

By Alex Abdo

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[Records](#) obtained late last month by the American Civil Liberties Union reveal new information about the CIA's destruction of videotapes depicting the brutal interrogation of prisoners at CIA black sites, including the precise date the tapes were destroyed and evidence that the White House was involved in early discussions about the proposed destruction.

The ACLU is seeking disclosure of these records as part of its [pending motion](#) to hold the CIA in [contempt](#) for destroying the tapes in violation of a court order requiring the agency to produce or identify records responsive to the ACLU's

[Freedom of Information](#) (FOIA) request for records relating to the treatment of prisoners held in U.S. custody overseas. The tapes, which show CIA operatives subjecting suspects to extremely harsh interrogation methods, should have been identified and processed for the ACLU in response to its FOIA request. Instead of identifying and processing the videotapes, however, the CIA destroyed them. The tapes were also withheld from the 9/11 Commission, appointed by former President Bush and Congress, which had formally requested that the CIA hand over a variety of information pertaining to the interrogation of CIA prisoners, including Abu Zubaydah, the subject of many of the videotapes. Special Prosecutor John Durham has been criminally investigating the destruction of the tapes since January 2008.

The CIA has [previously said](#) that it has roughly 3,000 summaries, transcripts, reconstructions and memoranda relating to the tapes, which it continues to [withh](#)
[old in their entirety](#)

, purportedly for reasons relating to national security. The new records obtained last month by the ACLU consist primarily of an

[index](#) of CIA documents relating to the destruction of the tapes. Listed in the new index are November 8, 2005 and November 9, 2005 cables from a CIA field office to CIA headquarters requesting permission to destroy the 92 tapes and a November 9, 2005 cable confirming their destruction. The precise date of destruction confirms that the tapes were destroyed immediately after the Washington Post

[reported](#) the existence of the CIA black sites and the New York Times

[reported](#) that the CIA Inspector General had questioned the legality of the agency's torture program. The chronology suggests that the CIA destroyed the videotapes in order to prevent the public from

learning the full scope of the CIA's torture program.

The new index also lists the earliest known record of White House participation in discussions about destroying the tapes – an e-mail dated February 22, 2003 revealing that CIA officials met with Bush administration officials to discuss how the agency should respond to a [letter](#) from Representative Jane Harman (D-CA) advising the agency not to destroy the tapes. While it was known previously that the White House participated in discussions about the disposition of the tapes, this is the earliest record to date of any such discussions and provides a damning timeline that sheds even more light on the extent of the Bush administration's micromanagement of the CIA's torture program.

Serious questions remain about the extent to which the Bush White House and other government agencies were complicit in the CIA's destruction of the tapes, and releasing these and other documents in full is essential to fully understanding the responsibility of high-level officials for torture.

A selected chronology of what is now known about the destruction of the CIA interrogation tapes is available [here](#) .

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