

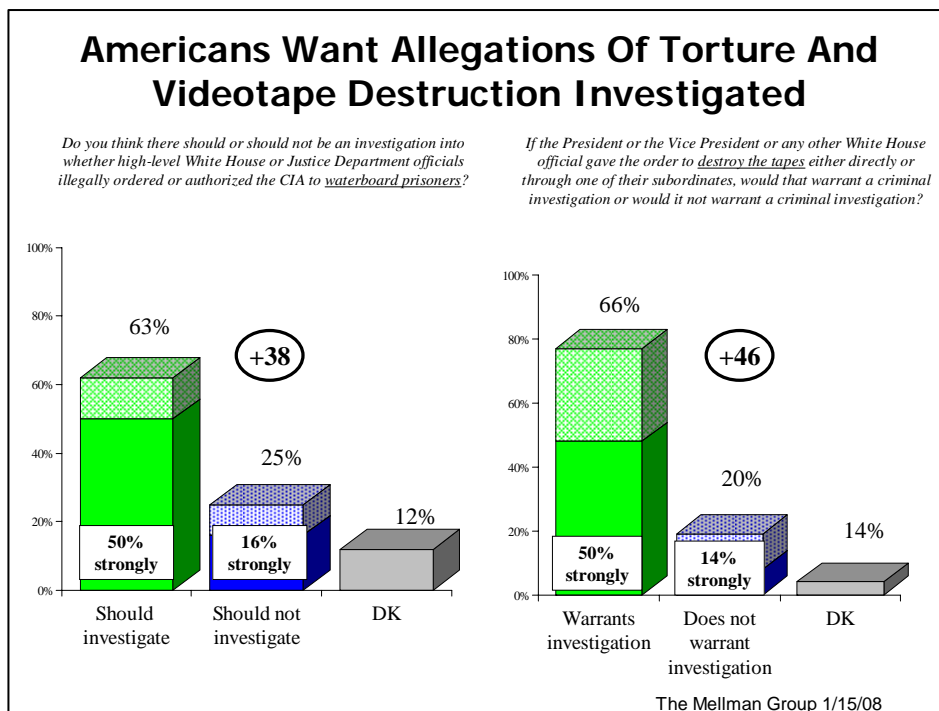


**TO: American Civil Liberties Union**  
**FROM: The Mellman Group**  
**DATE: February 6, 2008**  
**RE: The CIA Torture Tapes Scandal**

*This analysis represents the findings of a national survey of 1000 likely 2008 general election voters. Interviews were conducted by telephone January 11 to January 15, 2008. To insure an unbiased sample, random digit dialing techniques were used and respondents screened for being likely voters. The margin of error for this survey is +/-3.1% at the 95% level of confidence. The margin of error is higher for subgroups.*

American voters overwhelmingly believe it likely that important laws were broken when the CIA destroyed videotapes of so-called “harsh interrogations.” Voters also want an independent prosecutor to investigate the matter, instead of the Justice Department.

**AMERICANS BELIEVE THERE SHOULD BE INDEPENDENT INVESTIGATIONS OF ALLEGED CIA TORTURE AND ITS DESTRUCTION OF INTERROGATION TAPES**



Overwhelming majorities of voters are demanding independent investigations of both the CIA’s destruction of interrogation tapes and of possible use of torture by the Agency.

Nearly two-thirds (63%) favor an investigation into whether the Administration authorized illegal torture, including waterboarding, while just 25% believe this matter should not be investigated further. What’s more, 2-in-3 (66%) say that involvement by Administration officials in approving destruction of the

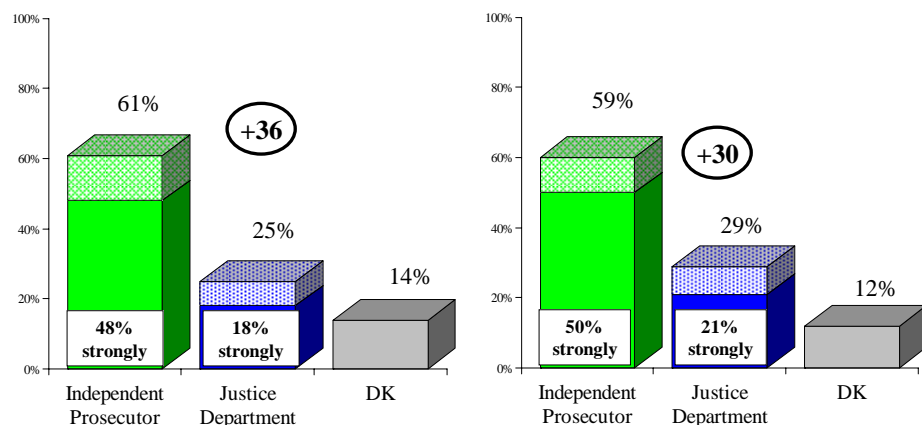
CIA torture tapes would warrant a criminal investigation (20% would not).

These views are widespread throughout every segment of the electorate. Large majorities of Democrats (75%) and independents (63%), as well as a plurality of Republicans (47%) want the waterboarding charge investigated, and majorities across party lines--including 82% of Democrats, 62% of independents, and 51% of Republicans--want to see an investigation into Administration culpability in the destruction of the torture tapes.

## Americans Want An Independent Prosecutor To Run The Investigations, Not The Justice Department

Who should conduct such an investigation into whether high-level White House and Justice Department officials illegally authorized torture – should the Justice Department conduct the investigation or should an independent prosecutor conduct such an investigation?

Right now the Justice Department is investigating this [tape destruction] case. Do you think the investigation should be handled by the Justice Department or should an independent prosecutor be appointed to investigate the case?



The Mellman Group 1/15/08

Equally important, Americans believe these investigations should *not* be carried out by Justice Department officials, but rather by an independent prosecutor. With regard to a torture investigation, 61% prefer an independent prosecutor over a Justice Department inquiry (25%), whereas in the torture tape investigation, 59% prefer an independent prosecutor instead of a Justice Department investigation (29%).

Large majorities of Democrats (69%), independents (57%), and

Republicans (54%) prefer an independent prosecutor in the torture investigation case, while majorities of Democrats (73%) and independents (54%), as well as a plurality of Republicans (48%) want an independent prosecutor in the tape destruction case as well. The demand for independent prosecutors echoes across the country: 64% in the Northeast, 60% in the South, 60% in the West, and 59% in the Midwest all support an independent investigation into torture. Support for an independent prosecutor to deal with the destruction of the torture tapes is also nationwide: 64% in the Northeast, 58% in the South, 56% in the West, and 61% in the Midwest.

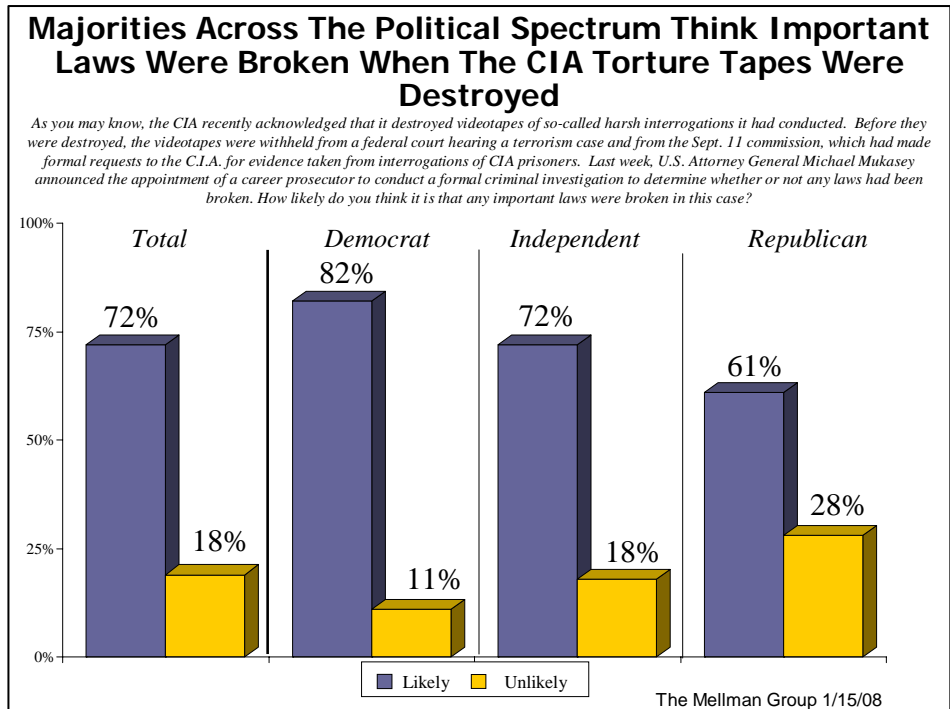
What's more, Americans' views on this question are quite robust, and impervious to the Administration's message. We presented voters with strongly worded arguments on both sides of the issue and found support for an independent prosecutor actually increasing by a point after voters heard President Bush's view: "career officials in the Justice Department and Attorney General Mukasey have the integrity and independence they need to investigate this case." The counterpoint argued: "the White House cannot be trusted to investigate itself..."<sup>1</sup> After hearing these arguments on both sides, 60% favored an independent prosecutor compared to just 30% who support an investigation conducted by the Justice Department.

<sup>1</sup>Full question wording: "Some people say the White House cannot be trusted to investigate itself and that because the Justice Department and the Attorney General serve at the pleasure of the President, they cannot be independent. They say we need an independent prosecutor handling this case. Other people say career officials in the Justice Department and Attorney General Mukasey have the integrity and independence they need to investigate this case. Do you think the investigation should be handled by the Justice Department or should an independent prosecutor be appointed to investigate the case?"

**LARGE MAJORITIES, ACROSS PARTISAN LINES, BELIEVE IT LIKELY THAT IMPORTANT LAWS WERE BROKEN IN THE DESTRUCTION OF THE CIA TAPES**

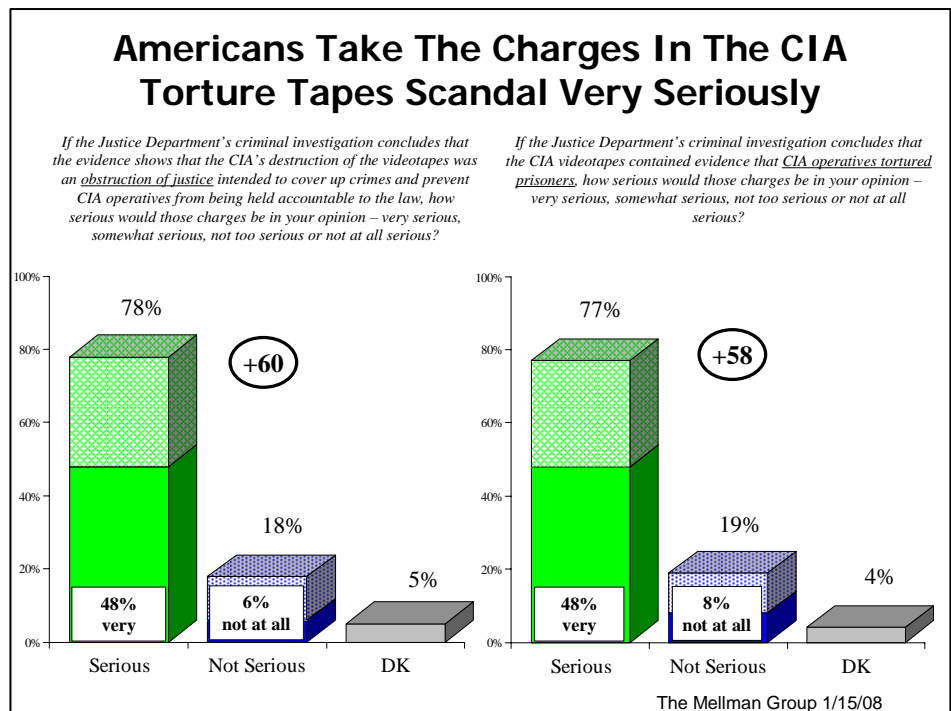
Support for an independent investigation stems in part from the public’s belief that laws were likely broken. Almost three-quarters (72%) believe it likely that important laws were broken when the CIA destroyed videotapes of so-called “harsh interrogations.” Fewer than 1-in-5 (18%) take the opposite view.

Eighty-two percent (82%) of Democrats, 72% of independents, and fully 61% of the President’s own party believe it likely that important laws were broken in this case.



**AMERICANS TAKE THESE CHARGES VERY SERIOUSLY**

Support for an independent investigation is also predicated, in part, on the seriousness with which the electorate regards these charges. Seventy-eight percent (78%) say that destroying the tapes to cover up crimes would be a serious charge, with 48% seeing it as “very serious.” CIA operatives torturing prisoners, as reportedly documented in the tapes, is also a serious charge in the public mind (77%), with 48% calling that charge “very serious.”



Once again, these views cut across every demographic segment. Eighty-seven percent (87%) of Democrats, 74% of independents, and 70% of Republicans agree that the obstruction of justice charge would be serious, as do voters in every section of the country. Voters across demographic segments label charges of torture by CIA operatives “serious.” Nearly all Democrats (88%), 74% of independents, and 66% of Republicans concur that charges of torture are serious.