

Destroying C.I.A. Tapes Wasn't Opposed, Memos Say

By SCOTT SHANE

WASHINGTON — At a closed briefing in 2003, the chairman of the Senate Intelligence Committee raised no objection to a C.I.A. plan to destroy videotapes of brutal interrogations, according to secret documents released Monday.

The senator, Pat Roberts, Republican of Kansas, also rejected a proposal to have his committee conduct its own assessment of the agency's harsh interrogation methods, which included wall-slammings and waterboarding, the documents say.

But Mr. Roberts, through a spokesman, denied having approved the destruction of the videotapes, which is under criminal investigation, and defended his record in overseeing the interrogation program.

His assertions were backed by his former staff director on the Intelligence Committee, William D. Duhnke, who said that while the senator had not objected to the tapes' destruction, he was "in receive mode" and was simply listening to get the facts about the interrogation program, which he was learning about for the first time.

According to a memorandum prepared after the Feb. 4, 2003, briefing by the C.I.A.'s director of Congressional affairs, Stanley M. Moskowitz, Scott Muller, then the agency's general counsel, explained that the interrogations were reported in detailed agency cables and that officials intended to destroy the videotapes as soon as the agency's inspector general completed a review of them.

"Senator Roberts listened carefully and gave his assent," the C.I.A. memo says.

In November 2005, after nearly three years of internal debate, the agency destroyed 92 videotapes of interrogations of two people suspected of being terrorists, Abu Zubaydah and Abd al-Rahim al-Nashiri.

That action has been under criminal investigation by the Jus-

tice Department since early 2008. A prosecutor, John H. Durham, is trying to determine whether it violated court orders to preserve evidence related to detention and interrogation or violated any laws.

Last August, Attorney General Eric H. Holder Jr. directed Mr. Durham to expand his inquiry to consider whether the interrogations themselves broke any law. Mr. Holder noted that in at least a few instances, interrogators went beyond methods authorized by the Justice Department, including threatening Mr. Nashiri with a pistol and a power drill.

Those incidents were also described in the 2003 briefing for Mr. Roberts; when they were described, "Senator Roberts winced," according to the memo on the briefing.

The same document says that Senator Bob Graham of Florida, the Democrat who had preceded Mr. Roberts as chairman, had proposed that the committee "undertake its own 'assessment' of the enhanced interrogation," the C.I.A.'s term for coercive methods. Agency officials told Mr. Roberts that they would oppose allowing any Senate staff members to observe interrogations or visit the secret overseas prisons where they were taking place.

"Quickly, the senator interjected that he saw no reason for the committee to pursue such a request and could think of '10 reasons right off why it is a terrible idea,'" the report says.

In a separate statement, Mr. Roberts said the memo did not "begin to represent the entirety of my oversight of interrogations."

A spotlight on a Senate briefing on brutal interrogations.

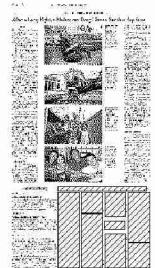
Mr. Duhnke, the former Intelligence Committee staff member, said he had originally proposed placing a committee staff member who was a trained interrogator at the C.I.A.'s secret overseas prisons to observe interrogations. Agency officials twice refused the request, he said.

While Mr. Roberts did not push the matter at the 2003 briefing, he did later persuade the agency to clear more Senate staff members to learn about the interrogation program. None were permitted to observe the questioning, Mr. Duhnke said.

The memo is among more than 100 pages of heavily redacted documents about Congressional briefings on interrogation made public Monday as a result of a freedom of information request by Amnesty International USA, the Center for Constitutional Rights and the Center for Human Rights and Global Justice at New York University.

The groups said the documents showed the need for a full public investigation of the interrogation program and also suggested that Congress was too involved in approving the program to conduct an objective investigation.

The documents shed no new light on a dispute last year between Speaker Nancy Pelosi, Democrat of California, and C.I.A. officials about what exactly she was told in a briefing on interrogation in the fall of 2002. Ms. Pelosi has said that while waterboarding, a tactic that simulates drowning, was describing at the briefing, she was not told that it was already in use. In fact, the waterboarding of Mr. Zubaydah had begun by that time, and C.I.A. officials have said they believe that was reported at the briefing with Ms. Pelosi.



The records do show that Representative Jane Harman of California, who succeeded Ms. Pelosi as the ranking Democrat on the House Intelligence Committee, asked pointed questions about the value of coercive interrogation methods at a closed briefing in July 2004.

Ms. Harman protested that the committee “had not been getting full and candid testimony on the detainee issue” and questioned whether the harsh methods were necessary and effective, according to a C.I.A. memo.