



# National Archives and Records Administration

8601 Adelphi Road  
College Park, Maryland 20740-6001

February 24, 2010

Jeanette Plante  
Department of Justice  
Office of Records Management Policy  
Suite 1209  
1331 Pennsylvania Avenue NW  
Washington DC 20530

Dear Ms Plante:

We are writing you regarding the possible unauthorized destruction of email and other records in the Office of Legal Counsel (OLC) as reported by the Office of Professional Responsibility (OPR) in the July 29, 2009, "Investigation into the Office of Legal Counsel's Memoranda Concerning Issues Relating to the Central Intelligence Agency's Use of "Enhanced Interrogation Techniques" on Suspected Terrorists." On page 5, footnote 3 the report states:

"After it became apparent, during the course of our review, that relevant documents were missing, we requested and were given direct access to the email and computer records of [Redacted] Yoo, Philbin, Bybee, and Goldsmith. However, we were told that most of Yoo's email records had been deleted and were not recoverable. Philbin's email records from July 2002 through August 5, 2002 - the time period in which the Bybee Memo was completed and the Classified Bybee Memo (discussed below) was created - had also been deleted and were reportedly not recoverable. Although we were initially advised that Goldsmith's records had been deleted, we were later told that they had been recovered and we were given access to them."

In accordance with 36 CFR 1230.16(b), the National Archives and Records Administration (NARA) is writing to the Department of Justice (DOJ) with a request for a response within 30 days of the date of this letter. If DOJ determines that an unauthorized destruction has occurred, then DOJ needs to submit a report to NARA as described in 36 CFR 1230.14.

If you have any questions, please contact Stephen Cooper at 301-837-1615 or [Stephen.cooper@nara.gov](mailto:Stephen.cooper@nara.gov).

Sincerely,

A handwritten signature in cursive script that reads "Paul M. Wester, Jr.".

PAUL M. WESTER, JR.  
Director  
Modern Records Programs