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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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December 21, 2007

The Honorable Michael B. Mukasey
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20510

The Honorable Michael McConnell
Director of National Intelligence
Office of Director of National Intelligence
Washington, D.C. 20511

Dear Attorney General Mukasey and Director McConnell:

We write on behalf of the Senate Judiciary Committee to request that you preserve and produce to the Committee all remaining audio or video recordings of “enhanced interrogations” of detainees. Our request expressly includes copies, remnants, fragments and extant recordings of the tapes reportedly destroyed of waterboarding, wherever recorded and wherever currently held. If those recordings are in the possession, custody or control of the United States or can be obtained by the United States, we request them on behalf of the Committee.

We have already noted that we were alarmed to learn of the destruction by the Central Intelligence Agency of videotapes showing interrogations of detainees and to learn of the existence of these videotapes only after they were destroyed. We are sensitive to the need to avoid interfering with an ongoing criminal investigation. Our request is pursuant to our oversight and legislative responsibilities. This Committee has often worked with the executive branch in the past to perform oversight in ways that do not interfere with ongoing criminal probes.

It is vital that all remaining documentation of enhanced interrogations be preserved. Specifically, we request that you:

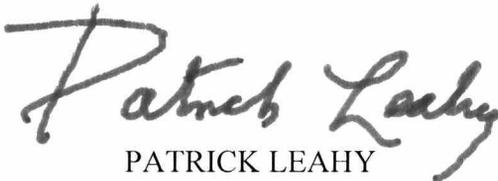
1. Issue preservation orders to ensure that all audio and video recordings of interrogations of detainees, all other documentation of such interrogations, and all documents relating to the destruction of any such recording or documentation are preserved.

The Honorable Michael B. Mukasey
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2. Canvass the White House, the Central Intelligence Agency, other intelligence agencies, and any other relevant agency, contractors and associates to determine whether any other audio or video recordings of enhanced interrogations, in which harsh interrogation techniques including but not limited to waterboarding were used, are in existence, including any additional recordings of the interrogations for which the videotapes were destroyed.
3. Provide this Committee with a report of your findings with regard to what recordings are still in existence, what the recordings depict and who possesses or controls them.
4. Work with this Committee to arrange for existing recordings to be reviewed, consistent with national security requirements.
5. Report to this Committee on an ongoing basis any newly discovered information with regard to remaining or new recordings of enhanced interrogations.

It is of the utmost importance to Congress and to the American people that the record with regard to this issue so crucial both to our security and to our values not be further compromised. Thank you for your prompt attention to this matter.

Sincerely,



PATRICK LEAHY
Chairman



ARLEN SPECTER
Ranking Member