

# Justice Department Releases Bush Administration Torture Memos

Bradbury And Bybee Memos Are Released In Response To Long-Running ACLU Lawsuits

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NEW YORK – In response to litigation filed by the American Civil Liberties Union under the Freedom of Information Act (FOIA), the Justice Department today released four secret memos used by the Bush administration to justify torture. The memos, produced by the Justice Department's Office of Legal Counsel (OLC), provided the legal framework for the CIA's use of waterboarding and other illegal interrogation methods that violate domestic and international law.

The ACLU has called for the Justice Department to appoint an independent prosecutor to investigate torture under the Bush administration.

"We have to look back before we can move forward as a nation. When crimes have been committed, the American legal system demands accountability. President Obama's assertion that there should not be prosecutions of government officials who may have committed crimes before a thorough investigation has been carried out is simply untenable. Enforcing the nation's laws should not be a political decision. These memos provide yet more incontrovertible evidence that Bush administration officials at the highest level of government authorized and gave legal blessings to acts of torture that violate domestic and international law," said Anthony D. Romero, Executive Director of the ACLU. "There can be no more excuses for putting off criminal investigations of officials who authorized torture, lawyers who justified it and interrogators who broke the law. No one is above the law, and the law must be equally enforced. Accountability is necessary for any functioning democracy and for restoring America's reputation at home and abroad."

Three of the memos released today were written by Steven Bradbury, then a lawyer in the OLC, in 2005. The fourth memo was written by then-OLC head Jay S. Bybee in August 2002.

"Memos written by the Office of Legal Counsel, including the memos released today, provided the foundation for the Bush administration's torture program," said Jameel Jaffer, Director of the ACLU National Security Project. "Through these memos, Justice Department lawyers authorized interrogators to use the most barbaric interrogation methods, including methods that the U.S. once prosecuted as war crimes. The memos are based on legal reasoning that is spurious on its face, and in the end these aren't legal memos at all – they are simply political documents that were meant to provide window dressing for war crimes. While the memos should never have been written, we welcome their release today. Transparency is a first step towards accountability."

"The documents released today provide further confirmation that lawyers in the Office of Legal Counsel purposefully distorted the law to support the Bush administration's torture program," said Amrit Singh, staff attorney with the ACLU. "Now that the memos have been made public, high-ranking officials in the Bush administration must be held accountable for authorizing torture."

We are hopeful that by releasing these memos, the Obama administration has turned the page on an era in which the Justice Department became complicit in some of the most egregious crimes."

Since 2003, the ACLU has filed several lawsuits to enforce FOIA requests seeking government documents relating to torture, rendition, detention and surveillance. These lawsuits have resulted in the release of thousands of records.

"We need to know our history to learn from history," said Arthur Eisenberg, Legal Director of the New York Civil Liberties Union and co-counsel on the case. "Disclosure of these documents is essential for our country, and will shed much-needed light on one of the darkest chapters in American history."

The memos released today, in addition to more information, including a copy of the ACLU's recent letter to the OLC, a chart of the still-secret OLC memos, a video and information about the ACLU's FOIA litigation, is available at: [www.aclu.org/olcmemos](http://www.aclu.org/olcmemos)