide an additional reason for interrogators to ensure

that they remain in compliance with the McCain Amendment, the Obama executive order, the Army Field Manual on Interrogations and other federal anti-torture laws. Of course, videotaping will also have the additional benefit to Defense Department personnel of protecting against any false accusations of misconduct and it creates an improved record of intelligence for the government. This very practical provision benefits everyone during interrogations.

We strongly urge you to apply military and law enforcement best practices to these Defense Department interrogations--and bolster accountability for compliance with the McCain anti-torture amendment, the Obama executive order, the Army Field Manual on Interrogations and other federal anti-torture laws by voting "YES" on the Holt Amendment to the National Defense Authorization Act.

Sincerely,

A handwritten signature in black ink, appearing to read 'Caroline Fredrickson', with a long horizontal flourish extending to the right.

Caroline Fredrickson
Director, Washington Legislative Office

A handwritten signature in black ink, appearing to read 'Christopher E. Anders', with a long horizontal flourish extending to the right.

Christopher E. Anders
Senior Legislative Counsel