

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

November 16, 2006

The Honorable Alberto Gonzales
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Attorney General Gonzales:

Recent press accounts indicate that, after years of denials, the Central Intelligence Agency has acknowledged the existence of additional documents detailing the Bush Administration's interrogation and detention policy for terrorism suspects. According to press reports, the CIA recently disclosed the existence of two interrogation-related documents – a presidential directive regarding the CIA's interrogation methods and detention facilities located outside of the United States, and an August 2002 Department of Justice Memorandum to the CIA General Counsel regarding CIA interrogation methods (the "2nd Bybee memo") – in connection with an ongoing FOIA lawsuit brought by the American Civil Liberties Union.

As you know, for more than two years, I have repeatedly sought answers from the Department of Justice, the FBI, the CIA, and the Department of Defense regarding reported and, in some instances, documented cases of the abuse of detainees in U.S. custody. The photographs and reports of prisoner abuse in Iraq, Guantanamo Bay and elsewhere that have emerged during the past two years depict an interrogation and detention system operating contrary to U.S. law and the Geneva Conventions.

Prisoner abuse is one aspect of a broader problem, which includes the use of so-called "extraordinary renditions" to send people to other countries where they will be subject to torture. We diminish our own values as a Nation – and lose credibility as an advocate of human rights around the world – by engaging in, or outsourcing, torture.

The American people deserve to have detailed and accurate information about the role of the Bush Administration in developing the interrogation policies and practices that have engendered such deep criticism and concern at home and around the world. I ask that you promptly respond to the following questions and document requests.

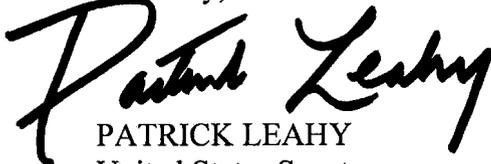
1. Please produce any and all directives, memoranda, and/or orders, including any and all attachments to such documents, regarding CIA interrogation methods or policies for the treatment of detainees, including but not limited to the directive signed by President Bush governing CIA interrogation methods, or allowing the CIA to set up detention centers located outside of the United States.

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2. Please produce any and all Department of Justice directives, memoranda, and/or guidance, including any and all attachments to such documents, regarding CIA detention and/or interrogation methods, including but not limited to the August 2002 Memorandum from the Department of Justice's Office of Legal Counsel to the CIA General Counsel regarding CIA interrogation methods (the "2nd Bybee memo").
3. Please produce any and all documents in the custody of the Department of Justice regarding the legality of specific interrogation tactics and/or federal criminal prohibitions on torture and abuse that were used in the preparation of the 2nd Bybee memo referenced above.
4. Please state whether the 2nd Bybee memo was withdrawn, replaced, or modified after the Administration withdrew the Office of Legal Counsel's memorandum regarding U.S. obligations under anti-torture law, dated August 2002 (the "1st Bybee Memo") in December 2004. If so, please produce any and all revisions, or modifications of the 2nd Bybee memo.
5. Please produce any and all Department of Justice documents that interpret, or advise on, the scope of interrogation practices permitted and prohibited by the Detainee Treatment Act or the Military Commissions Act.
6. Please produce an index of any and all documents relating to investigations and/or reviews conducted by the Department of Justice into detainee abuse by U.S. military or civilian personnel in Guantanamo Bay, Abu Ghraib prison, or elsewhere.

I look forward to comprehensive responses to the above questions and document requests.

Sincerely,

A handwritten signature in black ink that reads "Patrick Leahy". The signature is written in a cursive, flowing style.

PATRICK LEAHY
United States Senator

cc: General Michael V. Hayden, USAF
Director
Central Intelligence Agency
Room Number 7D56 OHB
Washington, D.C. 20505