



March 2, 2009

Re: 92 Videotapes of CIA Interrogations Were Destroyed, Justice Department States in Litigation Brought by ACLU – Even More Reason for a Broad Criminal Investigation and Thorough Congressional Oversight Over CIA Use of Torture and Abuse

Dear Senator:

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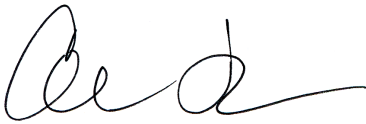
The American Civil Liberties Union received the attached letter from the Department of Justice earlier today, which provides important new information on the magnitude of the Bush Administration's destruction of CIA videotapes of interrogations. The information was provided to a federal court in Freedom of Information Act litigation brought by the ACLU to obtain documents on the use of torture and abuse. The litigation has produced over 100,000 pages of documents during the past five years, but only heavily redacted documents from the CIA, which fall far short of meaningful disclosure.

But in a stunning disclosure today, the Justice Department stated that "the CIA can now identify the number of videotapes that were destroyed *Ninety-two videotapes were destroyed.*" The CIA previously acknowledged that it had waterboarded detainees in its custody, and destroyed videotapes depicting the use of this torture method on detainees. The revelation that 92 videotapes were destroyed demonstrates both the magnitude of the interrogation program and the deliberate and systemic attempt to hide evidence of the use of torture and abuse.

More than a year ago, then-Attorney General Michael Mukasey appointed career Justice Department prosecutor John Durham to investigate any crimes in the destruction of interrogation videotapes by the CIA. However, Mukasey directed Durham to limit his investigation solely to any obstruction crimes in the destruction of the videotapes, but not investigate whether the interrogations depicted on the videotapes were themselves crimes. The magnitude of both the interrogation program and the large-scale effort to destroy evidence of the program warrant a broader criminal investigation into the interrogation program itself. Moreover, the revelation today similarly demonstrates the need for the thorough investigation of the role of the CIA in the use of torture and abuse--and of persons directing the CIA to use torture and abuse--that the Senate Intelligence Committee, under the leadership of Chairman Dianne Feinstein, is about to begin.

All of the documents that the ACLU has obtained to date in the Freedom of Information Act case are available at www.aclu.org/torturefoia. Please do not hesitate to call us if you would like to discuss this matter. If you have any questions, please contact Chris Anders at (202) 675-2308 or canders@dcacclu.org.

Sincerely,

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

Caroline Fredrickson
Director, Washington Legislative Office

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

Christopher Anders
Senior Legislative Counsel