

December 22, 2010

David S. Ferriero  
Archivist of the United States  
National Archives and Records Administration  
700 Pennsylvania Avenue, N.W.  
Washington, D.C. 20408

Dear Mr. Ferriero:

As organizations concerned with transparency and accountability, we are writing to support the re-opening of the National Archives and Records Administration's (NARA) investigation into the Central Intelligence Agency's (CIA) destruction of federal records showing the torture of detainees at CIA black sites, and to thank you for your leadership on this issue.

By refusing to give the CIA a free pass, NARA proclaims its role not only as the final repository for our nation's historical documents, but also as an active curator of federal records. When records are destroyed because they would reveal embarrassing information or illegal activities, the public is denied the right to understand and debate what the federal government is doing in its name, and hold the government accountable for its actions. Furthermore, the destruction of records makes it impossible for historians to someday write the authoritative history of our nation.

The destruction of records in this particular case is especially abhorrent. The records are videotapes showing the interrogations, including waterboarding, of two 'high value' detainees. The CIA's actions destroyed evidence that is crucial to ensuring that torture victims have a fair day in court.

We are profoundly disappointed that the Department of Justice (DOJ) declined to bring any criminal charges over this blatant violation of the Federal Records Act and destruction of evidence. Failing to enforce the law of the land in this instance sends a message of impunity to agencies that decide to destroy records containing evidence of illegality, mismanagement, corruption, or even fairly benign mistakes. This decision stands in stark contrast to the President's January 21 memorandum on the Freedom of Information Act (FOIA) directing Heads of Executive Departments and Agencies that the government "not keep information confidential merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears." For these reasons, we hope DOJ will fully support your investigation and act on your conclusions.

Thank you, again, for your leadership on this issue.

Sincerely,

American Association of Law Libraries

American Library Association

American Booksellers Foundation for Free  
Expression

Arizona First Amendment Coalition

American Civil Liberties Union

Association of Research Libraries

Bill of Rights Defense Committee

The Center for Media and Democracy

The Center for Victims of Torture

Citizens for Responsibility and Ethics in  
Washington (CREW)

Defending Dissent Foundation

Electronic Frontier Foundation

Essential Information

Feminists for Free Expression

Fund for Constitutional Government

Government Accountability Project (GAP)

iSolon.org

Liberty Coalition

Muslimah Writers Alliance

National Coalition Against Censorship

No More Guantanamos

Northern California Association of Law Libraries

OMB Watch

OpenTheGovernment.org

PEN American Center

Progressive Librarians Guild

Project On Government Oversight (POGO)

Public Citizen

Reporters Committee for Freedom of the Press

Society of American Archivists

Society of Professional Journalists

US Bill of Rights Foundation

Utah Foundation for Open Government