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- ✓ 16 Nov 2006 – SSCI/HPSCI briefing to entire membership on [redacted] Detentions, and Interrogations
- ✓ 14 Feb 2007 – SSCI briefing to entire membership on [redacted]
- ✓ 14 Mar 2007- HPSCI briefing to entire member ship on [redacted]
- ✓ 12 April 2007 – SSCI briefing to entire membership on the ICRC report.

[redacted] Briefing Excluding EITs [redacted]

- 04 April 2005 – Senate Majority Leader Frist
- 19 April 2005 – HPSCI members Thornberry and Cramer, and staffer [redacted]
- 25 April 2005 – HPSCI staffers [redacted]
- 01 Nov 2005 – HPSCI staffers [redacted]

Cleared for [redacted] level briefings (no EITs)

- All Members of the Intelligence Oversight Committees
- HPSCI Staff – 12
- SSCI Staff –
- HAC Staff – [redacted]
- SAC Staff –

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[Redacted]

John L. Helgerson  
Inspector General

[Redacted]

07/16/04 03:48 PM

To: [Redacted]

cc:

Subject: Discussions on Hill



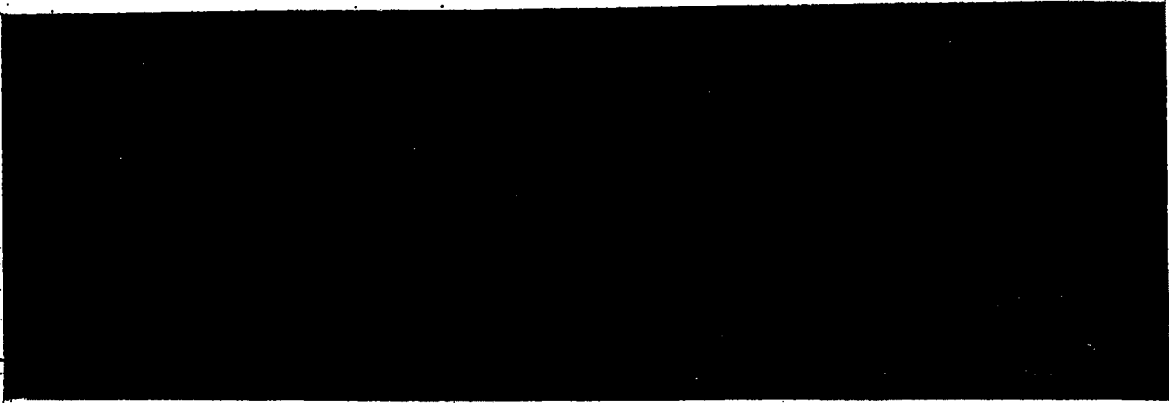
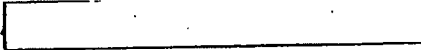
FYI, this week I discussed the final report with the cleared Members of Congress—Goss and Harman on the HPSCI and Roberts and Rockefeller on the SSCI. You will recall that while we published with a 7 May date, the DCI did not send it to the Hill for several weeks while his staff contemplated what he wanted to say in his transmittal letter, so the Hill had only had it for a relatively short time.

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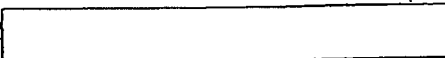
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27 July 2009

**MEMORANDUM FOR THE RECORD**

**SUBJECT:** [REDACTED] Document/File Review Related to CIA Notification Meetings With Nancy Pelosi About the Use of Harsh Interrogation Techniques Against Detainees

1. [REDACTED] On 2 June 2009, the Office of Inspector General (OIG) began a limited review of documents, cables, [REDACTED] e-mails, and [REDACTED] Instant Messaging records already existing in OIG Investigations Staff files related to whether then House of Representatives Ranking Minority Member Nancy Pelosi received CIA notifications making clear that Agency officers were using waterboarding and other harsh techniques during the interrogation of Abu Zubaydah and other Agency detainees. Press reports indicate that Pelosi has said she was briefed once during the fall of 2002 "on interrogation techniques the administration was considering using in the future" and told that the Bush team "had concluded that the techniques were legal." Pelosi has stated publicly that Agency officers did not directly inform her in 2002 that the Agency was using waterboarding and other harsh measures on detainees and has accused the CIA of misleading her and the Congress. Pelosi told reporters, "We were not—I repeat, were not—told that waterboarding or any of these other enhanced interrogation methods were used." A spokesman for Pelosi on 7 May 2009 said that during the 2002 briefing, "The briefers described these techniques, said they were legal, but said that waterboarding had not yet been used." Pelosi said she did not learn of the use of waterboarding and other harsh

measures until 2003. She also has acknowledged learning in 2003 that Representative Jane Harman had been briefed in February 2003 that "the techniques had in fact been employed." Pelosi has referenced Harman's formal written letter of protest to CIA of harsh interrogation techniques as "a protest with which I concurred."

[redacted] **What Materials Did INV Review?**

2. [redacted] INV's document/file review included a search of material INV obtained as part of other investigations, including, among others, [redacted]

[redacted] OIG

performed a search of computer case file/current folders and concentrated on [redacted] e-mails and [redacted] instant messages from about a dozen individuals. OIG also reviewed material the Office of Congressional Affairs provided, including a data base entry, several [redacted] e-mails with two attached cables, and a matrix from 2005 entitled, "List of Members." INV did not task components for any documents or other records, nor did OIG conduct interviews of officers who had knowledge of Congressional briefings and other notification efforts.

[redacted] **Was Pelosi Briefed and When? Who Else Was Present?**

3. [redacted] INV's limited review of records already in INV files indicates that Pelosi probably was briefed twice in 2002, first in April 2002 after Abu Zubaydah's capture and probably again in September 2002 after Agency officers began interrogating the detainee.

4. [redacted] A [redacted] message from [redacted]

[redacted]

[redacted] dated 8 November 2005 with a matrix attached entitled "Briefed Members November 2005" shows that on 4 September 2002, House Permanent Select Committee on Intelligence (HPSCI) Chairman

Goss and Ranking Member Harman along with staff members [redacted] received a briefing on "EITs" [enhanced interrogation techniques].<sup>1</sup> The matrix document has been annotated by hand—we do not know by whom—to delete the name Harman, replacing it with Pelosi. Next to the "EIT" subject description is the annotation: "error, it is ?Pelosi.per 145166."

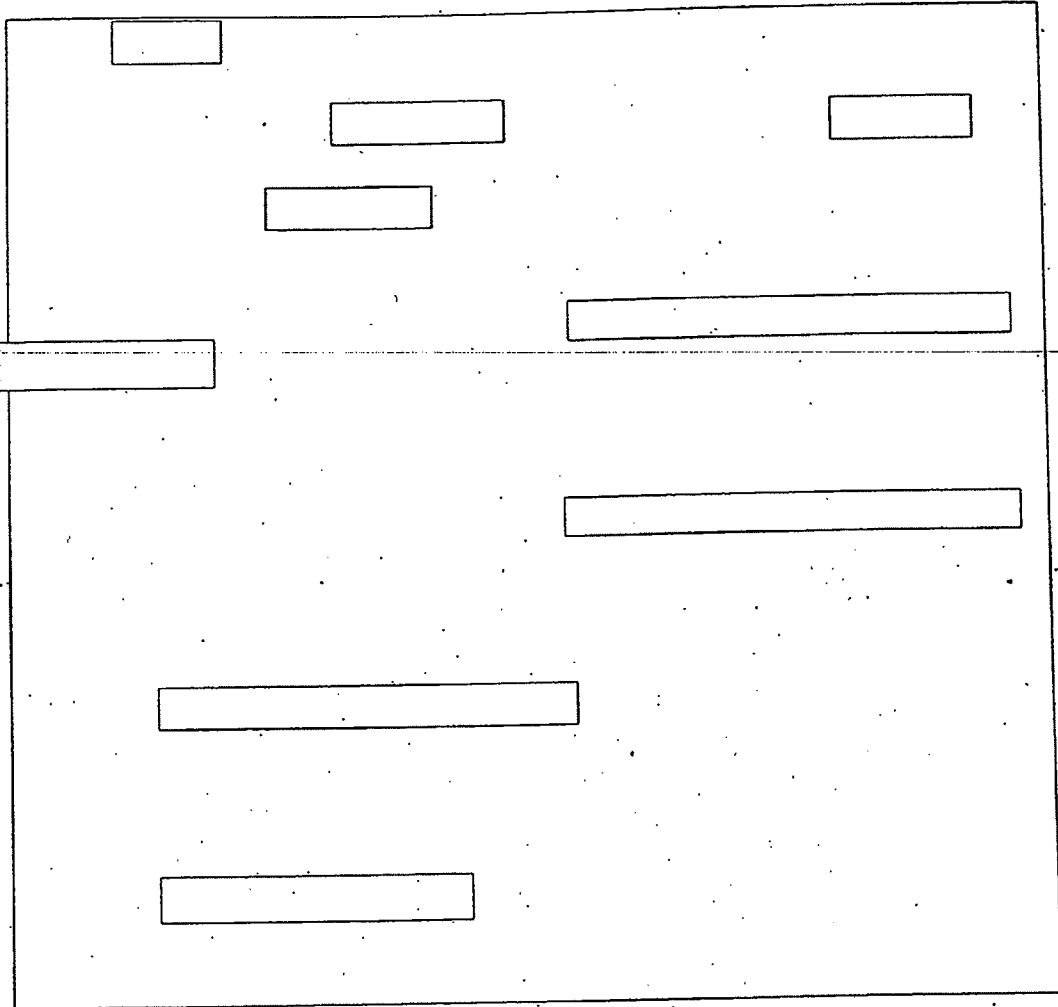
5. [redacted] A "Chronology of Hill Briefings" that the Office of Congressional Affairs (OCA) prepared in 2007 indicates Pelosi—along with other HPSCI members Douglas Bereuter, Leonard Boswell, Richard Burr, Michael Castle, Gary Condit, Peter Hoekstra, and Silvestre Reyes and staff members [redacted]—received a briefing from Agency officers on 24 April 2002 on "Ongoing interrogations of Abu Zubaydah."<sup>2</sup> The same OCA document indicates that on 4 September 2002, HPSCI Chairman Goss, Ranking Member Harman, and staff members [redacted] [redacted] received a briefing from Agency officers on "EITs." The OCA document indicates that the next briefings for HPSCI members Goss and Harman occurred on 4 and 5 February 2003 on "EITs" and "Detainee Interrogation Activities" respectively. Staff members [redacted] are listed as present for the 5 February but not the 4 February briefing. OCA's document lists no specific briefings of Pelosi on EITs or detainee issues other than on 24 April 2002. On 6 September 2006, 16 November 2006, and 14 March 2007, Agency officers briefed the "full HPSCI," according to OCA's document.

6. [redacted]

[redacted]

<sup>1</sup> [redacted] At that time, Pelosi was the Ranking Member, not Harman. Harman became the Ranking Member in January 2003.

<sup>2</sup> [redacted] The briefing occurred prior to CIA's use of enhanced interrogation techniques on Abu Zubaydah. Abu Zubaydah was captured in March 2002, and his interrogation with harsh techniques, including waterboarding, occurred from [redacted]



7. [redacted] On 23 March 2009, [redacted]

[redacted] provided to DNI leadership copies of notes/cables in his files related to Agency briefings to the HPSCI leadership. Included was a copy of a cable [redacted] that indicates that on 4 September 2002 he, Director (D)/CTC [Jose, Rodriguez], and [redacted] provided notification to Goss, Pelosi, [redacted] about the status of Abu Zubaydah interrogations and [redacted]

<sup>3</sup> [redacted] In 2002, [redacted] served as the [redacted]

[redacted] **Intelligence Committee Leaders, 2001-2009**

**HPSCI**  
Chairs

Ranking Minority Members

Silvestre Reyes (2008)

Peter Hoekstra

Peter Hoekstra (2004-2007)

Jane Harman

Porter Goss (1997-2004)

Jane Harman (2003)  
Nancy Pelosi (2001-2002)

**SSCI**  
Chairs

Vice Chairs

Diane Feinstein (2009)

Christopher (Kit) Bond

John D. Rockefeller (2007-2008)

Christopher (Kit) Bond

Pat Roberts (2003-2006)

John D. Rockefeller

Bob Graham (2001-2002)

Richard C. Shelby

Richard Shelby (2001)

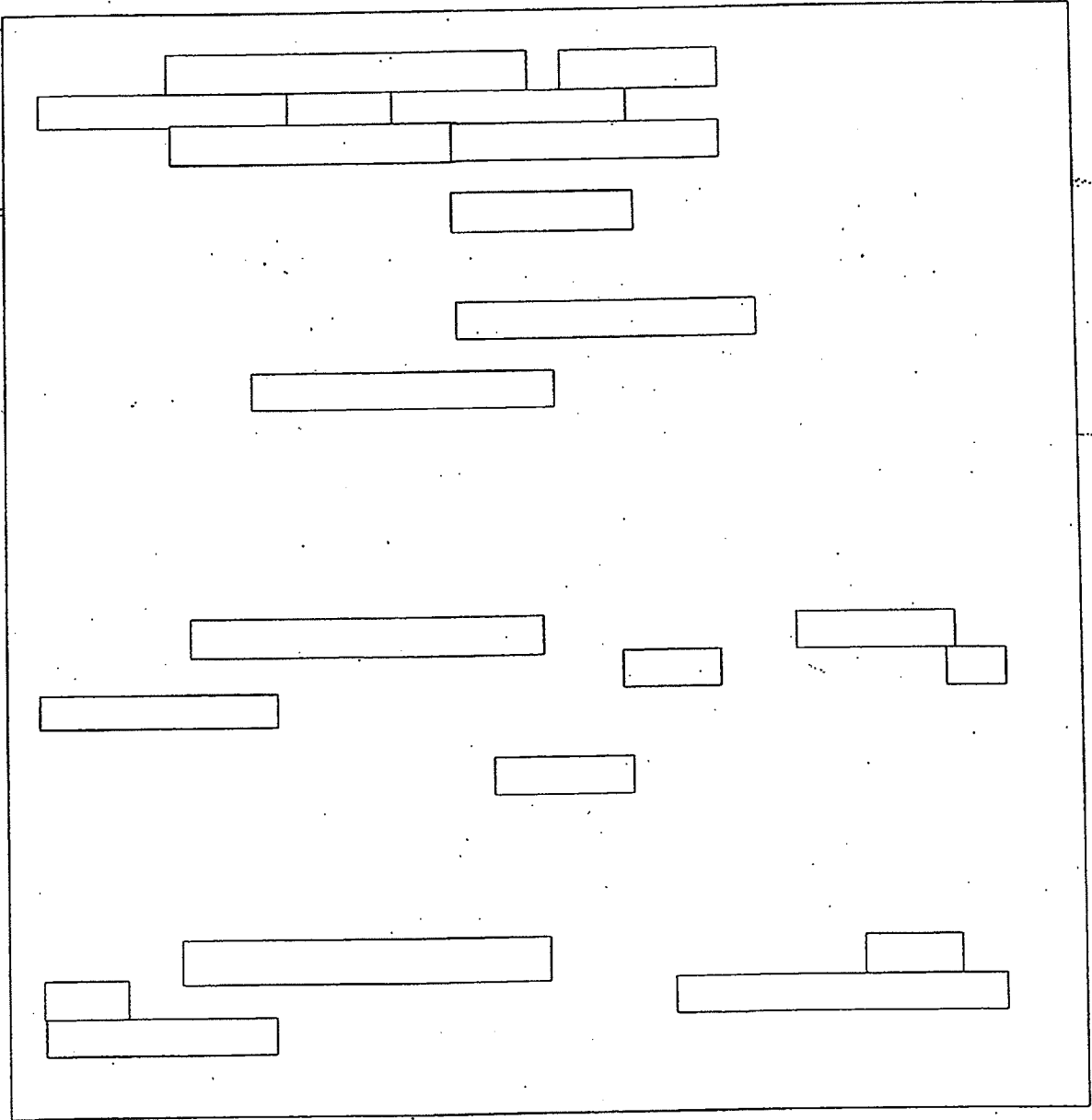
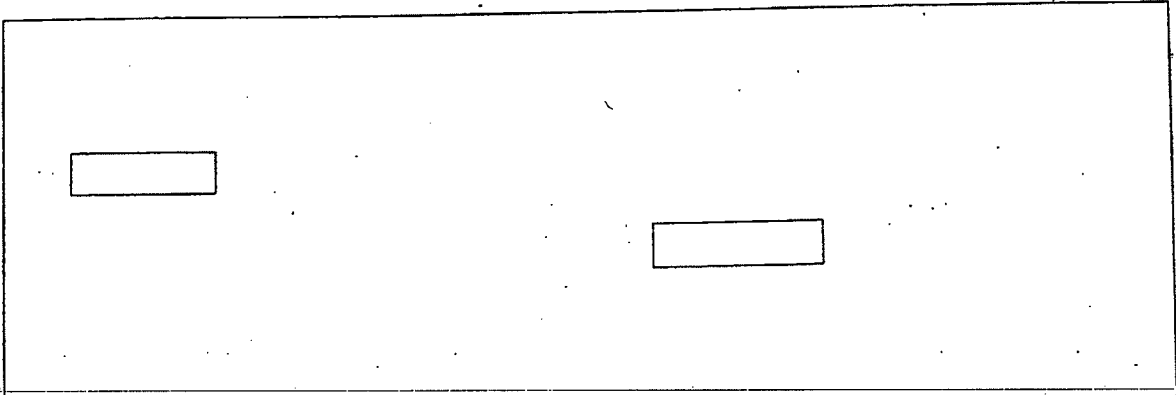
Bob Graham

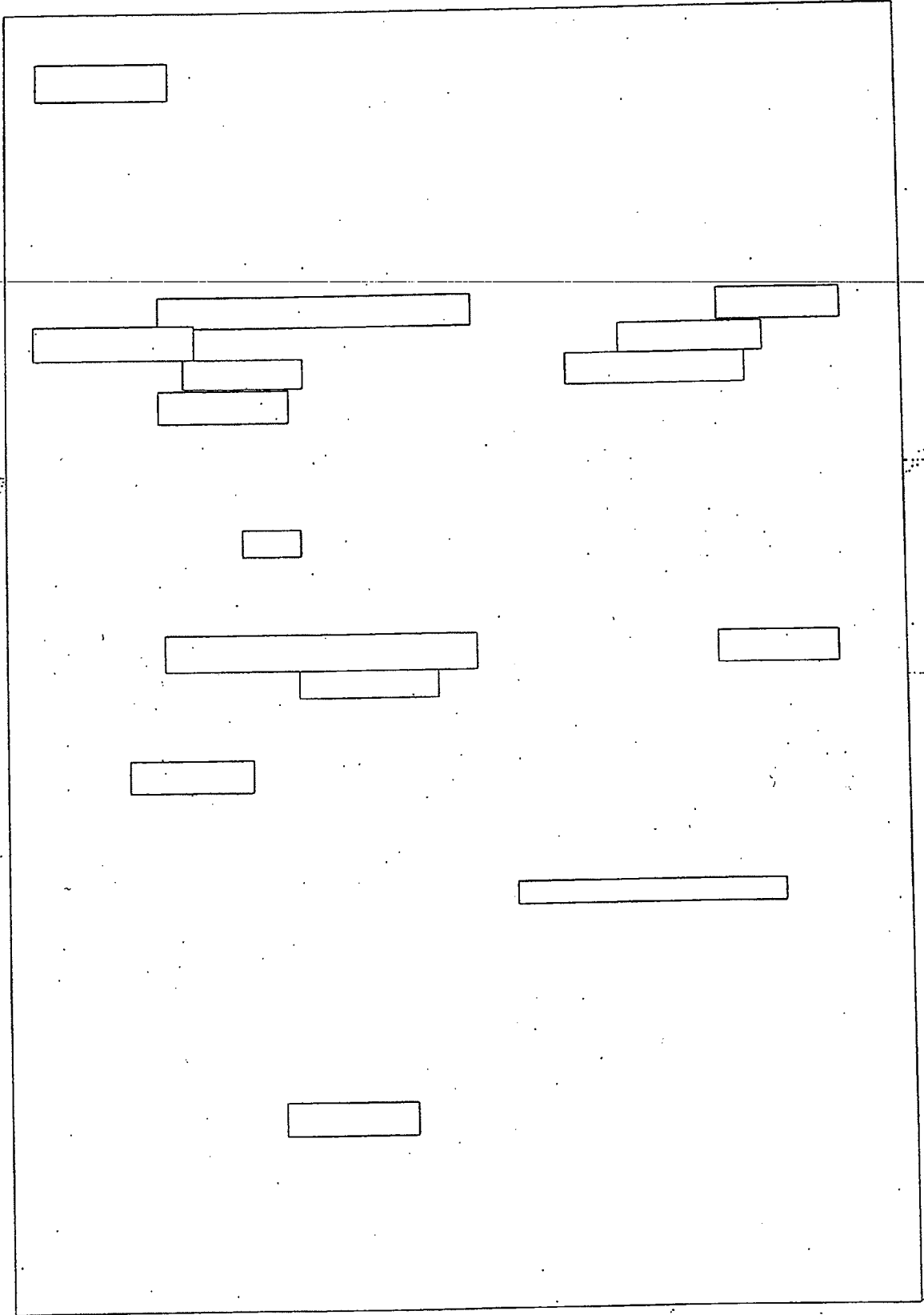
[redacted] ***What Was the Content of the Early Briefings to Pelosi and Other Intelligence Committee Members?***

8. [redacted] Existing INV records contain no specifics on the content of the early briefings the Agency provided to Pelosi and other Intelligence Committee members. [redacted]

[redacted]







[redacted]

[redacted]

[redacted] Two

days later, [redacted] sent a [redacted] message to [redacted] "Re: immediate coord," saying "Please see minor revisions below. Once approved, could you also please ask someone to place this into a cable for the record?" The text (see attachment) reads:

Notification meeting with HPSCI

On 4 September, D/CTC, C/CTC/LGL, and [redacted] provided notification to HPSCI Chairman Goss and Ranking Minority Member Pelosi about the status of the Abu Zubaydah interrogations. D/OGA attended as well, as did Committee staff members [redacted]

[redacted]



15. [redacted] The above paragraph had been edited—by whom is not clear—to delete the sentence, [redacted]

[redacted] sent the draft notification paragraph to Rodriguez, who responded to him, "short and sweet." On 10 September 2002, [redacted] sent the notification paragraph to CTC [redacted] in a cable entitled, [redacted] NOTIFICATION MEETING WITH HPSCI CONCERNING THE STATUS OF ABU ZUBAYDAH INTEORROGATIONS [redacted]

16. [redacted] An OCA database entry indicates that on 4 September 2002, D/OCA Moskowitz, DO/CTC officer [redacted] DO/Legal officer [redacted] and C/DO/CTC Rodriguez briefed HPSCI Chairman Goss, Minority Member Pelosi, and HPSCI staff members [redacted] on a "Sensitive Issue." The database also indicates that a Memorandum for the Record was never completed.

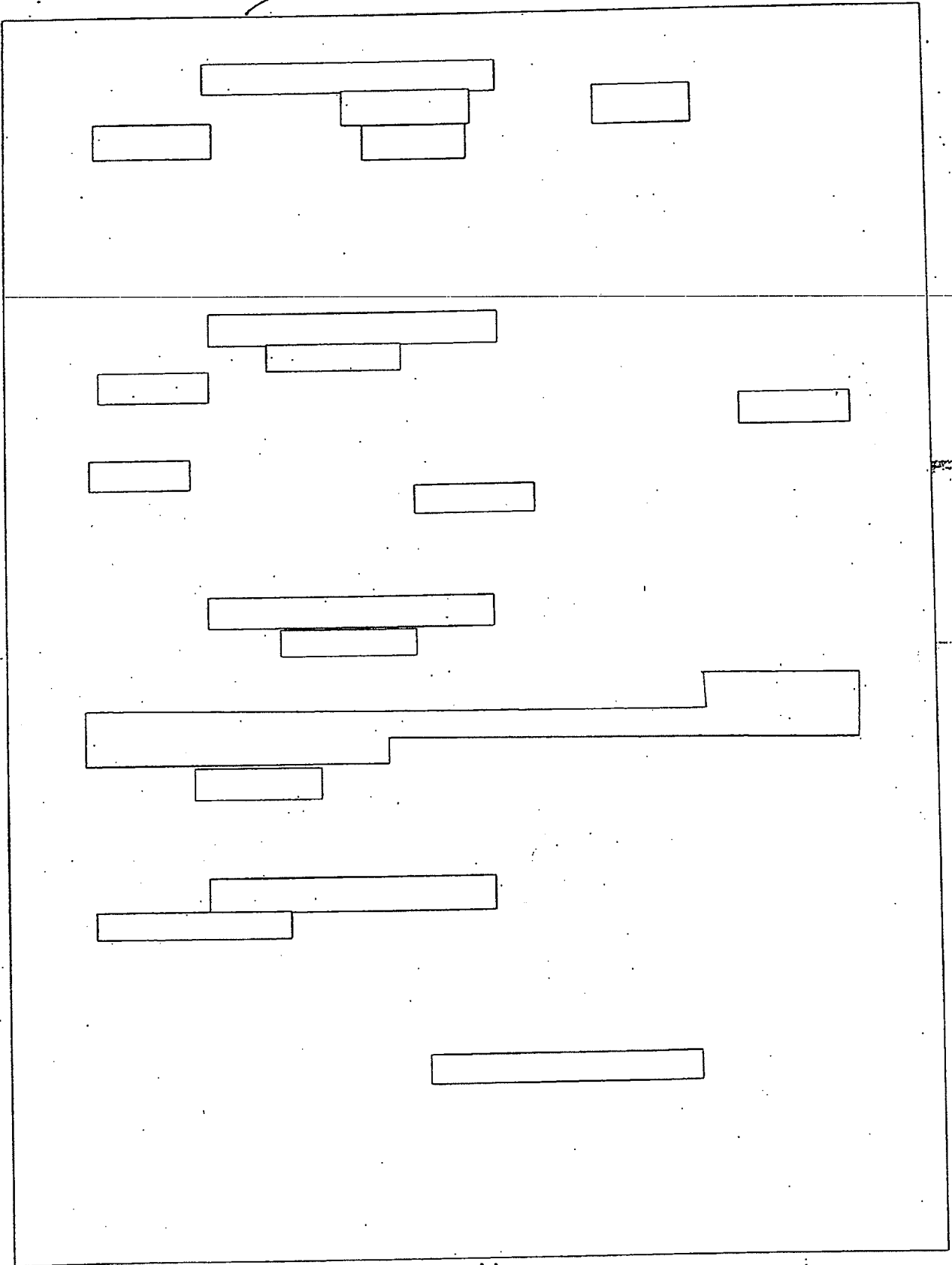
17. [redacted] On 27 September 2002, a cable from CTC/LGL to [redacted] indicated that DD/CTC, [redacted] and [redacted] notified SSCI Chairman Graham and Ranking Minority Member Shelby about the status of the Abu Zubaydah interrogations (see attachment). According to the cable, [redacted]

18. [redacted] On 19 November 2002, [redacted] [redacted] from CTC's [redacted] sent a

request to senior CTC officers and OCA from [redacted] SSCI, at the request of Chairman Graham, for information concerning the status of key al-Qa 'ida members. [redacted] from the [redacted] staff sent a [redacted] message to [redacted] saying, "We have just responded to an identical request levied from SSCI Staff Director [redacted] [redacted] via OCA. He now has the piece in hand; we will send the same thing to [redacted]"

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[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

25. [redacted] On 2 January 2003, OCA liaison officer [redacted] notified CTC's [redacted] that SSCI staff member [redacted] had requested a briefing for the SSCI staff on the subject of CIA's methods/techniques and policies for the debriefing/custodial interrogation of all of its terrorism detainees. According to [redacted] said the briefing would be for staff but that members might attend. [redacted] [redacted] to [redacted] that,

[redacted]

[redacted]

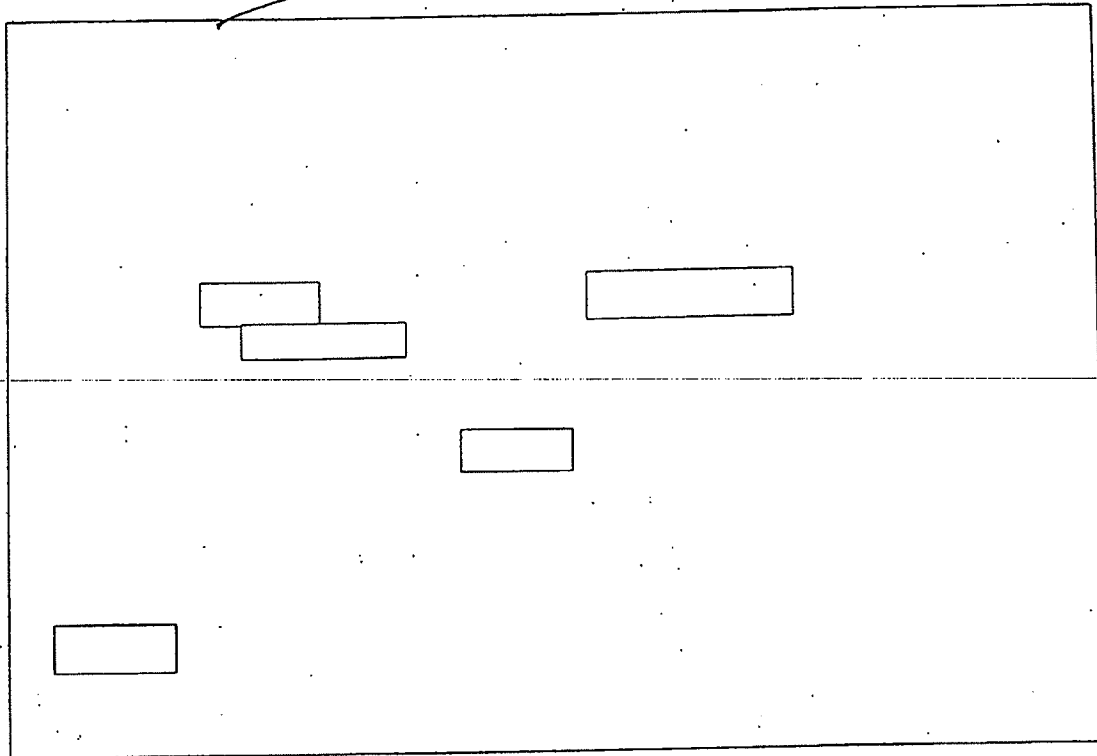
[redacted]

[redacted]

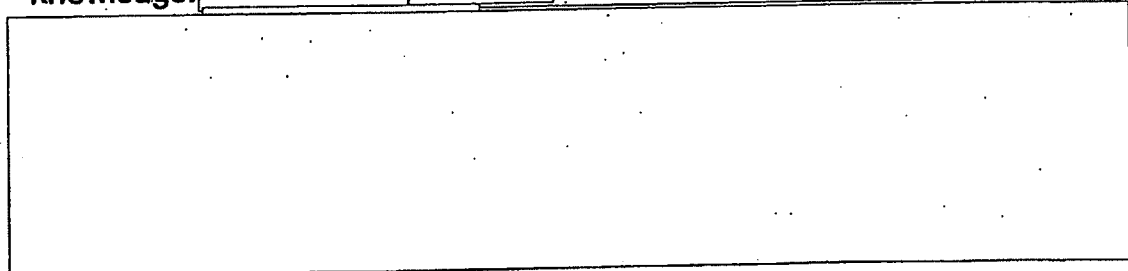
[redacted]







29. [redacted] During the years subsequent to [redacted] record of the briefing of Pelosi in September 2002, Directorate of Operations/National Glandestine Service (DO/NCS) officers continued to say in documents and [redacted] messages that Pelosi and others on the Intelligence Committees had been briefed or "fully briefed" during September 2002. Nonetheless, the officers did not provide any more specifics about the briefings than they did in 2002, nor did they source their assertions and secondhand knowledge. [redacted]



\* [redacted] Matrices OCA and CTC prepared in May 2007 and that CTC prepared in 2005 indicate that Agency officers briefed HPSCI Chairman Goss, and Ranking Member Harman on "EITs" on 4 February 2003 and Goss, Harman, and staff members [redacted] on "detainee interrogation activities" on 5 February. Agency officers provided a "detailed briefing on EITs" to SSCI Chairman Roberts and staff members [redacted] on 4 February 2003; according to another matrix OCA prepared in May 2007.

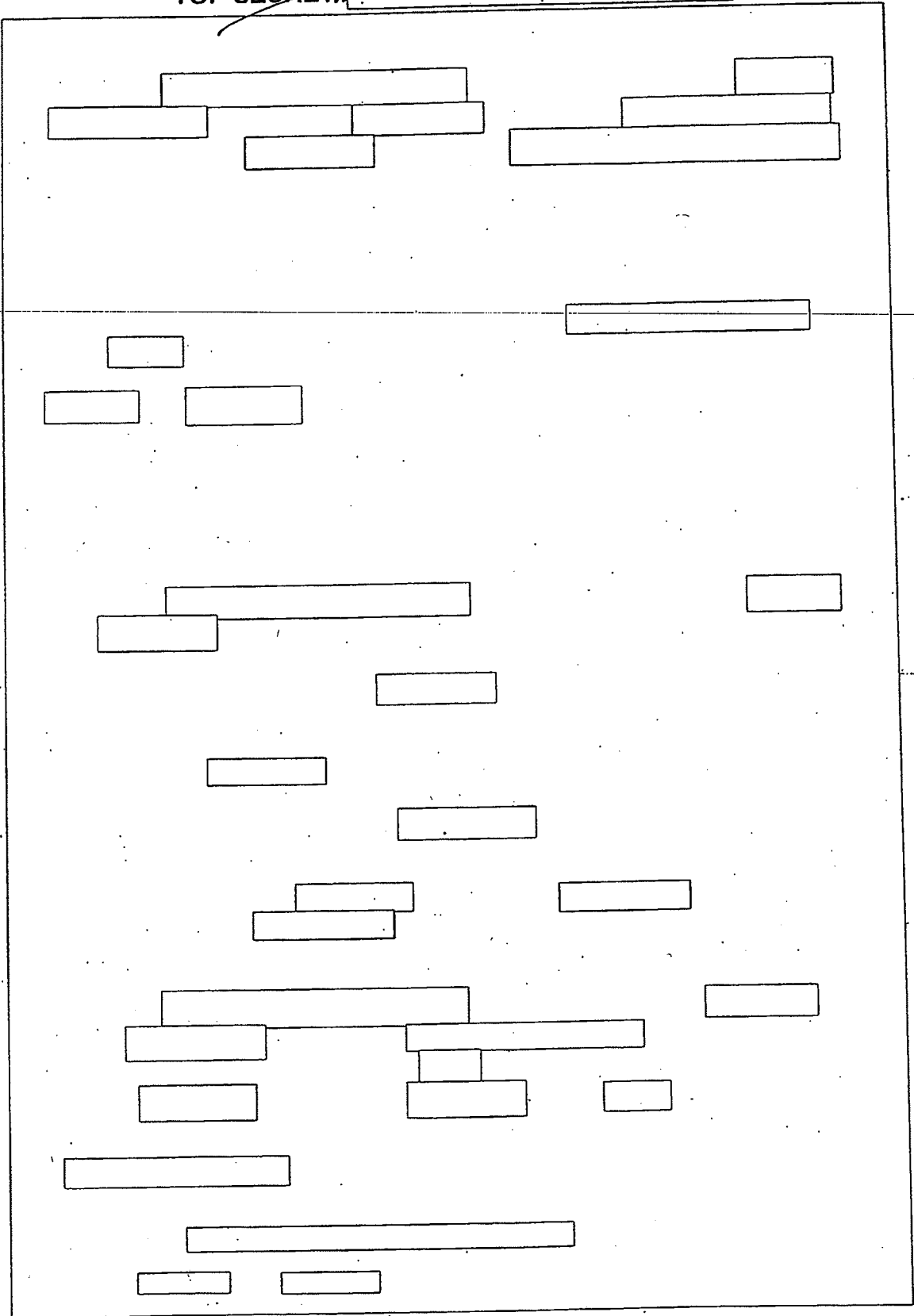
[redacted]

OIG found nothing in its limited file search to indicate that [redacted] ever documented more specifically his briefing to HPSCI and SSCI leaders, particularly which "enhanced techniques" Agency officers used on detainees and how the officers applied them.

[redacted]

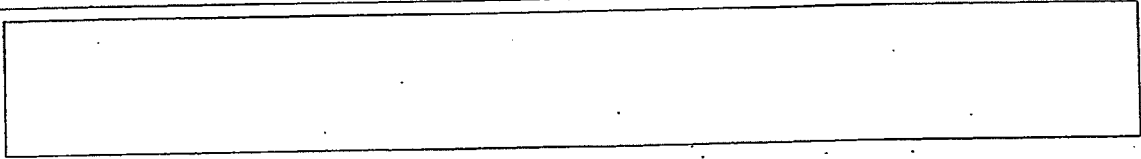
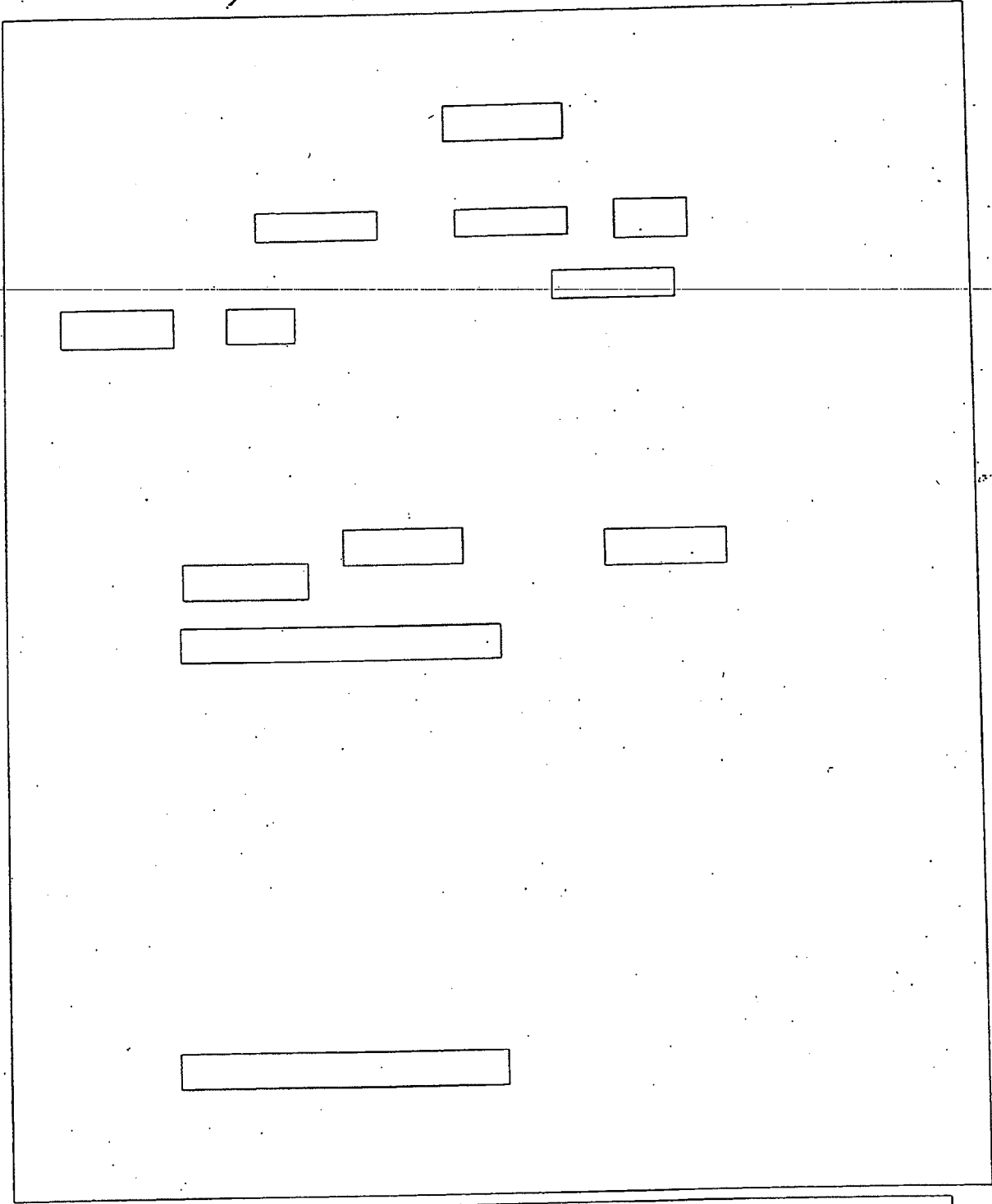


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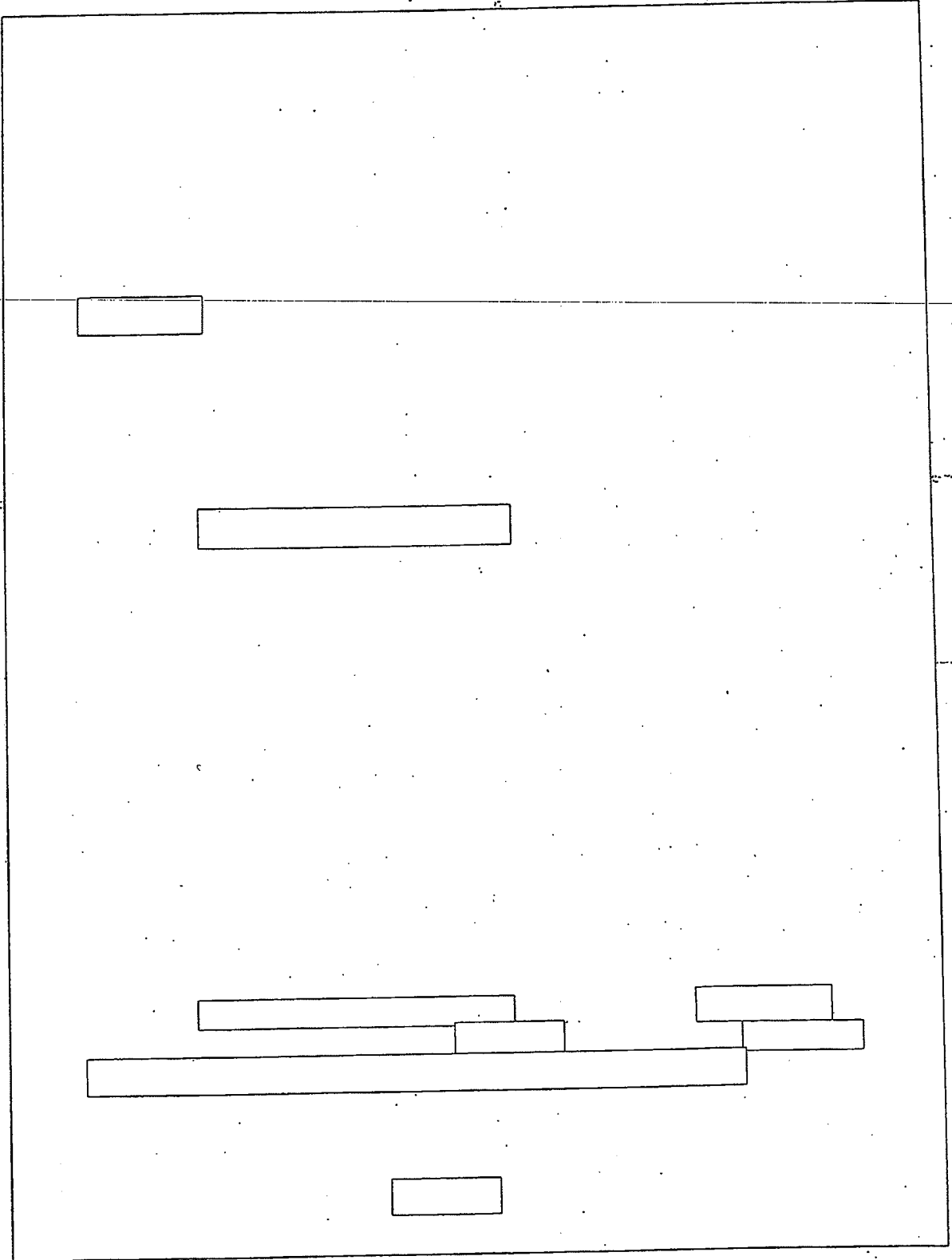


[Redacted]

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[Redacted]

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[redacted]

43. [redacted] CTC prepared a briefing for Congressman Hoekstra in October 2004, but matrices from 2005 and 2007 show that he received the briefing in January 2005.

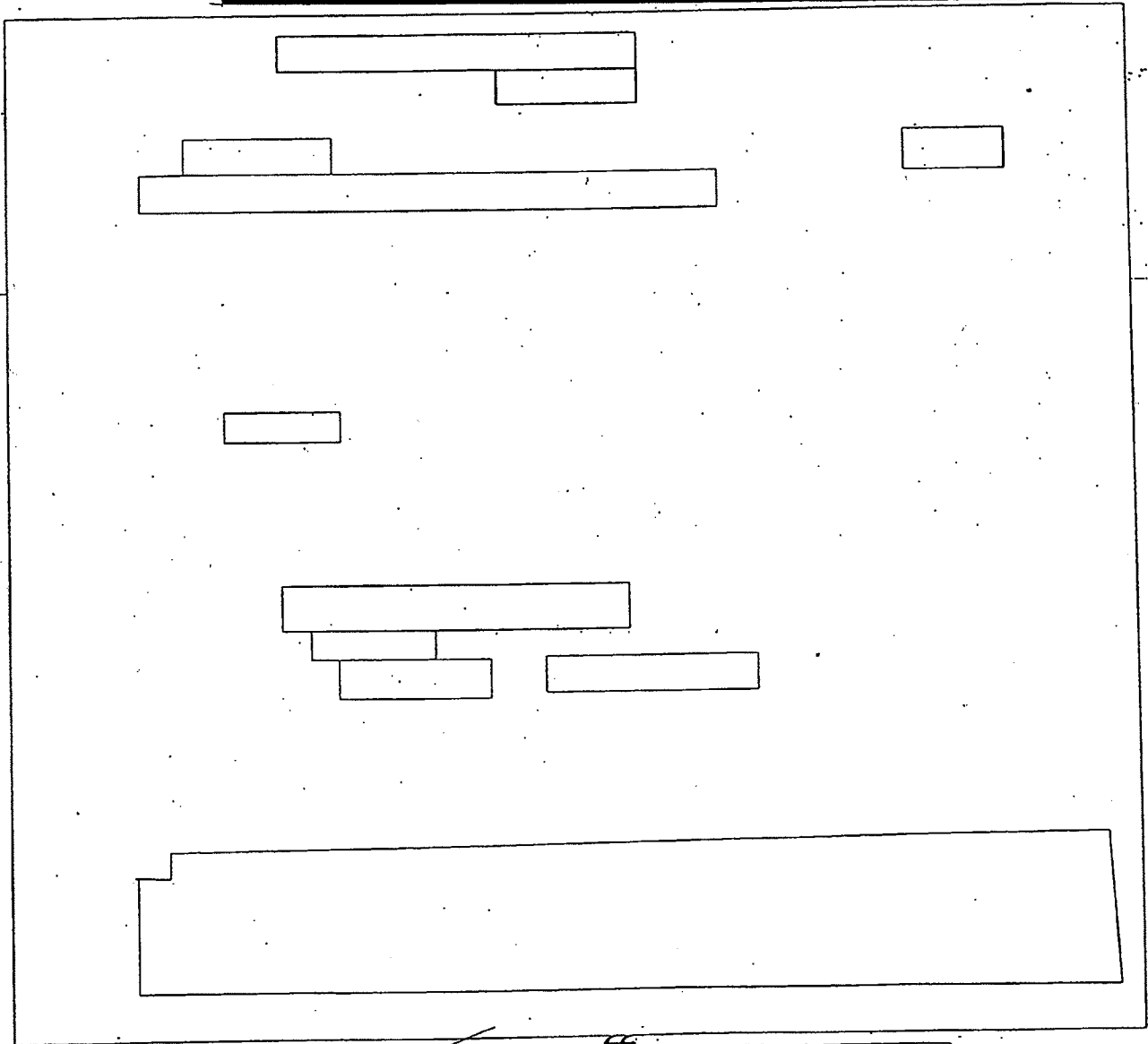
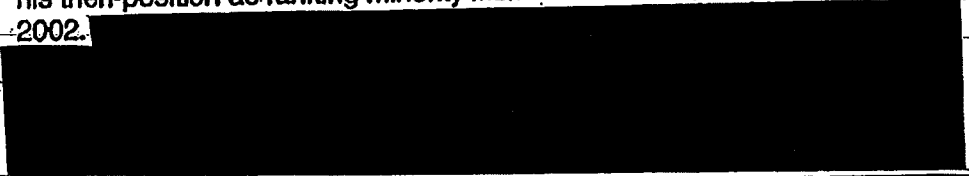
[redacted]

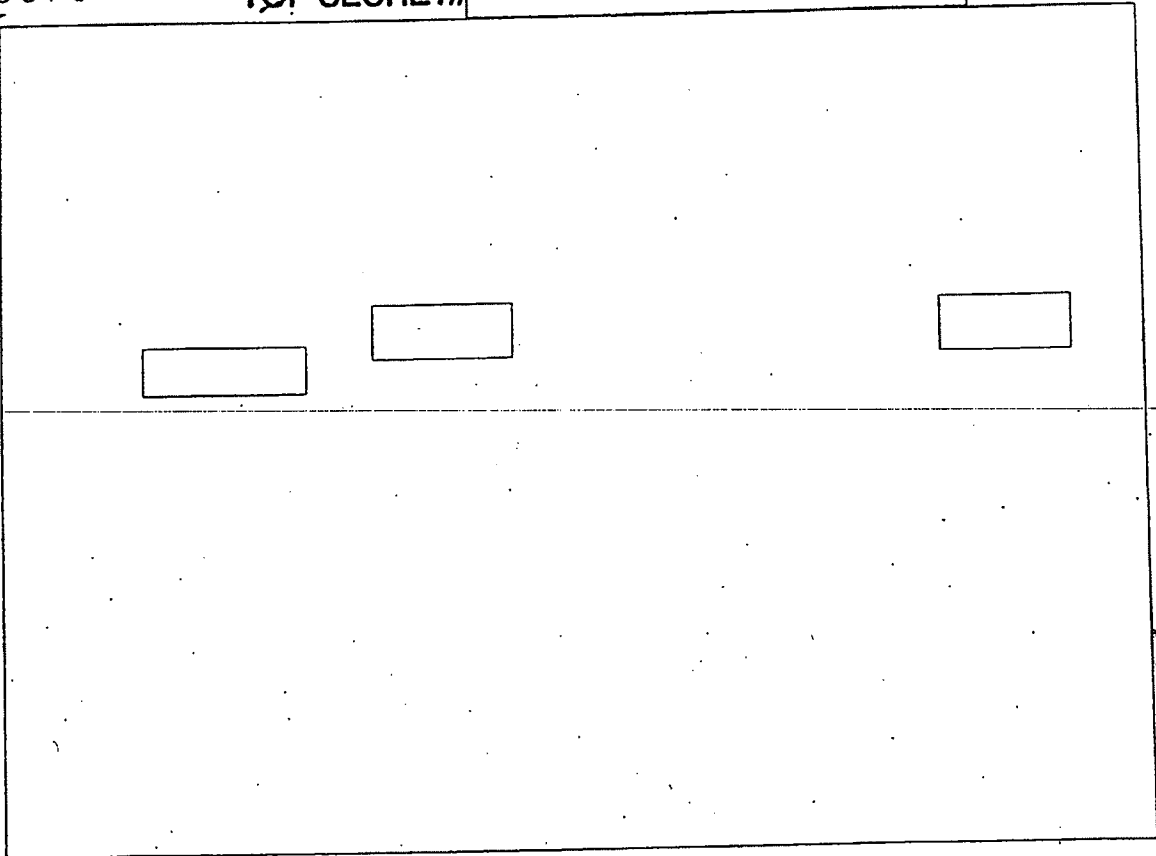
44. [redacted] On 10 January 2005, Rizzo sent a [redacted] message to executive assistant to the DCI, [redacted] [redacted] CTC legal officer [redacted] [redacted] and OGC officer [redacted] about a conversation he had with Judge Silberman the same day in response to Silberman's questions about who in the Congress had been briefed on the EIT program CTC [redacted]



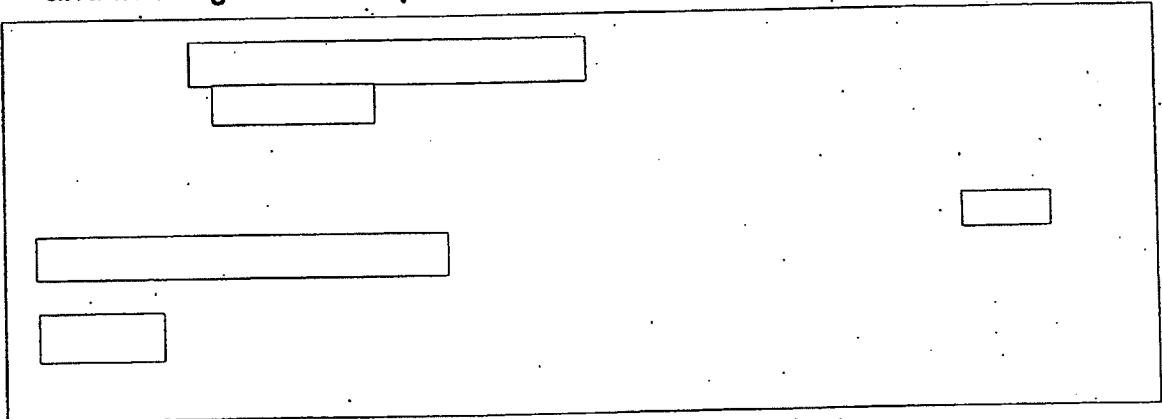
[redacted] when the briefings took place, and the level of detail provided in the briefings.<sup>9</sup> According to Rizzo:

I took him through the questions and believe I was able to provide him the information he needed without getting into the techniques themselves (Silberman emphasized at the outset that he did not want/need to know that). He seemed particularly interested in learning that Nancy Pelosi, in his then-position as ranking minority member of HPSCI, was briefed in late 2002.





47. [redacted] Records in INV's possession from OCA as of November 2005 and May 2007 and from CTC as of May 2007 did not show a briefing of the full HPSCI and SSCI. A CTC chronology prepared in 2007 indicates that the entire membership of the SSCI and HPSCI received a briefing on [redacted] Detentions, and Interrogations in September 2006.



49. [redacted] OIG found little to indicate what Pelosi's reaction might have been to the briefing she may have attended in September 2002. The source for her attendance at the

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briefing was [redacted] He wrote a paragraph describing the notification of Goss and Pelosi and, related to their reactions, said that,

[redacted]

50. [redacted] The only other example OIG uncovered indicating Pelosi's possible reaction was a statement then Deputy Director for Operations James Pavitt made on 21 August 2003 to OIG officers [redacted] Pavitt told the OIG officers that

[redacted]

[redacted] **Conclusions**

51. [redacted] INV's review of its limited collection of records related to whether then House of Representatives Ranking Minority Member Pelosi received CIA notifications that Agency officers were using waterboarding and other harsh techniques during the interrogation of Abu Zubaydah and other Agency detainees indicates Pelosi probably was briefed twice in 2002, first in April 2002 on "ongoing interrogations of Abu Zubaydah" [prior to CIA's use of EITs] and probably again in September 2002 after Agency officers began interrogating the detainee using harsh measures.

- ◆ Pelosi has said publicly that she was briefed in September 2002, but the records in INV's files show contradictions; matrices OCA and CTC prepared in 2007 indicate Representative Harman, described as "Ranking Minority Member," received a briefing on EITs in September 2002, not Pelosi. However, Harman did not become the Ranking Minority Member on HPSCI until January 2003. In another matrix CTC prepared in 2005 listing the September 2002 briefing, Harman's name is scratched out by hand and Pelosi's is substituted.

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C/CTC/Legal [redacted] stated in a [redacted] message and a cable that he, D/CTC Rodriguez, and [redacted] briefed Pelosi, HPSCI Chairman Goss, and HPSCI staff members [redacted] on 4 September 2002.

- ◆ Regarding the content of the 4 September 2002 briefing for Pelosi, Goss, [redacted] message and cable indicated that he, Rodriguez, and [redacted] provided information about [redacted]

[redacted] message and cable were the only sources of information on the 4 September 2002 briefing that INV found in its files.<sup>9</sup>

52. [redacted] During the years subsequent to [redacted] record of the briefing of Pelosi in September 2002, Directorate of Operations/National Clandestine Service (DO/NCS) officers continued to say in documents and [redacted] messages that Pelosi and other senior leaders on the Intelligence Committees had been briefed or "fully briefed." Nonetheless, the DO/NCS officers did not provide specifics about the briefings, nor did they source their assertions.

53. [redacted] The primary source for Pelosi's attendance at the September 2002 briefing and her reaction to the notification was [redacted]. In a [redacted] message draft he wrote that, [redacted]

[redacted] The only other example OIG uncovered indicating Pelosi's possible reaction to a notification was a statement then DDO Pavitt made to two OIG officers on 21 August 2003, when he told the OIG officers that

[redacted] For example, INV, in its limited review, found no MFRs on the September 2002 briefings of Pelosi and other Intelligence Committee senior leaders.



[redacted]

Special Agent

C05515685

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[redacted]

[redacted]

[redacted]  
C/CTC/LGL [redacted]

06/27/2003 04:48 PM

To: [redacted]  
cc: John A. Rizzo [redacted]

Subject: SSCI

--- Forwarded by [redacted] on 06/27/03 04:47 PM ---

[redacted]

Office: C/CTC/LGL [redacted]

8 January 2003



To: [redacted]  
cc: [redacted]  
Subject: For the binder

Reference:

[redacted]

[redacted]

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[redacted]

STAFF

[redacted]

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STAFF

TO: [redacted]

[redacted]

[redacted]

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[redacted]

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[redacted]

SLUGS: [redacted]  
SUBJECT: EYES ONLY - NOTIFICATION MEETING WITH SSCI CONCERNING  
THE STATUS OF THE ABU ~~XXXXXXXX~~ INTERROGATIONS

REF: [redacted]

TEXT:

1. ACTION REQUIRED: NONE, FYI.
2. FOR THE RECORD: ON 27. [redacted] [redacted] CTC, [redacted] CTC [redacted]  
AND [redacted] CTC [redacted] PROVIDED NOTIFICATION TO SSCI CHAIRMAN  
GRAHAM AND RANKING MINORITY MEMBER SHELBY ABOUT THE STATUS OF THE  
ABU ~~XXXXXXXX~~ INTERROGATIONS. D/OCA ATTENDED AS WELL, AS DID  
COMMITTEE STAFF MEMBERS. [redacted]

[redacted]

3. FYI: AS REFLECTED IN REF, CIA PROVIDED A SIMILAR  
NOTIFICATION BRIEFING TO THE HPSCI LEADERSHIP ON 4 SEPTEMBER.

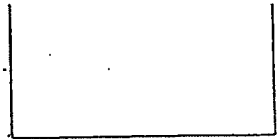
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# Memorandum for the Record

KEY: C/2005-01107

EVENT: D/OCA MEETING      DATE: 11/08/2005    TIME: 13:00    STATUS: COMPLETED  
PLACE: H-405    CAPITOL  
FOR:  
SUBJECT: MEETING WITH HPSCI CHAIRMAN PETER HOEKSTRA AND BRIEFING ON SENSITIVE DETAIN

**ATTENDEES:**

<u>ASSOCIATION</u>	<u>NAME</u>	<u>ROLE</u>
CIA/OCA	WIPPL, JOSEPH	SUPPORT
<input type="text"/>	<input type="text"/>	BRIEFER
HPSCI	HOEKSTRA, PETER [R-MI]	CHAIRMAN

**Executive Summary:**

Meeting with HPSCI Chairman Peter Hoekstra and Briefing on Sensitive Detainee Program  
8 November 2005

**Summary Text:**

Participants: Peter Hoekstra, Chairman, HPSCI  
 C/CTC/LEGAL  
Joe Wippl, D/OCA

- On 8 November 2005 D/OCA and  met with Representative Peter Hoekstra.  briefed Mr. Hoekstra on the EITs associated with CIA's detainee program. It was a complete brief on the program.

Director of Congressional Affairs

Follow-up Action Items:  
Additional Information:

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Date Requested	Date Sent	Requested From	(Office/Contact) Name of Report(s) Forwarded/IG#/Comments
			Blair. EXO called [redacted] on 12 Jan to report we have nothing related to Blair.
14 Jan 09	10 Feb 09	[redacted] HAC/D staffer, requested IG meeting with Rep. Holt, Chairman of the HAC/SIOP.	14 Jan 09 - rec'd [redacted] from [redacted] OCA/COS, saying Mr. Holt would like to meet with the IG to discuss his items of interest and thoughts in general.  27 Jan 09 - EXO called Mr. [redacted] to discuss the meeting and suggest we wait until after Mr. Holt has had a chance to review our semiannual report. As the semiannual should be to the HPSCI (of which Mr. Holt is a member) by next week, times were offered for a meeting the following week (week of 9 Feb). [redacted] will let us know which day/time works for them.
			2 Feb [redacted] called and requested 10 Feb @ 1430. IG & DIG will attend.  10 Feb - IG & DIG met with Holt and HAC/D staffer [redacted] • A copy of the SAD inspection report (IG 2007-0012-IN) was requested.
	2 Feb 09	Semiannual Report	Letter from D/CIA forwarding copies of 1 July - 31 December 2008 Semiannual. [redacted] SSCI Chairman Dianne Feinstein (Cy #1) & Vice-Chair Christopher S. Bond (Cy #2); HPSCI Chairman Silvestre Reyes (Cy #3) & Ranking Republican Member Peter Hoekstra (Cy #4)
3 Feb 09	4 Feb 09	[redacted] SSCI Security Director via [redacted] OCA Program Manager	Via [redacted] requested 3 copies of the [redacted] for SSCI, HAC-D, & SAC-D. SSCI has already requested a copy and OCA expects the other two committees to do the same. Report was sent to HPSCI on 8 Dec 08.  Transmittal Letter forwarding requested report was sent to SSCI Chairman Feinstein and Vice Chairman Bond [redacted] The report included: [redacted]
3 Feb 09	12 Feb 09	[redacted] SSCI [redacted]	[redacted] called to say Sen. Feinstein, Chm/SSCI, would like to meet with the IG to discuss various IG reports on detention and interrogations issues, [redacted] and [redacted]

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		4) [redacted] asked whether the broader Detainee report that will be issued in the coming weeks will address whether the CIA and/or military provided direction on the handling of detainees undergoing interrogation	4) The Detainee report relates to [redacted] CIA programs and operations and the involvement of CIA personnel [redacted] in those programs
Phone call from [redacted] PFIAB	4 May 2004	[redacted]	[redacted]
✓	5 May 2004	Hearings before HPSCI and SSCI	IG briefed HPSCI in the morning and SSCI in the afternoon on Interrogations. [redacted] accompanied IG. Stan Moskowitz attended from OCA.
Phone call from [redacted] PFIAB	5 May 2004	[redacted]	[redacted]

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[redacted]

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		<p>scheduled for transfer to the vault. Mr. [redacted] wanted to bring this to our attention in the event it caused any security concerns because he understands that the [redacted] NARA is scheduled to take responsibility for the library on 18 November 2004.</p>	
05/13/04 Phone call from [redacted] Dept of State, Nonproliferation/Chemical-Biological-Missile Group		<p>[redacted] group reviews licenses for deemed exports and he wants to have a better understanding of the issues. He was interviewed during the joint review and spoke previously with [redacted]. He provide his ssn: [redacted] and dob: [redacted] for clearance verification. His office is located at [redacted]. However, he said he is at CIA/HQ every other week and could pick up the report here.</p>	05/13/04 Passed his name, ssn, and dob to DCI/Security for clearance verification. DCI Security confirmed clearances. Audit Staff requested to confirm need to know and to forward a copy for delivery to [redacted].
	13 May 2004	Briefing Speaker Hastert on [redacted] Prisoner Treatment	[redacted] briefed Rep. Hastert. OCA made arrangements (IG TDY).
	14 May 2004	Briefing Rep. Pelosi on [redacted] Prisoner Treatment	[redacted] briefed Pelosi. OCA made arrangements (IG TDY).
06/10/04 Phone call from [redacted] Professional Staffer, HPSCI	202-226-7912	[redacted] was calling on behalf of Congresswoman Harmon, who is interested in learning the status of the Detention and Interrogation report.	06/10/04 After consulting with IG, EXO advised [redacted] that the report was completed by the OIG within days of the IG's testimony on the Hill and delivered to the DCI. CIA/OIG suggests contacting [redacted] to determine status of transmitting the report to the Hill.
06/29/04 Phone call from [redacted] SSCI		[redacted] requested a copy of the audit of Cash and Other Monetary Assets	06/29/04 EXO sent [redacted] to the Audit Staff requesting two copies of the subject report for distribution to the Committee. 07/01/04 Transmitted two copies of the report to SSCI: one for Chairman Roberts and one for Vice Chairman Rockefeller.
	13 July 2004	Briefing HPSCI on Interrogations Report	IG briefed Goss, Harman [redacted] at 2:15 on Tues, 13 July. Reps from OGC, the DDO and OCA (Moskowitz) attended.
8 July 2004 Phone call from [redacted] SSCI Audit Staff	14 July 2004	[redacted] called to request the IG to provide Staff members a briefing on current cases of abuse [redacted] and to discuss notification procedures as a result of the IG's statement in a recent letter that he	The IG and Assistant IG for Investigation agreed to provide a briefing to SSCI at 10:00 AM on Wednesday 14 July. [redacted] from OCA attended.

9 Sep 2004	10 Sep 2004	[redacted] recommended that OIG offer a similar briefing (re Cooperation on investigation into abuses [redacted] to Senate Armed Services Committee senior staff and to Senator John Warner.	IG briefed Senator Warner. He was accompanied by [redacted] and Stan Moskowitz.
9 Sep 2004	13 Sep 2004	OCA received a request from [redacted] SSCI staff, for a briefing re Cooperation on the Investigation into the abuses [redacted] EO/OIG received request from [redacted] SSCI staff, for the same briefing for the staff; D/OCA received a request from [redacted] SSCI staff, for the same briefing for the Committee Members	IG, accompanied by [redacted] Stan Moskowitz, [redacted] DCI's Detainee Working Group) and [redacted] briefed SSCI Members on prisoner abuse issues. (Roberts, Rockefeller, Durbin, Feinstein, Levin).
13-Sep-2004	29-Sep-2004	At briefing of the SSCI on 13 Sep, Chm Pat Roberts asked for copies of CIA guidance with respect to interrogations and detentions [redacted] in particular, with respect to methods of questioning, [redacted]	D/OCA responded to this request—sent the following to SSCI Chm Pat Roberts w/c to HPSCI Chm Peter Hoekstra [redacted] Copies of primary cables in which those matters were addressed.
16 Sep 2004	16 Sep 2004	INV, received a call from [redacted] SSCI Staff, asking if OIG had received a letter from the HPSCI on the Peru case:	[redacted] called [redacted] and acknowledged that IG had in fact sent a letter to HPSCI as we had the SSCI requesting access to documents but referred him to the HPSCI regarding a response to that request.
5 Oct 2004	10 Oct 2004	OCA, received a request from HPSCI—Chm Peter Hoekstra and Ranking Democratic Member Jane Harman requested a briefing on two issues: (1) Interrogations, Detainees, Allegations of prisoner abuse—HPSIC staff understands that the IG investigation is still ongoing but still want to hear from the IG's office; (2)	AIG/INV [redacted] and SSI [redacted] briefed Harman and [redacted] Chief of Staff, on OIG's investigation into allegations of detainee abuse [redacted] by Agency personnel [redacted]

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	15 July 2004	Briefing SSCI in Interrogations Report	IG briefed Roberts, Rockefeller [redacted] at 11:00. Moskowitz attended the briefing.
9 July 2004 phone call from [redacted]	22 July 2004	[redacted] advised of a request to send to OMB the recent audit report [redacted] confirmed DoS" [redacted] EXO advised the offices of the ExDir, CIO, and CFO.	EXO cleared with O/ExDir [redacted] and O/CIO [redacted] and O/CFO [redacted] Transmittal signed by [redacted] 22 July 2004 [redacted]
14 July 2004 request to IG from SSCI	15 July 2004	During a briefing to the SSCI, the IG was asked to forward a copy of CIA/OIG Report of Investigation [redacted]	On 15 July 2004, copies of the report were forwarded to the Chairman and Ranking Democratic Member of the SSCI [redacted]
4 August 2004 request from [redacted] SSCI	202-228-1660	[redacted] received the June 2004 Semiannual Report and requested the following reports: • [redacted] • [redacted] • [redacted] • [redacted]	The reports were mailed to the Chairman and Vice Chairman of the SSCI.
	26 Aug 2004	Chm Pat Roberts & Vice Chm John Rockefeller, SSCI Chm Peter Hoekstra & Ranking Democratic Member Jane Harman, HPSCI	Acting DCI John McLaughlin sent "particularly serious matter" letters to the committees enclosing an IG memo re [redacted]
	31 Aug 2004	Chm Pat Roberts & Vice Chm John Rockefeller, SSCI Chm Peter Hoekstra & Ranking Democratic Member Jane Harman, HPSCI	Acting DCI John McLaughlin sent "particularly serious matter" letters to the committees enclosing an IG memo re [redacted]
	31 Aug 2004	Chm Pat Roberts & Vice Chm John Rockefeller, SSCI Chm Peter Hoekstra & Ranking Democratic	IG sent "Congressional Notification" letters to the committees re 9/11 Accountability Issues [redacted]

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			<p>Agency officers have been involved in any way in the abuse of detainees. In one notable and publicly acknowledged case, a former Agency contractor has been charged with assault in connection with the death of a detainee in Afghanistan. The IG is also well along in a review that the former DCI requested to ascertain whether [redacted]</p> <p>[redacted] The IG has kept the leadership and staff of the Intelligence Committees fully informed of the status of his work.</p> <p>(S) The IG's work on detention and interrogations issues will not result in a single, catch-all paper. The Intelligence Committees have already received OIG papers on detainee abuse issues. [redacted]</p> <p>[redacted]</p> <p>[redacted] The IG keeps the Committees informed of the status of his work through his semiannual reports to me and the Committees, and through periodic briefings of the leadership and staff.</p>
31 March 2005	1 April 2005	Rcvd call from [redacted] SSCI Staff, requesting copy of Inspection Report	1 Apr 05 - Sent copies of report to Chairman Pat Roberts and Vice Chairman John Rockefeller [redacted]
29 March 2005	5 Apr 2005	[redacted] HPSCI Staff, verbally requested that he and two members of the Oversight Subcommittee—Chairman William (Mac) Thornberry and Ranking Democratic Member Bud Cramer—on OIG work on detention and interrogation issues.	IG met with the following on 5 April 2005: [redacted] Subc. staffers, [redacted] both of OCA., [redacted]
1 April 2005	4 April 2005	Rcvd call from [redacted] SSCI staff, requesting copy of Inspection Report [redacted]	4 Apr 05 - Sent copies of report to Chairman Pat Roberts and Vice Chairman John Rockefeller [redacted]

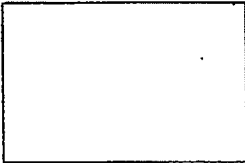
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PRINTED: Tuesday, September 22, 2009  
AT: 16:58

CODEWORDS:



~~UNCLASSIFIED~~

HANDLE VIA CHANNELS

# Memorandum for the Record

KEY: C/2003-00087

**EVENT:** MEMBER BRIEFING      **DATE:** 02/05/2003    **TIME:** 13:30    **STATUS:** COMPLETED  
**PLACE:** H-405 CAPITOL  
**FOR:** HPSCI  
**SUBJECT:** SENSITIVE NOTIFICATION

**ATTENDEES:**

<u>ASSOCIATION</u>	<u>NAME</u>	<u>ROLE</u>
CIA/OCA	MOSKOWITZ, STANLEY	SUPPORT
DDO	PAVITT, JAMES (JIM)	BRIEFER
DO/CTC	<input type="text"/>	BRIEFER
GC	MULLER, SCOTT	BRIEFER
HPSCI	GOSS, PORTER [R-FL]	CHAIRMAN
HPSCI	HARMAN, JANE [D-CA]	REP
HPSCI	<input type="text"/>	STAFF
HPSCI/MIN STAFF	<input type="text"/>	STAFF
OHMIN	<input type="text"/>	STAFF

**Executive Summary:**  
MFR never completed. Closed in FELIX 10/3/07 by OCA IMO.

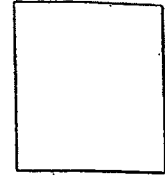
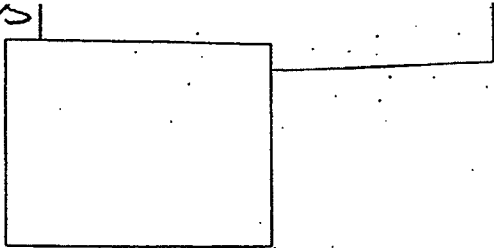
**Summary Text:**  
(U) Pls see attached notes.

**Follow-up Action Items:**

**Additional Information:**

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SECRET





# Memorandum for the Record

KEY: C/2008-96

EVENT: CMTE HEARING-CLOSED

DATE: 02/05/2008 TIME: 02:30 STATUS: Final  
PM

PLACE: 219 HART

FOR: SSCI

SUBJECT: ANNUAL THREAT ASSESSMENT

**ATTENDEES:**

ASSOCIATION

NAME

ROLE

DCIA

HAYDEN, MICHAEL V.

DCI

ODNI

MCCONNELL, MICHAEL

DNI

DCIA/COS

[REDACTED]

DCI

D/OCA

WALKER, CHRISTOPHER

SUPPORT

CIA/OCA

[REDACTED]

SUPPORT

DI/ODI

ROCKEFELLER IV, JOHN D.

SUPPORT

SSCI

BOND, CHRISTOPHER (KIT) S

CHAIRMAN

SSCI

FEINSTEIN, DIANNE

R/MINORITY

SSCI

NELSON, BILL

SEN

SSCI

BAYH, EVAN

SEN

SSCI

SNOWE, OLYMPIA J

SEN

SSCI

CHAMBLISS, SAXBY

SEN

SSCI

FEINGOLD, RUSSELL D

SEN

SSCI

WARNER, JOHN

SEN

SSCI

WHITEHOUSE, SHELDON

SEN

SSCI

HATCH, ORRIN G

SEN

SSCI

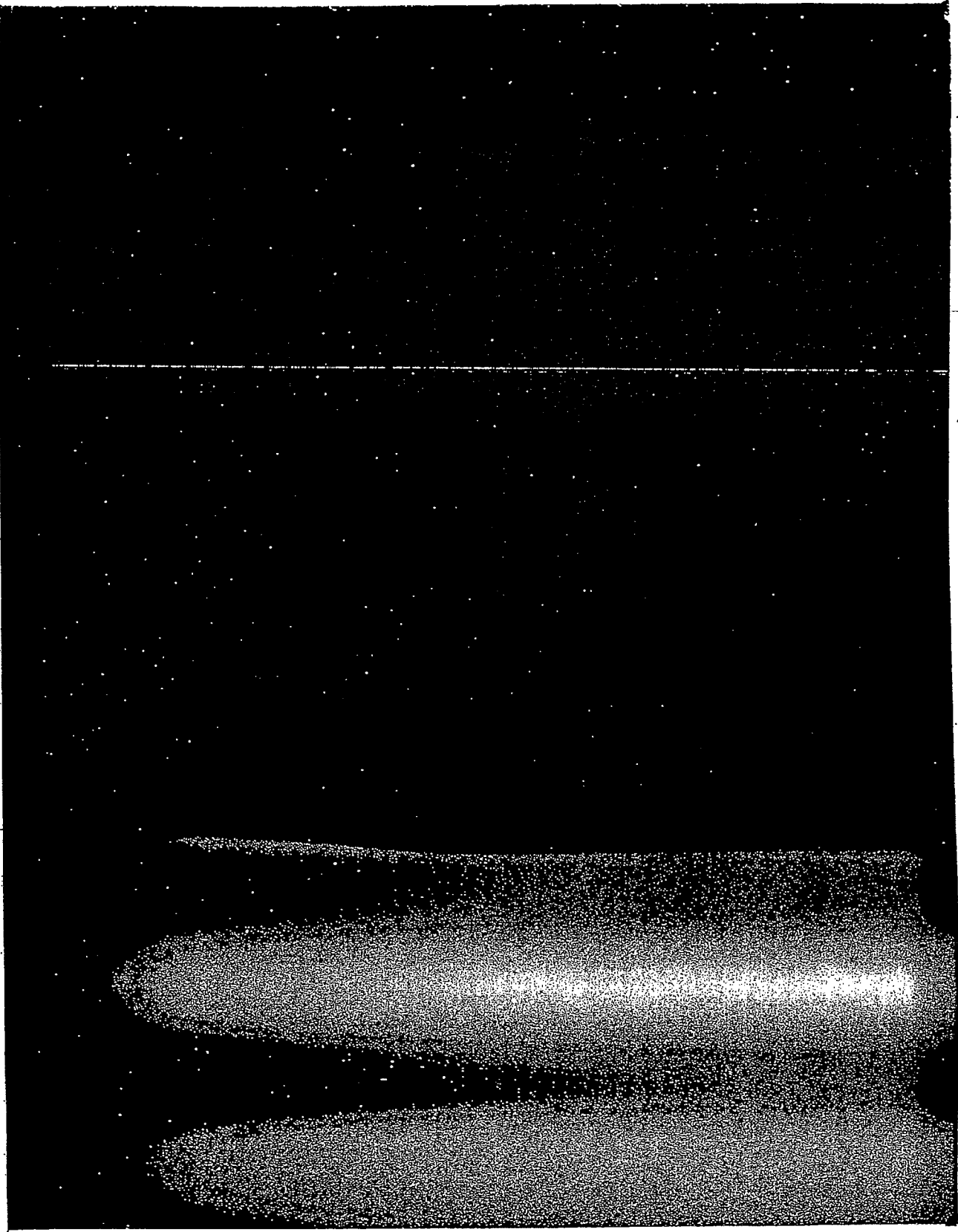
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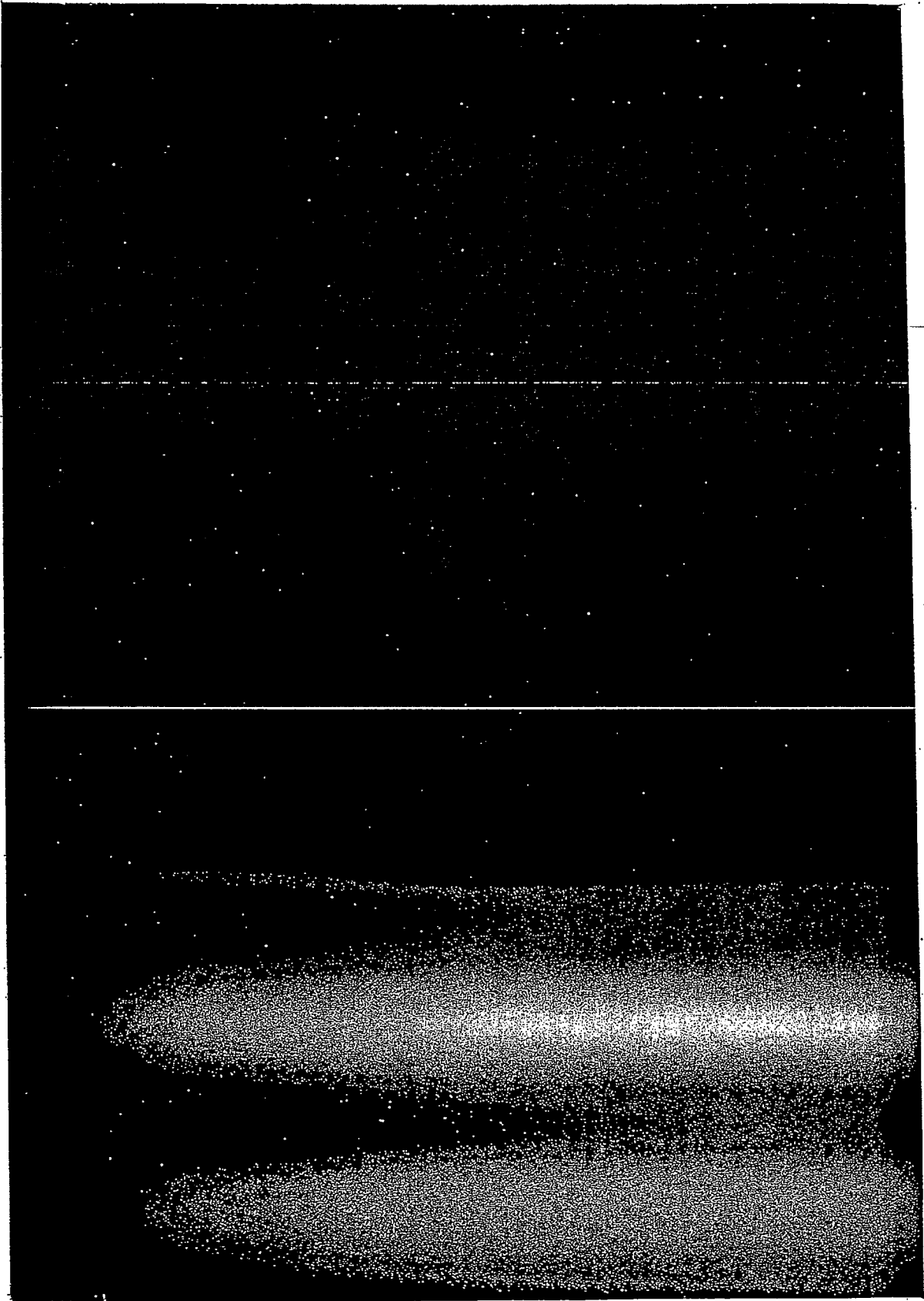


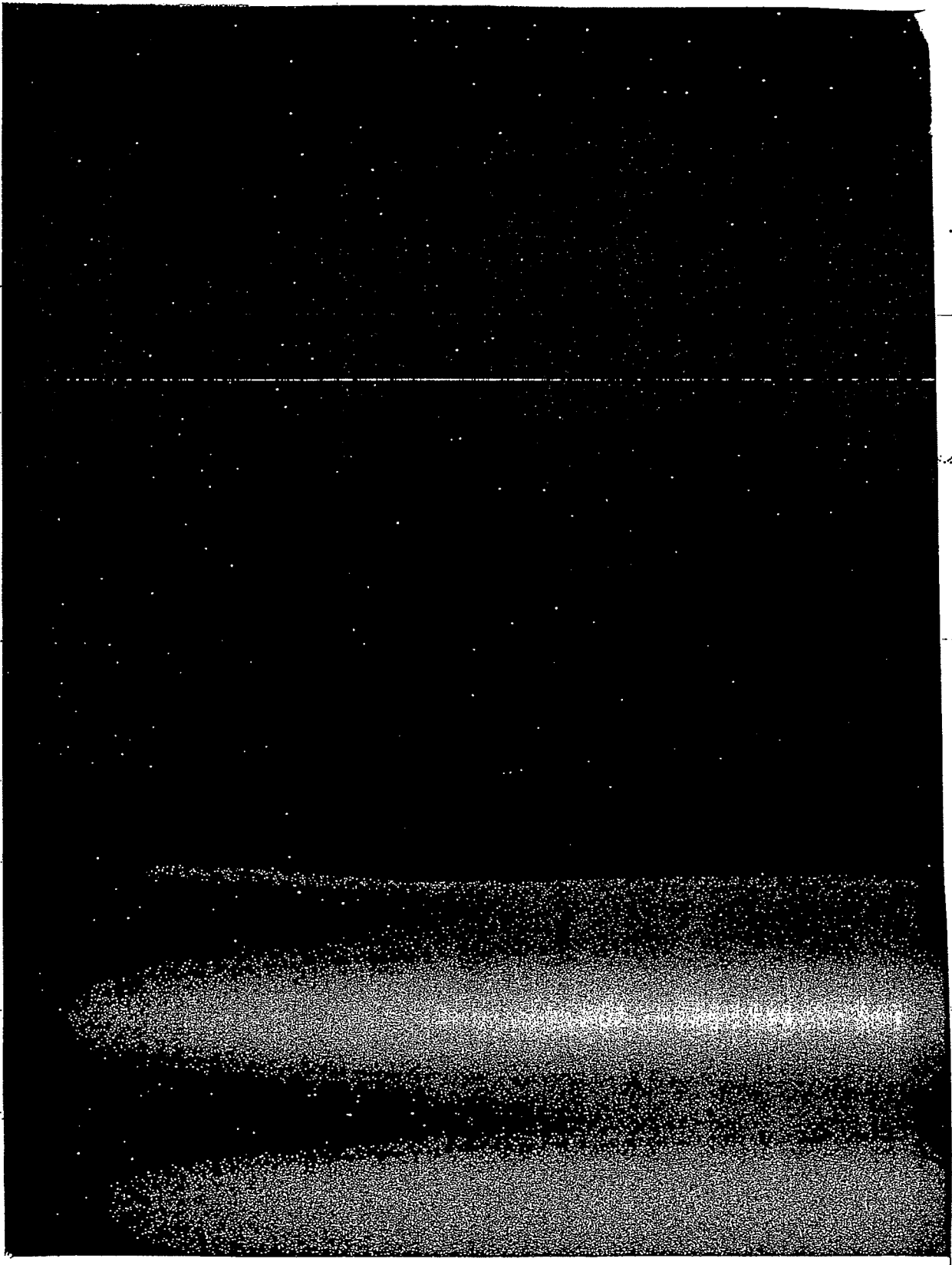
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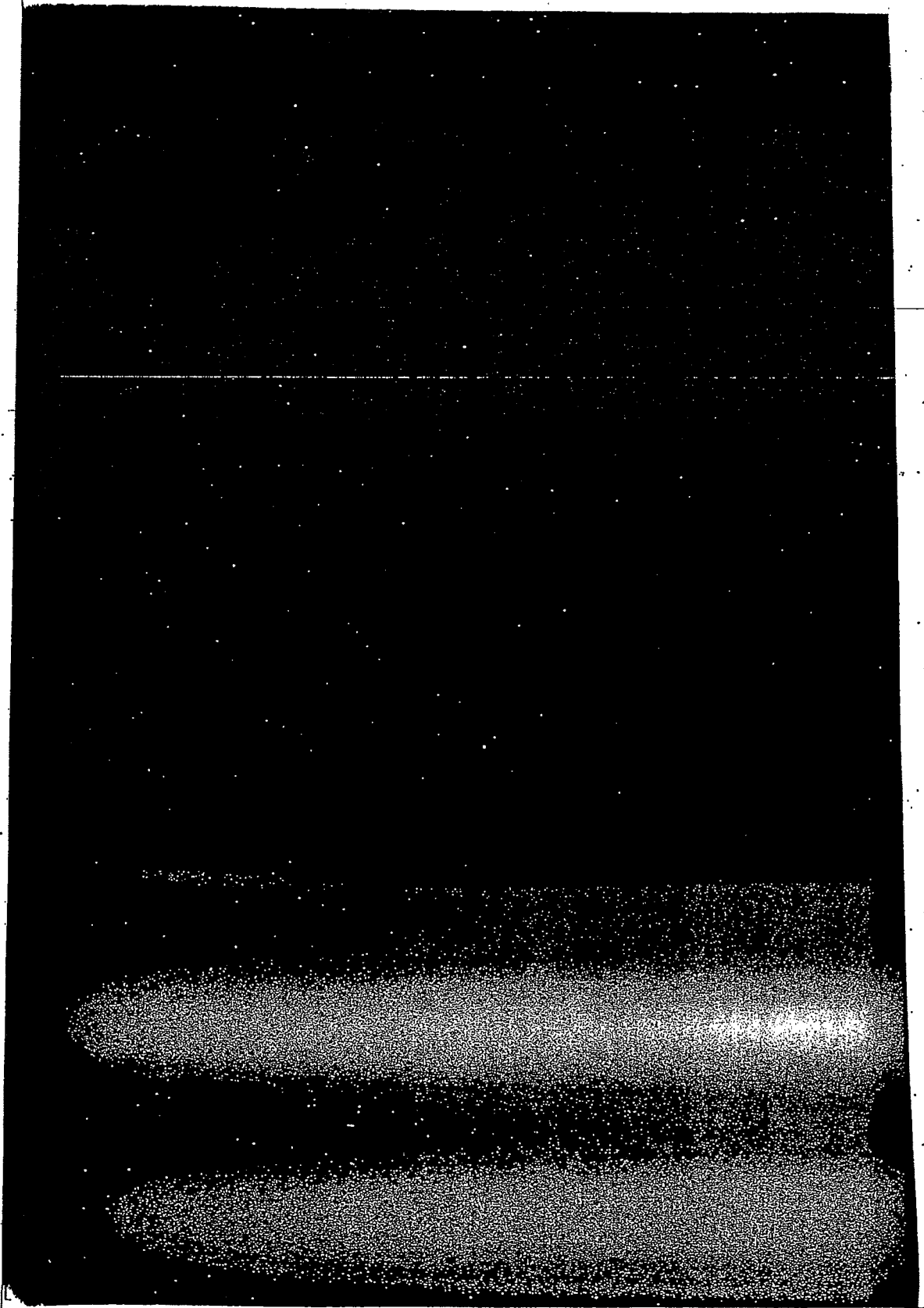
Sens. Rockefeller, Bond, Feinstein, and Nelson present.

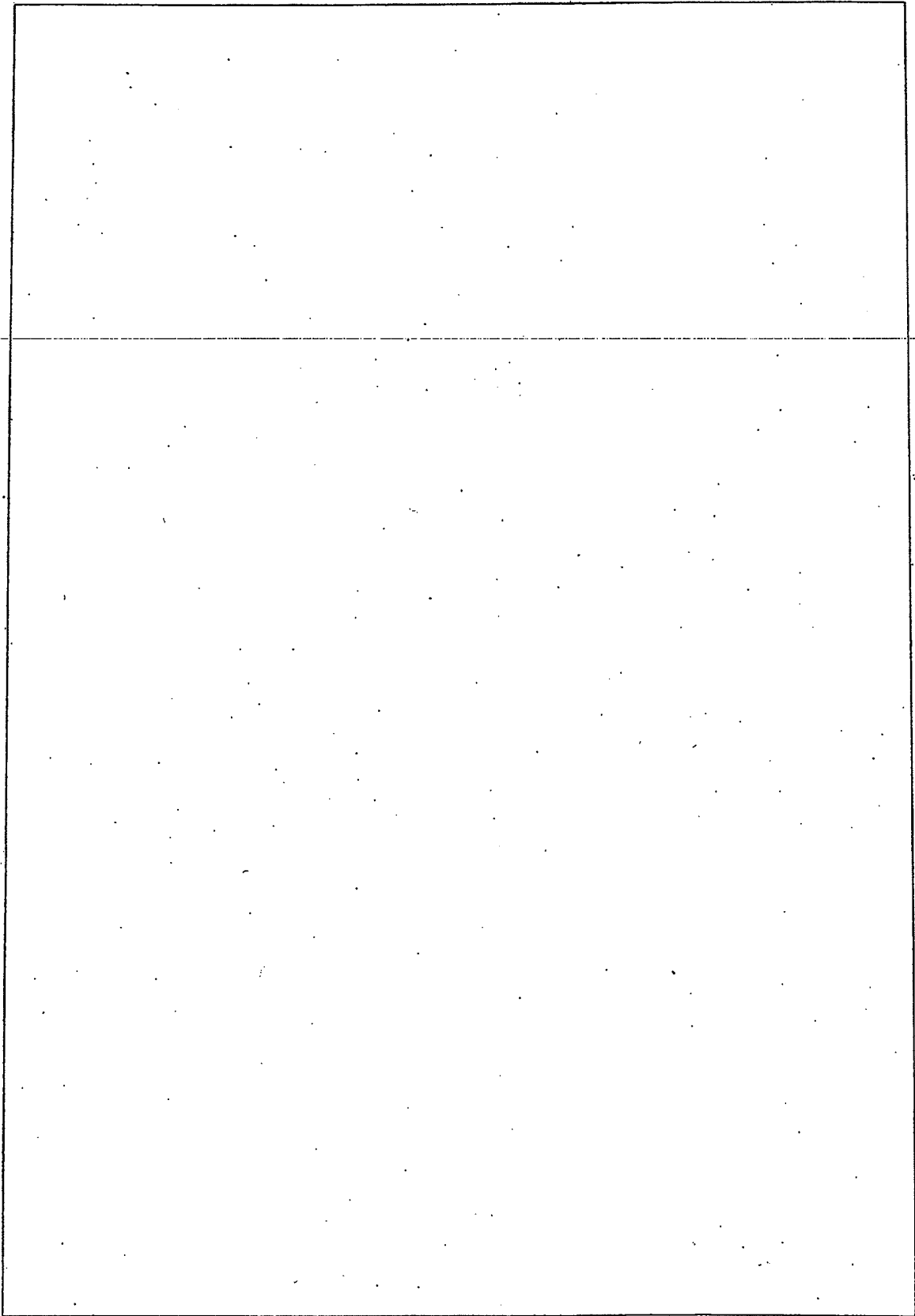


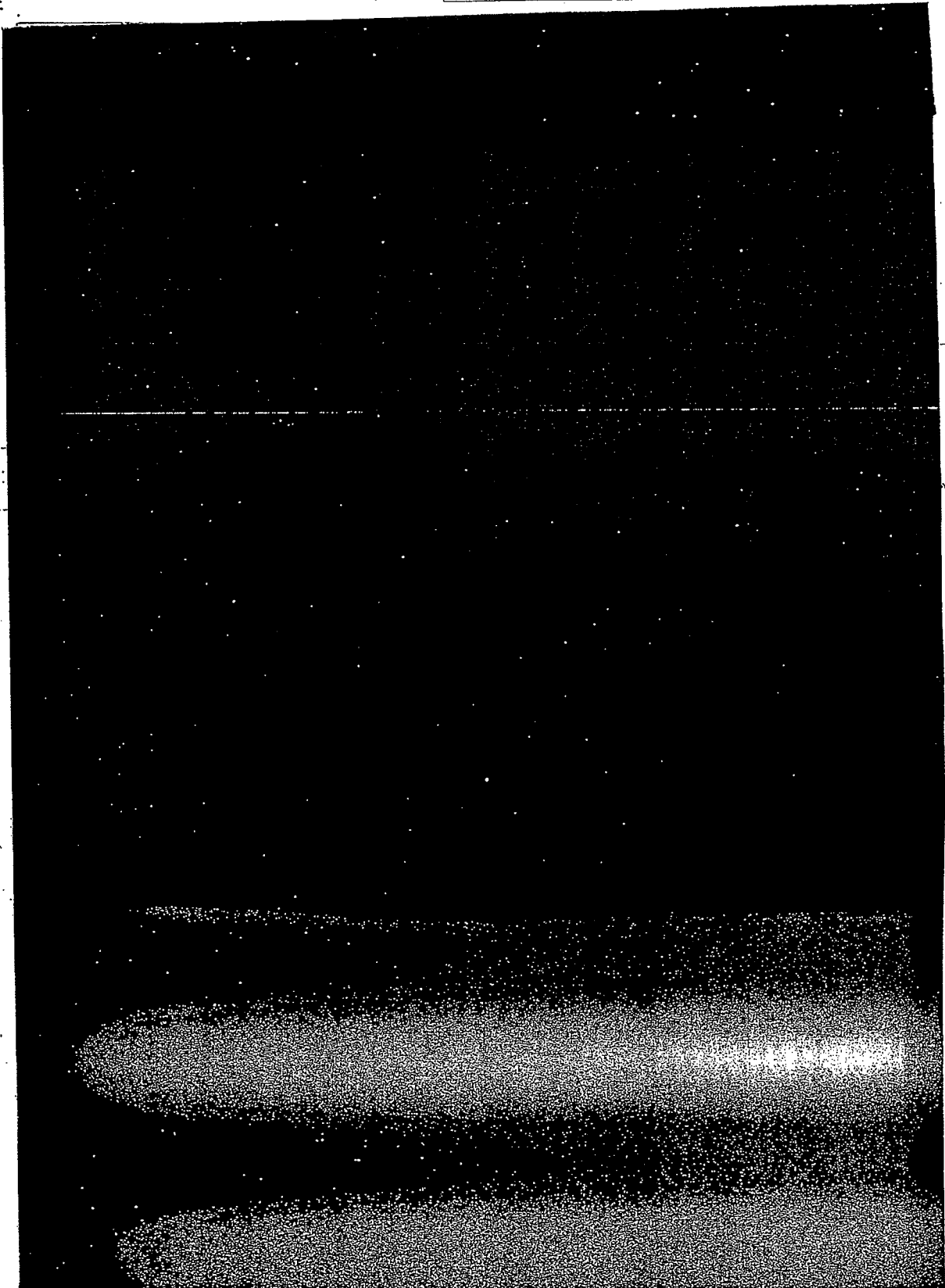


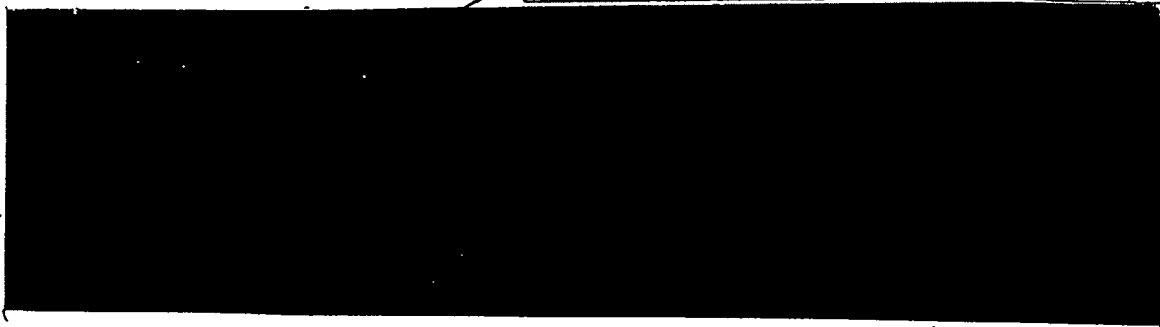










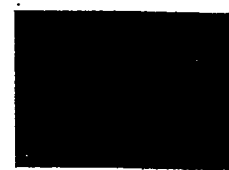


**Follow-up Action Items:**

**Feedback Information:**



PRINTED: 04/27/2009 03:17 PM



# Memorandum for the Record

KEY: C/2008-48

EVENT: CMTE HEARING-CLOSED

DATE: 01/16/2008 TIME: 02:00 STATUS: Final  
PM

PLACE: H-405 CAPITOL

FOR: HPSCI

SUBJECT: VIDEOTAPE DESTRUCTION

**ATTENDEES:**

ASSOCIATION

NAME

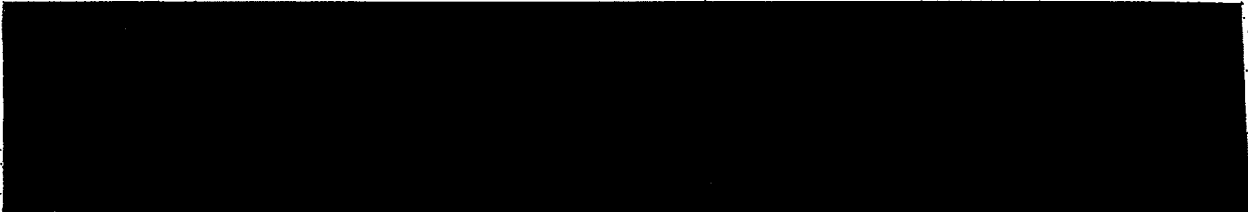
ROLE

DIR/OGC

RIZZO, JOHN

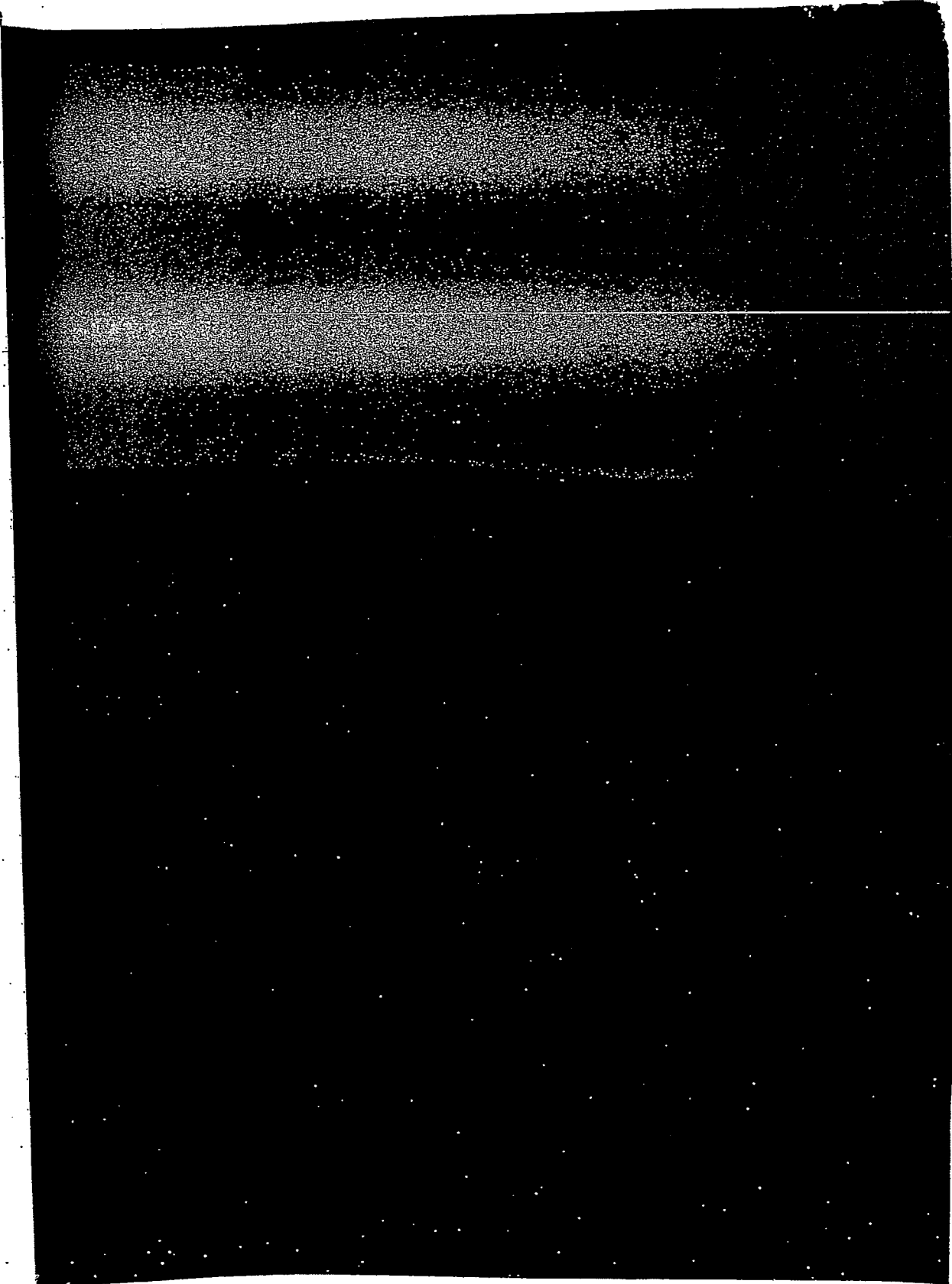
WITNESS

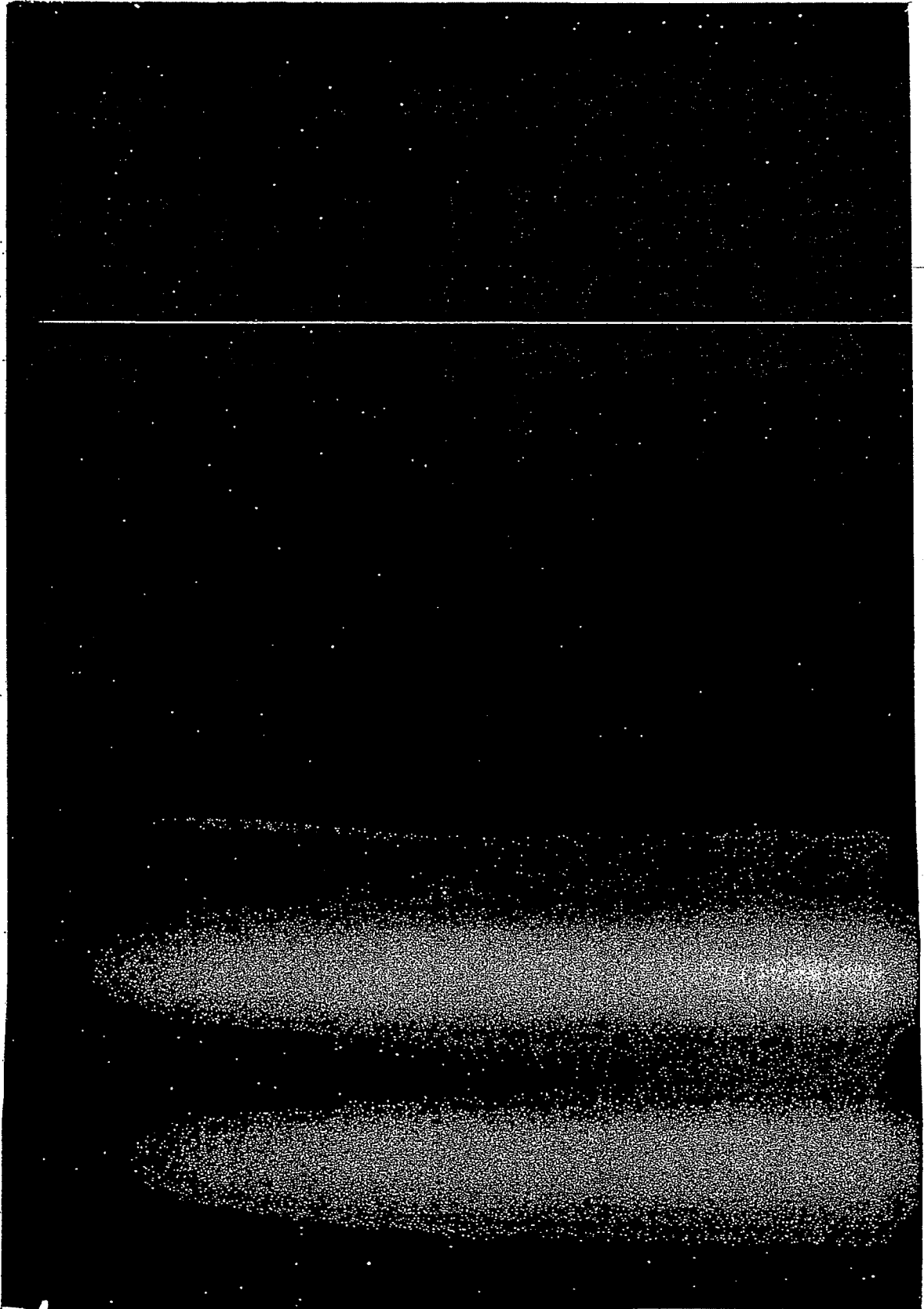
**Executive Summary:**

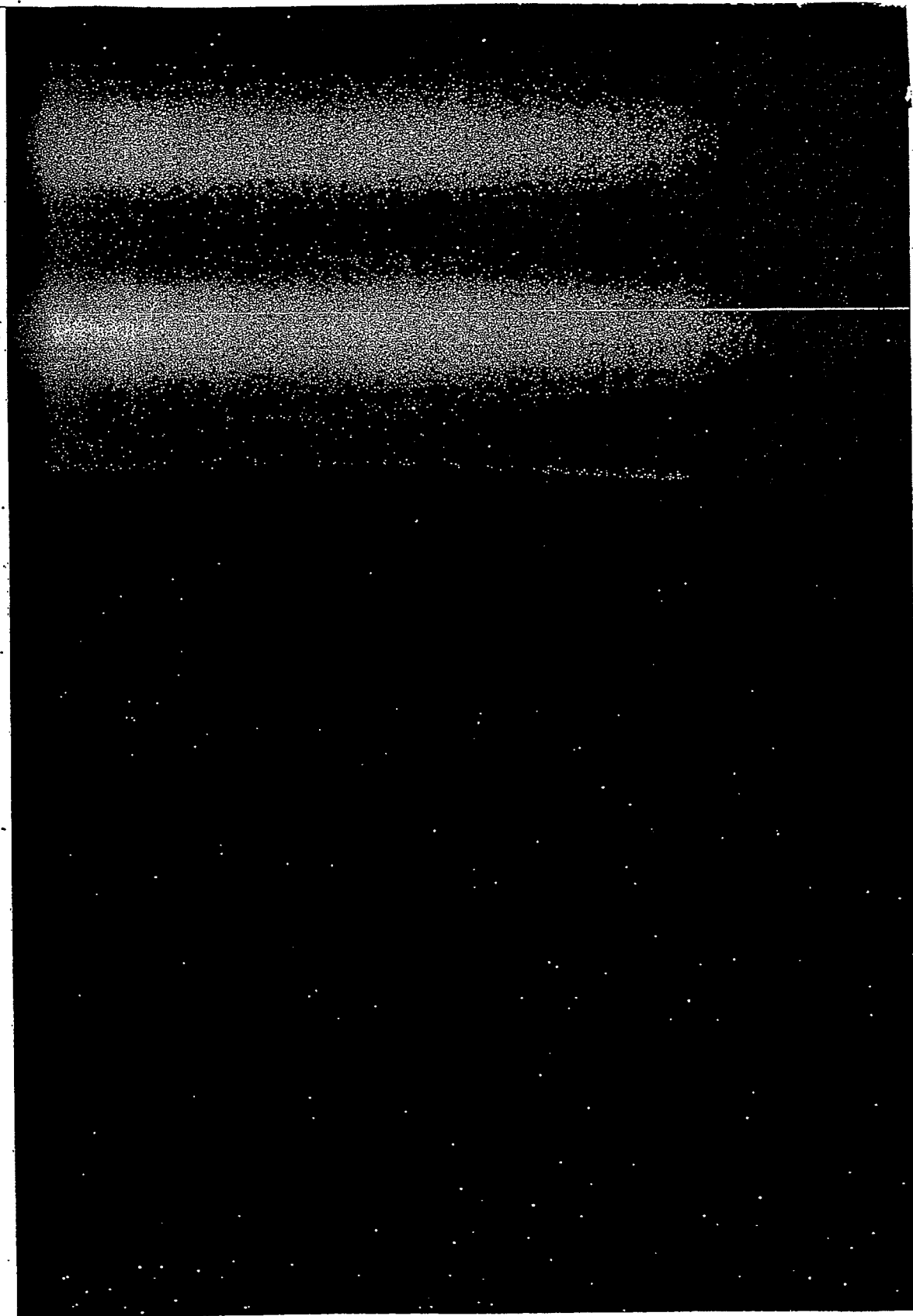


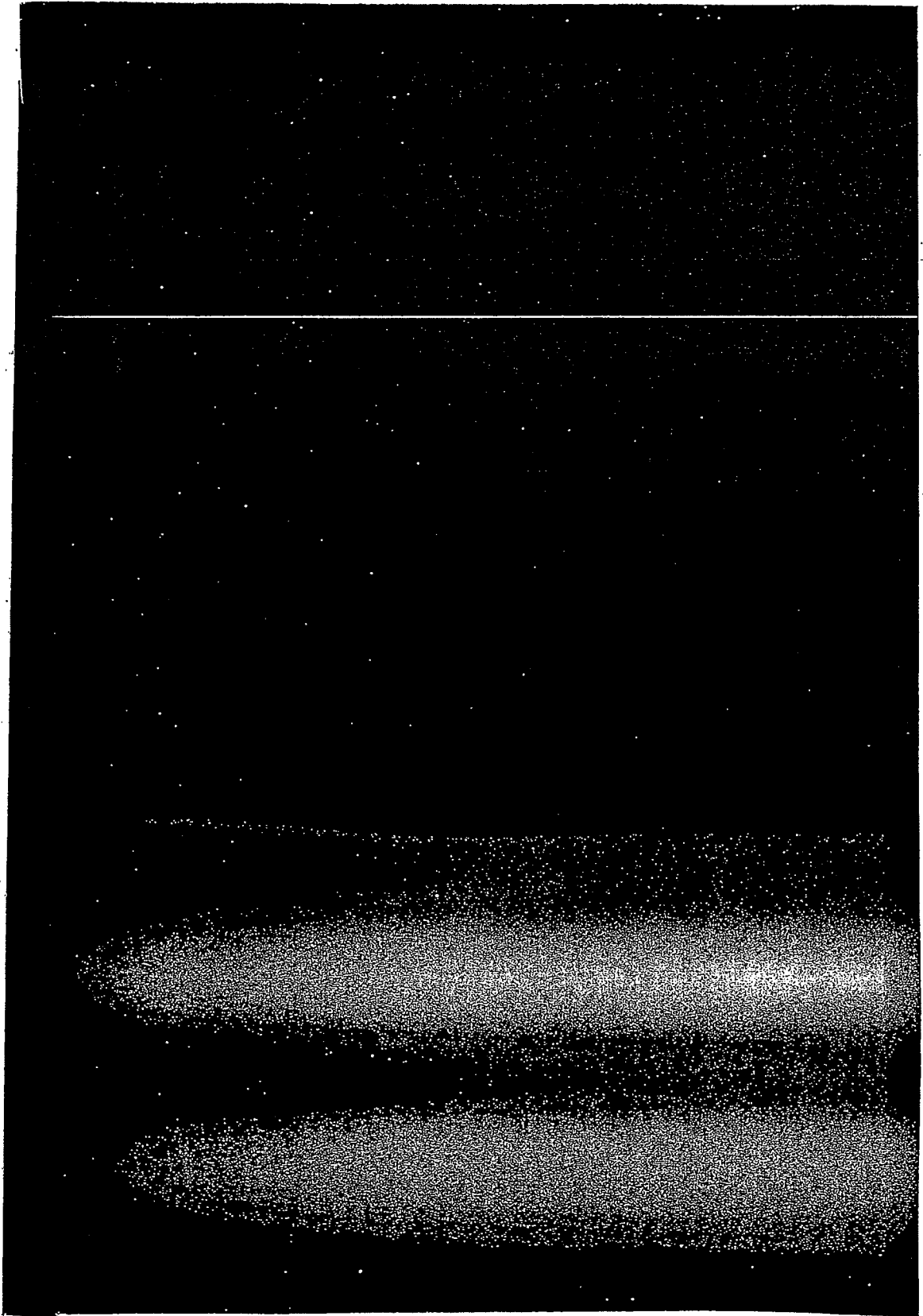
**Summary Text:**

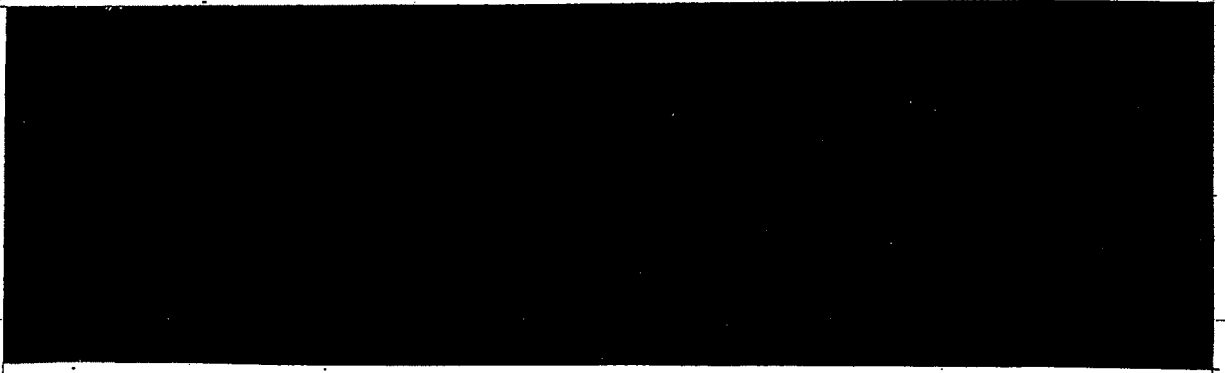












**Follow-up Action Items:**

**Feedback Information:**

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CENTRAL INTELLIGENCE AGENCY  
Washington, D.C. 20505

General Counsel

Attachment 3  
(1 of 2)

28 February 2003

The Honorable Jane Harman  
Ranking Democratic Member  
Permanent Select Committee on Intelligence  
House of Representatives  
Washington, D.C. 20515

Dear Ms. Harman:

(S) [REDACTED] Thank you for your letter of 10 February following up on the briefing we gave you and Congressman Goss on 5 February concerning the Central Intelligence Agency's limited use of the handful of specially approved interrogation techniques we described. As we informed both you and the leadership of the Intelligence Committees last September, a number of Executive Branch lawyers including lawyers from the Department of Justice participated in the determination that, in the appropriate circumstances, use of these techniques is fully consistent with US law. While I do not think it appropriate for me to comment on issues that are a matter of policy, much less the nature and extent of Executive Branch policy deliberations, I think it would be fair to assume that policy as well as legal matters have been addressed within the Executive Branch.

(U) I enjoyed meeting you, albeit briefly, and I look forward to seeing you again.

Sincerely,

[REDACTED]  
Scott W. Muller

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040 100093







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U.S. Department of Justice

Office of Legal Counsel

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Office of the Assistant Attorney General

Washington, D.C. 20530

June 18, 2004

Mr. George J. Tenet  
Director  
Central Intelligence Agency  
Washington, D.C. 20505

Dear Director Tenet:

I am writing at the Attorney General's request concerning a report that the Inspector General of the CIA has recently forwarded to your office. The Department of Justice did not have an opportunity to review a draft of the report and instead only had a chance to review the final report after it had been forwarded to your office.

The Department of Justice believes that the report contains some ambiguous statements concerning the Attorney General's remarks at a 29 July 2003 meeting of selected NSC principals that should be clarified and that it contains some statements that mistakenly characterize the extent of advice provided by the Department.

The Attorney General requests that you return the report to your Inspector General with a request to make the modifications suggested in the attached document, which we believe are necessary to clarify ambiguities or correct mistaken characterizations.

Sincerely,

Jack L. Goldsmith III

cc: Scott W. Muller, Esq.

06C 100128

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~~TOP SECRET~~ [REDACTED] ~~NOFORN~~

## MEMORANDUM

To: Mr. John Helgerson,  
Inspector General, Central Intelligence Agency

From: Jack Goldsmith III *JG*  
Assistant Attorney General, Office of Legal Counsel

June 13, 2004

"Special Review: Counterterrorism Detection and Interrogation Activities"

As I mentioned in my letter of 25 May 2004, the Department of Justice has recently had its first opportunity to review your report concerning the CIA's program of enhanced interrogation techniques. As a result of our review, we have concerns with two areas of ambiguity or mistaken characterizations in the report. I am writing, therefore, to request that you make some modifications to the report to clarify ambiguities or correct what we believe to be mistaken characterizations.

The first area of concern relates to a meeting of select National Security Council Principals on July 29, 2003. The Report states that at this meeting the Attorney General approved of "expanded use" of enhanced interrogation techniques. The reference to "expanded use" of techniques is somewhat ambiguous. In context, it appears to mean simply the use of approved techniques on other detainees in addition to the particular detainee (Abu Zubaydah) expressly addressed in an OLC opinion to the Acting General Counsel, John Rizzo, on August 1, 2002. If that is the intended meaning, the statement in the Report is entirely correct. In the attached addendum, therefore, we suggest some minor revisions to clarify this point.

On the second issue, OLC disagrees with the CIA's Office of General Counsel (OGC). The disagreement revolves around the status of a document containing a set of bullet points outlining legal principles and entitled "Legal Principles Applicable to CIA Detention and Interrogation of Captured Al-Qa'ida Personnel." The bullet points were drafted by OGC in consultation with OLC attorneys in the Spring of 2003. There is no dispute that OLC attorneys reviewed and provided comments on several drafts of the bullet points. In OGC's view, OGC secured formal OLC concurrence in the bullet points and thus believed that the bullet points reflected a formal statement of OLC's views of the law. OLC's view, however, is that the bullet points - which, unlike OLC opinions, are not signed or dated - were not and are not an opinion from OLC or formal statement of views. OLC also believes that the status of the bullet points was made clear at a

[REDACTED]

OLC 100129

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~~TOP SECRET~~ [REDACTED] ~~NOFORN~~

meeting on June 17, 2003 soon after the Deputy Assistant Attorney General with whom OGC had consulted on the bullet points had departed from the Department of Justice.

In any event, when OGC, pursuant to a recommendation from your Report, sought an opinion from OLC confirming the conclusions outlined in the bullet points, the disagreement concerning the status of the bullet points became clear. As a result, I am suggesting revised language for the Report that I believe would accurately reflect the misunderstanding that arose concerning the bullet points.

I understand that you have already forwarded the Report in final form to the DCI. Where, however, the actions of another Department are described in the Report; where no personnel from that Department were interviewed in the preparation of the Report; and where that Department had no opportunity to comment on the Report in draft form we believe that it would make sense for your office to consider making the proposed revisions.

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OGC 100130

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ADDENDUM

- \* p. 5, ¶ 10 After referring to the frequency of use of the waterboard, this paragraph states that “[t]he Agency, on 29 July 2003, secured oral DoJ concurrence that certain deviations are not significant for purposes of DoJ’s legal opinions.” To make clear that the “certain deviations” referred to here are the frequency of use of the waterboard, we recommend the following change. Strike the last sentence of the paragraph and replace with the following two sentences:

“In July 2003, selected Principals of the National Security Council, including the Attorney General, were briefed concerning the number of times the waterboard had been administered to certain detainees. The Attorney General expressed the view that, while appropriate caution should be exercised in the number of times the waterboard was administered, the repetitions described did not contravene the principles underlying DOJ’s August 2002 opinion.”

- \* p. 7, ¶ 17 Insert after the phrase “has been subject to DoJ legal review” the following: “, as described elsewhere in this Report.”
- \* p. 20, ¶ 41 Insert the phrase, “the torture provisions of” between the word “violate” and the phrase “the Torture Convention.” It is clear from the context of this letter, which never discusses any provisions of the Convention except those addressing torture, that it is meant to address only the torture provisions.
- \* pp. 22-23, ¶ 44 This paragraph addresses the bullet points and we recommend two revisions.

1). Strike the sentence that reads, “According to OGC, this analysis was fully coordinated with and drafted in substantial part by OLC.” Replace it with the following: “This analysis was drafted by OGC in consultation with attorneys from OLC.”

2). The last sentence of the paragraph contains two points of concern. First, touching upon the point of disagreement between OGC and OLC, it suggests that the bullet points constitute formal views of the Department of Justice. Second, it has the potentially sweeping and unqualified statement that the meaning of the bullet points is that the reasoning of the 1 August 2003 OLC opinion “extends beyond . . . the conditions that were specified in that opinion.” We therefore recommend striking the last sentence of the paragraph and replacing it with the following:

[REDACTED]

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OLC 100131

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"OGC has explained that it believed that the document reflected a formal statement of views from OLC on the topics addressed. OLC, however, has stated that it does not consider this document, which (unlike OLC opinions) is not dated or signed, either to be an OLC opinion or to reflect formal OLC advice. OLC has also stated that it has not fully analyzed or evaluated some of the legal positions set forth in the document."

p. 24, ¶ 48 This paragraph contains the ambiguous statement that the Attorney General "approved of the expanded use of various EITs." To clarify what we believe to be the intended meaning here, we recommend the following revisions.

- 1). Strike the phrase "to include the expanded use of EITs" from the end of the first sentence.
- 2). Insert the following sentence after the first sentence: "Specifically, the Principals were briefed concerning the number of times the waterboard had been administered to certain detainees and concerning the fact that the program had been expanded to detainees other than the individual (Abu Zubaydah) who had been the subject of specific DOJ advice in August 2002."
- 3). After the sentence beginning "According to a Memorandum for the Record prepared by the General Counsel," insert the following: "Specifically, the Attorney General expressed the view that the legal principles reflected in DOJ's specific original advice could appropriately be extended to allow use of the same approved techniques (under the same conditions and subject to the same safeguards) to other individuals besides the subject of DOJ's specific original advice. The Attorney General also expressed the view that, while appropriate caution should be exercised in the number of times the waterboard was administered, the repetitions described did not contravene the principles underlying DOJ's August 2002 opinion."

In addition, this paragraph states that "the senior officials were again briefed regarding the CTC Program on 16 September 2003." That statement seems to suggest that the same officials who were present at the 29 July meeting were also present at the 16 September meeting. The Attorney General, however, was not present at the meeting on 16 September, nor was any official of the Department of Justice. We request that the sentence be modified to read: "senior officials, not including the Attorney General, were again briefed . . ."

pp. 44-45, ¶ 99 For reasons already explained, we recommend the following change:

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1). Delete the second to last sentence. Insert at the start of the last sentence "In July 2003." Finally, insert after the last sentence the following: "The Attorney General expressed the view that, while appropriate caution should be exercised in the number of times the waterboard was administered, the repetitions described did not contravene the principles underlying DOJ's August 2002 opinion."

- \* p. 95, ¶ 234 Insert the following before the last sentence: "The General Counsel's statement is consistent with the 2003 document drafted by OGC in consultation with OLC. In the General Counsel's view, he had understood, in good faith, that this document represented OLC's opinion on the subjects it addressed. OLC has stated that it does not consider that document, which (unlike an OLC opinion) is not dated or signed, either to be an OLC opinion or to reflect formal OLC advice. OLC has also stated that it has not fully analyzed or evaluated some of the legal positions set forth in the document."

- \* p. 101, ¶ 254

1). Insert the following after the third sentence: "Specifically, the officials were briefed concerning the number of times the waterboard had been administered to certain detainees and concerning the fact that the program had been expanded to detainees other than the individual (Abu Zubaydah) who had been the subject of specific DOJ advice in August 2002."

2). Replace the final sentence with the following: "At that time, the Attorney General expressed the view that the legal principles reflected in DOJ's specific original advice could appropriately be extended to allow use of the same approved techniques (under the same conditions and subject to the same safeguards) to other individuals besides the subject of DOJ's specific original advice. The Attorney General also expressed the view that, while appropriate caution should be exercised in the number of times the waterboard was administered, the repetitions described did not contravene the principles underlying DOJ's August 2002 opinion."

- \* p. 101, ¶ 255: replace the phrase "has been subject to DoJ legal review" to "has been subject to the DoJ legal review described elsewhere in this Report."

- \* Appendix B.

- o 2002 August: Change "would not violate US law" to "would not violate 18 U.S.C. §§ 2340 - 2340A or the prohibition on torture in the Convention Against Torture."

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Central Intelligence Agency



Washington, D.C. 20505

Inspector General  
703-874-2565

IG 2004-0383  
23 June 2004

The Honorable John D. Rockefeller IV  
Vice Chairman  
Select Committee on Intelligence  
United States Senate  
Washington, D.C. 20510

Dear Mr. Vice Chairman:

(TS) [REDACTED] The DCI yesterday sent you our Report entitled "Counterterrorism Detention and Interrogation Activities (September 2001-October 2003)." With this letter, I am forwarding a memorandum of 18 June 2004 produced by the Department of Justice (DoJ) describing the views of the Department on certain matters discussed in the Report.

(U//FOUO) The Office of Inspector General did not involve DoJ in the preparation of the Report, but the Department was provided a copy as soon as it was produced because one important recommendation calls for the Agency's General Counsel to request a current legal opinion from DoJ. Following review of the Report by DoJ, the Attorney General asked Assistant Attorney General Goldsmith to communicate the Department's observations to the DCI and to me. The DCI has asked me to look into these matters with DoJ's Office of Legal Counsel, and I shall do so.

(U//FOUO) DoJ requested in its memorandum that we make certain changes to the Report itself. While we determined this to be impracticable, both the Agency and DoJ believe it important that the Committee have the benefit of DoJ's views at the same time you consider the Report. Mr. Goldsmith is aware that we are sharing this document with you.

(U//FOUO) An original of this letter is also being sent to Chairman Roberts and the Chairman and Ranking Democratic Member of the House Permanent Select Committee on Intelligence. Because of the sensitivity of the information, access to this letter and the enclosure should be limited only to those members and committee staff personnel, [REDACTED]

Sincerely,

[REDACTED]  
John L. Halgarson

Enclosure

066 100126

~~TOP SECRET//CRG-35T//RCS//PROFOR//AE~~

The Honorable John D. Rockefeller IV

[REDACTED] (23 June 2004)  
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Distribution:

[REDACTED]

OGC 100127



Washington, DC 20505

Inspector General  
703-674-2535

IG 2004-0383  
23 June 2004

The Honorable Jane Harman  
Ranking Democratic Member  
Permanent Select Committee on Intelligence  
House of Representatives  
Washington, D.C. 20515

Dear Ms. Harman:

(TS/[REDACTED]) The DCI yesterday sent you our Report entitled "Counterterrorism Detention and Interrogation Activities (September 2001-October 2003)." With this letter, I am forwarding a memorandum of 18 June 2004 produced by the Department of Justice (DoJ) describing the views of the Department on certain matters discussed in the Report.

(U//FOUO) The Office of Inspector General did not involve DoJ in the preparation of the Report, but the Department was provided a copy as soon as it was produced because one important Recommendation calls for the Agency's General Counsel to request a current legal opinion from DoJ. Following review of the Report by DoJ, the Attorney General asked Assistant Attorney General Goldsmith to communicate the Department's observations to the DCI and to me. The DCI has asked me to look into these matters with DoJ's Office of Legal Counsel, and I shall do so.

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Sincerely,

[REDACTED]  
John H. Helgeson

Enclosure

066 100122

~~TOP SECRET~~ / [REDACTED] ~~SECRET~~ / AM

The Honorable Jane Harman

[REDACTED] (23 June 2004)  
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Distribution:

[REDACTED]

062 100123

Central Intelligence Agency



Washington, D.C. 20505

Inspector General  
703-674-2555

IG 2004-0383  
23 June 2004

The Honorable Porter J. Goss  
Chairman  
Permanent Select Committee on Intelligence  
House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

(TS/[REDACTED]) The DCI yesterday sent you our Report entitled "Counterterrorism Detention and Interrogation Activities (September 2001-October 2003)." With this letter, I am forwarding a memorandum of 18 June 2004 produced by the Department of Justice (DoJ) describing the views of the Department on certain matters discussed in the Report.

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Sincerely,

[REDACTED]  
John H. Reigerson

Enclosure

[REDACTED] 04100120

~~TOP SECRET~~ [REDACTED] ~~NOFORN/REL~~

The Honorable Porter J. Goss

[REDACTED] (23 June 2004)  
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Distribution:

[REDACTED]

062 100121



Washington, D.C. 20505

Inspector General  
703-874-2555

IG 2004-0383  
23 June 2004

The Honorable Pat Roberts  
Chairman  
Select Committee on Intelligence  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

(TS/[REDACTED]) The DCI yesterday sent you our Report entitled "Counterterrorism Detention and Interrogation Activities (September 2001-October 2003)." With this letter, I am forwarding a memorandum of 18 June 2004 produced by the Department of Justice (DoJ) describing the views of the Department on certain matters discussed in the Report.

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(U//FOUO) An original of this letter is also being sent to Vice Chairman Rockefeller and the Chairman and Ranking Democratic Member of the House Permanent Select Committee on Intelligence. Because of the sensitivity of the information, access to this letter and the enclosure should be limited only to those members and committee staff personnel.

Sincerely,

[REDACTED]  
JOHN L. HELGERSON

Enclosure

001 100124

~~TOP SECRET~~ [REDACTED] ~~NOFORN/2A~~

The Honorable Pat Roberts

[REDACTED] (23 June 2004)  
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Distribution:  
[REDACTED]

OK 100125



**12 PAGES WITHHELD IN FULL PURSUANT TO EXEMPTION (B)(5) AND  
OTHER APPLICABLE EXEMPTIONS**

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~~SECRET~~ / [REDACTED] ~~NOFORN / AWP~~

[REDACTED]

11/10/2005 10:19 AM

To: John A. Rizzo [REDACTED]  
cc:

Subject: as requested

----- Forwarded by [REDACTED] on 11/10/2005 10:18 AM -----

~~SECRET~~

Document displayed with Full Zones using the Master form.

Edit cable  
Reply To Cable

Categorize cable

Print this cable

CATEGORIES:

ROUTE SUBJECT: EYES ONLY [REDACTED] - DDO APPROVAL TO DESTROY [REDACTED] VIDEO  
TAPES

ROUTE COMMENTS:

CONF: DDO INFO: [REDACTED]

[REDACTED] ASP 081855Z NOV 05 [REDACTED]

~~SECRET~~

STAFF

081855ZNOV05 [REDACTED]

TO: [REDACTED]

FROM: DDO INFO [REDACTED]

SLGGS: [REDACTED]

060 100173

~~SECRET~~ / [REDACTED] ~~NOFORN / AWP~~

~~SECRET~~ [REDACTED] ~~NOFORN~~ / ~~INT~~

SUBJECT: EYES ONLY [REDACTED] - DDO APPROVAL TO DESTROY [REDACTED]

VIDEO TAPES

REF: [REDACTED]

TEXT:

1. ACTION REQUIRED: RESPONSE TO REF A.

2. DDO APPROVES REF A REQUEST TO DESTROY [REDACTED] VIDEO TAPES AS PROPOSED REF A AND FOR THE REASONS CITED THEREIN (THERE IS NO LEGAL OR OIG REQUIREMENT TO CONTINUE TO RETAIN THE TAPES.) REQUEST THAT [REDACTED] ADVISE WHEN DESTRUCTION HAS BEEN COMPLETED. APPRECIATE STATION ASSISTANCE.

3. FILE: [REDACTED]

[REDACTED]

END OF MESSAGE

[REDACTED]

066 100174

~~SECRET~~ [REDACTED] ~~NOFORN~~ / ~~INT~~

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

To [REDACTED]

cc

bcc

Subject: cable confirming destruction of tapes

12/07/2007 03:43 PM

**SECRET**

Document displayed with Full Zones using the Master form.

Edit cable:

Categorize cable:

Print this cable:

Reply To Cable:

CATEGORIES:

ROUTE SUBJECT: EYES ONLY FOR [REDACTED] - DESTRUCTION OF [REDACTED] VIDEO TAPES

ROUTE COMMENTS:

ACTION:

[REDACTED]

ASP 090627Z NOV 05 [REDACTED]

~~SECRET~~ 090627Z NOV 05 STAFF

CITE: [REDACTED]

TO: PRIORITY DIRECTOR.

FOR: [REDACTED]

SLUGS: [REDACTED]

SUBJECT: EYES ONLY FOR [REDACTED] - DESTRUCTION OF [REDACTED] VIDEO TAPES

REF: A. [REDACTED]  
S. [REDACTED]

TEXT:

[REDACTED]

060 100175

[REDACTED]

1. ACTION REQUIRED: FYI

2. PER REF A, ALL 92 [REDACTED] VIDEO TAPES WERE DESTROYED ON 03 NOVEMBER. DESTRUCTION ACTIVITY WAS INITIATED AT 0910HRS AND COMPLETED AT 1210HRS.

3. PIDE: [REDACTED]

[REDACTED]

CABLETYPE: [REDACTED]

END OF MESSAGE

~~SECRET~~

06A 100176

Central Intelligence Agency



Washington, D.C. 20506

Inspector General  
703-874-2555

IG 2004-0383  
23 June 2004

The Honorable Porter J. Goss  
Chairman  
Permanent Select Committee on Intelligence  
House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

(TS) [REDACTED] The DCI yesterday sent you our Report entitled "Counterterrorism Detention and Interrogation Activities (September 2001-October 2003)." With this letter, I am forwarding a memorandum of 18 June 2004 produced by the Department of Justice (DoJ) describing the views of the Department on certain matters discussed in the Report.

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(U//FOUO) An original of this letter is also being sent to Ranking Democratic Member Harman and the Chairman and Vice Chairman of the Senate Select Committee on Intelligence. Because of the sensitivity of the information, access to this letter and the enclosure should be limited only to those members and committee staff personnel, [REDACTED]

Sincerely,

[REDACTED]  
John L. Helgerson

Enclosure

[REDACTED]

[REDACTED]

The Honorable Porter J. Goss

[REDACTED] (23 June 2004)  
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Distribution:

[REDACTED]

Central Intelligence Agency



Washington, D.C. 20506

Inspector General  
703-874-2555

IG 2004-0383  
23 June 2004

The Honorable Jane Harman  
Ranking Democratic Member  
Permanent Select Committee on Intelligence  
House of Representatives  
Washington, D.C. 20515

Dear Ms. Harman:

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Sincerely,

[redacted]  
John L. Helgeson

Enclosure

[redacted]

[redacted]



The Honorable Jane Harman

[REDACTED] (23 June 2004)  
cases\interrogations\Congres\DOJ Review Enclosure.doc

Distribution:

[REDACTED]

Central Intelligence Agency



Washington, D.C. 20505

Inspector General  
703-874-2555

IG 2004-0383  
23 June 2004

The Honorable Pat Roberts  
Chairman  
Select Committee on Intelligence  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

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Sincerely,

[REDACTED]  
John L. Helgerson

Enclosure

[REDACTED]

[REDACTED]

The Honorable Pat Roberts

[REDACTED] (23 June 2004)

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Distribution:

[REDACTED]

Central Intelligence Agency



Washington, D.C. 20505

Inspector General  
703-874-2555

IG 2004-0383  
23 June 2004

The Honorable John D. Rockefeller IV  
Vice Chairman  
Select Committee on Intelligence  
United States Senate  
Washington, D.C. 20510

Dear Mr. Vice Chairman:

(PS/ [REDACTED]) The DCI yesterday sent you our Report entitled "Counterterrorism Detention and Interrogation Activities (September 2001-October 2003)." With this letter, I am forwarding a memorandum of 18 June 2004 produced by the Department of Justice (DoJ) describing the views of the Department on certain matters discussed in the Report.

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Sincerely,

[REDACTED]  
John L. Helgeson

Enclosure

The Honorable John D. Rockefeller IV

[REDACTED] (23 June 2004)

cases\Interrogations\Congres\DOJ Review Enclosure.doc

Distribution:

[REDACTED]



U.S. Department of Justice

Office of Legal Counsel

~~TOP SECRET~~ [REDACTED] ~~NOFORN~~

Office of the Assistant Attorney General

Washington, D.C. 20530

June 18, 2004

Mr. George J. Tenet  
Director  
Central Intelligence Agency  
Washington, D.C. 20505

Dear Director Tenet:

I am writing at the Attorney General's request concerning a report that the Inspector General of the CIA has recently forwarded to your office. The Department of Justice did not have an opportunity to review a draft of the report and instead only had a chance to review the final report after it had been forwarded to your office.

The Department of Justice believes that the report contains some ambiguous statements concerning the Attorney General's remarks at a 29 July 2003 meeting of selected NSC principals that should be clarified and that it contains some statements that mistakenly characterize the extent of advice provided by the Department.

The Attorney General requests that you return the report to your Inspector General with a request to make the modifications suggested in the attached document, which we believe are necessary to clarify ambiguities or correct mistaken characterizations.

Sincerely,

Jack L. Goldsmith III

cc: Scott W. Muller, Esq.

~~TOP SECRET~~ [REDACTED] ~~NOFORN~~

**TOP SECRET** [REDACTED] **/NOFORN****MEMORANDUM**

To: Mr. John Helgeson,  
Inspector General, Central Intelligence Agency

From: Jack Goldsmith III - *JG*  
Assistant Attorney General, Office of Legal Counsel

June 18, 2004

**"Special Review: Counterterrorism Detention and Interrogation Activities"**

As I mentioned in my letter of 25 May 2004, the Department of Justice has recently had its first opportunity to review your report concerning the CIA's program of enhanced interrogation techniques. As a result of our review, we have concerns with two areas of ambiguity or mistaken characterizations in the report. I am writing, therefore, to request that you make some modifications to the report to clarify ambiguities or correct what we believe to be mistaken characterizations.

The first area of concern relates to a meeting of select National Security Council Principals on July 29, 2003. The Report states that at this meeting the Attorney General approved of "expanded use" of enhanced interrogation techniques. The reference to "expanded use" of techniques is somewhat ambiguous. In context, it appears to mean simply the use of approved techniques on other detainees in addition to the particular detainee (Abu Zubaydah) expressly addressed in an OLC opinion to the Acting General Counsel, John Rizzo, on August 1, 2002. If that is the intended meaning, the statement in the Report is entirely correct. In the attached addendum, therefore, we suggest some minor revisions to clarify this point.

On the second issue, OLC disagrees with the CIA's Office of General Counsel (OGC). The disagreement revolves around the status of a document containing a set of bullet points outlining legal principles and entitled "Legal Principles Applicable to CIA Detention and Interrogation of Captured Al-Qa'ida Personnel." The bullet points were drafted by OGC in consultation with OLC attorneys in the Spring of 2003. There is no dispute that OLC attorneys reviewed and provided comments on several drafts of the bullet points. In OGC's view, OGC secured formal OLC concurrence in the bullet points and thus believed that the bullet points reflected a formal statement of OLC's views of the law. OLC's view, however, is that the bullet points - which, unlike OLC opinions, are not signed or dated - were not and are not an opinion from OLC or formal statement of views. OLC also believes that the status of the bullet points was made clear at a

**TOP SECRET** [REDACTED] **/NOFORN**

~~TOP SECRET~~ [REDACTED] ~~NOFORN~~

meeting on June 17, 2003 soon after the Deputy Assistant Attorney General with whom OGC had consulted on the bullet points had departed from the Department of Justice.

In any event, when OGC, pursuant to a recommendation from your Report, sought an opinion from OLC confirming the conclusions outlined in the bullet points, the disagreement concerning the status of the bullet points became clear. As a result, I am suggesting revised language for the Report that I believe would accurately reflect the misunderstanding that arose concerning the bullet points.

I understand that you have already forwarded the Report in final form to the DCI. Where, however, the actions of another Department are described in the Report; where no personnel from that Department were interviewed in the preparation of the Report; and where that Department had no opportunity to comment on the Report in draft form we believe that it would make sense for your office to consider making the proposed revisions.

~~TOP SECRET~~ [REDACTED] ~~NOFORN~~



**TOP SECRET** [REDACTED] **ORCON, NOFORN//MR**

### ADDENDUM

- p. 5, ¶ 10 After referring to the frequency of use of the waterboard, this paragraph states that “[t]he Agency, on 29 July 2003, secured oral DoJ concurrence that certain deviations are not significant for purposes of DoJ’s legal opinions.” To make clear that the “certain deviations” referred to here are the frequency of use of the waterboard, we recommend the following change. Strike the last sentence of the paragraph and replace with the following two sentences:

“In July 2003, selected Principals of the National Security Council, including the Attorney General, were briefed concerning the number of times the waterboard had been administered to certain detainees. The Attorney General expressed the view that, while appropriate caution should be exercised in the number of times the waterboard was administered, the repetitions described did not contravene the principles underlying DOJ’s August 2002 opinion.”

- p. 7, ¶ 17 Insert after the phrase “has been subject to DoJ legal review” the following: “, as described elsewhere in this Report.”
- p. 20, ¶ 41 Insert the phrase, “the torture provisions of” between the word “violate” and the phrase “the Torture Convention.” It is clear from the context of this letter, which never discusses any provisions of the Convention except those addressing torture, that it is meant to address only the torture provisions.
- pp. 22-23, ¶ 44 This paragraph addresses the bullet points and we recommend two revisions.
  - 1). Strike the sentence that reads, “According to OGC, this analysis was fully coordinated with and drafted in substantial part by OLC.” Replace it with the following: “This analysis was drafted by OGC in consultation with attorneys from OLC.”
  - 2). The last sentence of the paragraph contains two points of concern. First, touching upon the point of disagreement between OGC and OLC, it suggests that the bullet points constitute formal views of the Department of Justice. Second, it has the potentially sweeping and unqualified statement that the meaning of the bullet points is that the reasoning of the 1 August 2002 OLC opinion “extends beyond . . . the conditions that were specified in that opinion.” We therefore recommend striking the last sentence of the paragraph and replacing it with the following:

[REDACTED]

**TOP SECRET** [REDACTED] **ORCON, NOFORN//MR**

~~TOP SECRET~~ [REDACTED] ~~ORCON, NOFORN/MR~~

"OGC has explained that it believed that the document reflected a formal statement of views from OLC on the topics addressed. OLC, however, has stated that it does not consider that document, which (unlike OLC opinions) is not dated or signed, either to be an OLC opinion or to reflect formal OLC advice. OLC has also stated that it has not fully analyzed or evaluated some of the legal positions set forth in the document."

- p. 24, ¶ 48 This paragraph contains the ambiguous statement that the Attorney General "approved of the expanded use of various EITs." To clarify what we believe to be the intended meaning here, we recommend the following revisions.

- 1). Strike the phrase "to include the expanded use of EITs" from the end of the first sentence.
- 2). Insert the following sentence after the first sentence: "Specifically, the Principals were briefed concerning the number of times the waterboard had been administered to certain detainees and concerning the fact that the program had been expanded to detainees other than the individual (Abu Zubaydah) who had been the subject of specific DOJ advice in August 2002."
- 3). After the sentence beginning "According to a Memorandum for the Record prepared by the General Counsel," insert the following: "Specifically, the Attorney General expressed the view that the legal principles reflected in DOJ's specific original advice could appropriately be extended to allow use of the same approved techniques (under the same conditions and subject to the same safeguards) to other individuals besides the subject of DOJ's specific original advice. The Attorney General also expressed the view that, while appropriate caution should be exercised in the number of times the waterboard was administered, the repetitions described did not contravene the principles underlying DOJ's August 2002 opinion."

In addition, this paragraph states that "the senior officials were again briefed regarding the CTC Program on 16 September 2003." That statement seems to suggest that the *same* officials who were present at the 29 July meeting were also present at the 16 September meeting. The Attorney General, however, was not present at the meeting on 16 September, nor was any official of the Department of Justice. We request that the sentence be modified to read: "senior officials, not including the Attorney General, were again briefed . . .".

- pp. 44-45, ¶ 99 For reasons already explained, we recommend the following change:

~~TOP SECRET~~ [REDACTED] ~~ORCON, NOFORN/MR~~

~~TOP SECRET~~ [REDACTED] ~~ORCON, NOFORN/MI~~

1). Delete the second to last sentence. Insert at the start of the last sentence "In July 2003." Finally, insert after the last sentence the following: "The Attorney General expressed the view that, while appropriate caution should be exercised in the number of times the waterboard was administered, the repetitions described did not contravene the principles underlying DOJ's August 2002 opinion."

- p. 95, ¶ 234 Insert the following before the last sentence: "The General Counsel's statement is consistent with the 2003 document drafted by OGC in consultation with OLC. In the General Counsel's view, he had understood, in good faith, that this document represented OLC's opinion on the subjects it addressed. OLC has stated that it does not consider that document, which (unlike an OLC opinion) is not dated or signed, either to be an OLC opinion or to reflect formal OLC advice. OLC has also stated that it has not fully analyzed or evaluated some of the legal positions set forth in the document."
- p. 101, ¶ 254
  - 1). Insert the following after the third sentence: "Specifically, the officials were briefed concerning the number of times the waterboard had been administered to certain detainees and concerning the fact that the program had been expanded to detainees other than the individual (Abu Zubaydah) who had been the subject of specific DOJ advice in August 2002."
  - 2). Replace the final sentence with the following: "At that time, the Attorney General expressed the view that the legal principles reflected in DOJ's specific original advice could appropriately be extended to allow use of the same approved techniques (under the same conditions and subject to the same safeguards) to other individuals besides the subject of DOJ's specific original advice. The Attorney General also expressed the view that, while appropriate caution should be exercised in the number of times the waterboard was administered, the repetitions described did not contravene the principles underlying DOJ's August 2002 opinion."
- p. 101, ¶ 255: replace the phrase "has been subject to DoJ legal review" to "has been subject to the DoJ legal review described elsewhere in this Report."
- Appendix B.
  - 2002 August: Change "would not violate US law" to "would not violate 18 U.S.C. §§ 2340 - 2340A or the prohibition on torture in the Convention Against Torture."

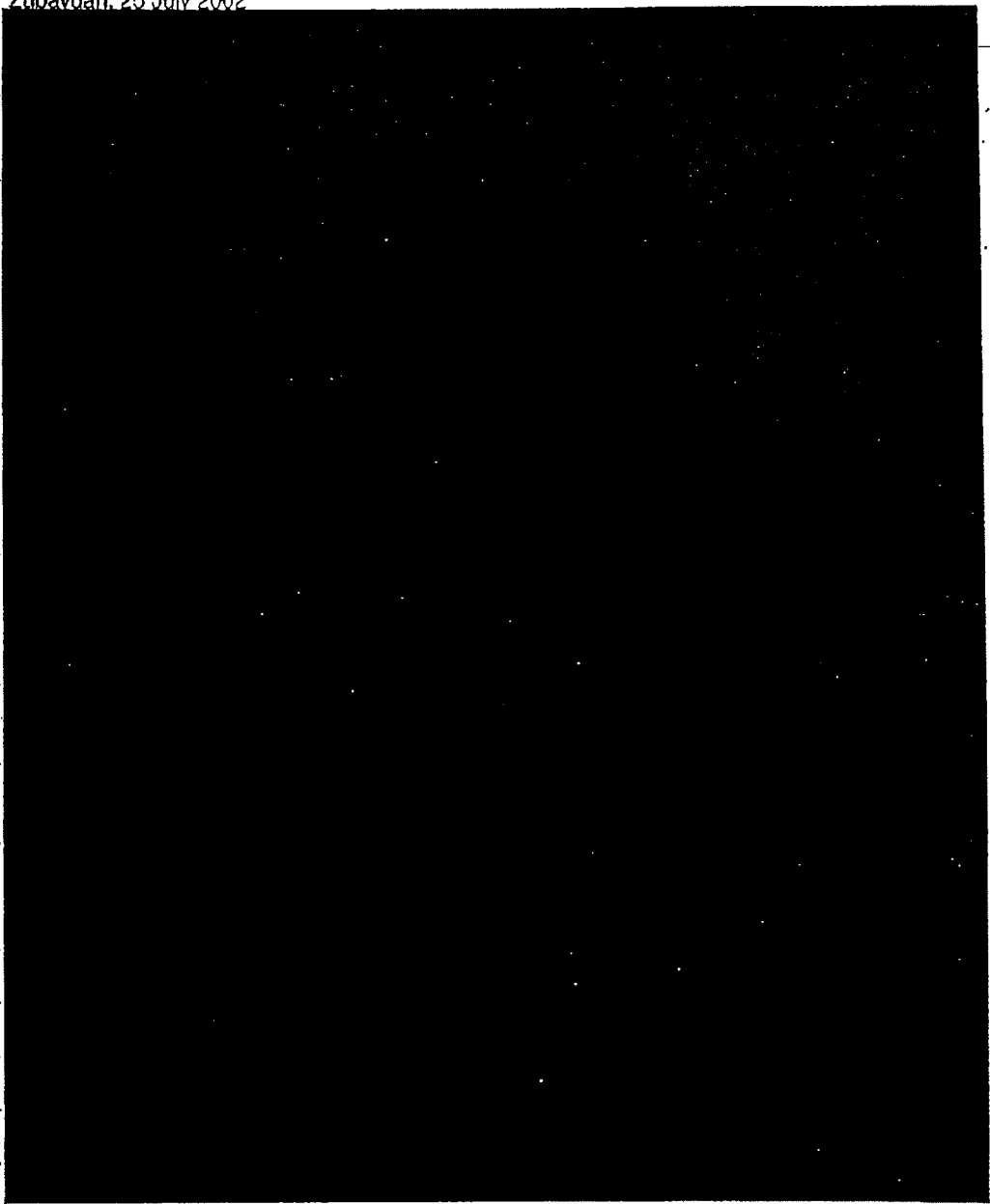
~~TOP SECRET~~ [REDACTED] ~~ORCON, NOFORN/MI~~

**APPENDIX DOCUMENTS**

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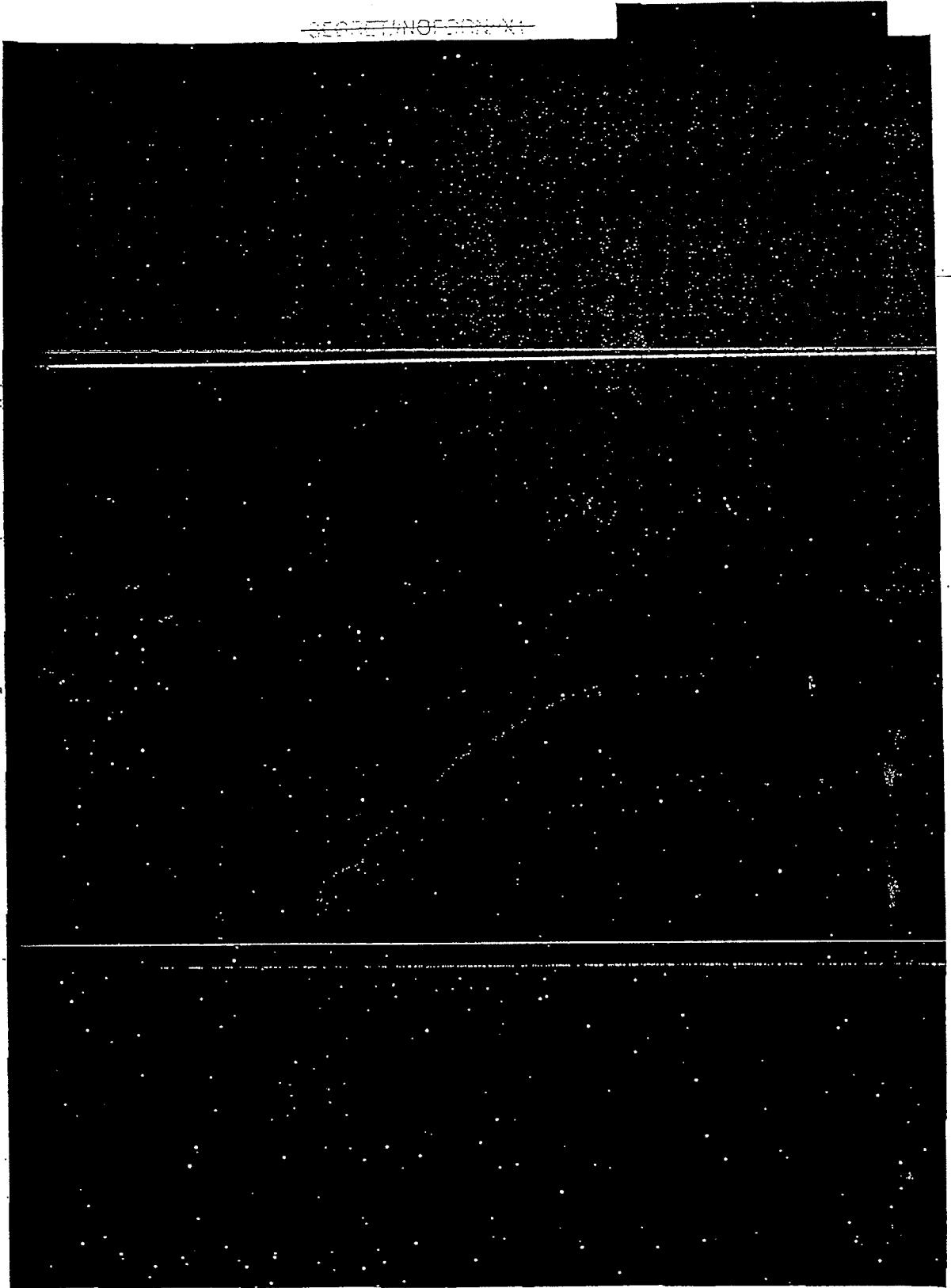
1. Selected Chronology of Representative Documents Concerning U.S. Interrogation Policy and Legal Requirements, 17 September 2001 – 22 July 2004
2. Psychological Terms Employed in the Statutory Prohibition on Torture, 25 July 2002
3. Psychological Assessment of Zain al-'Abedin al-Abideen Muhammad Hassan, aka Abu Zubaydah, 25 July 2002

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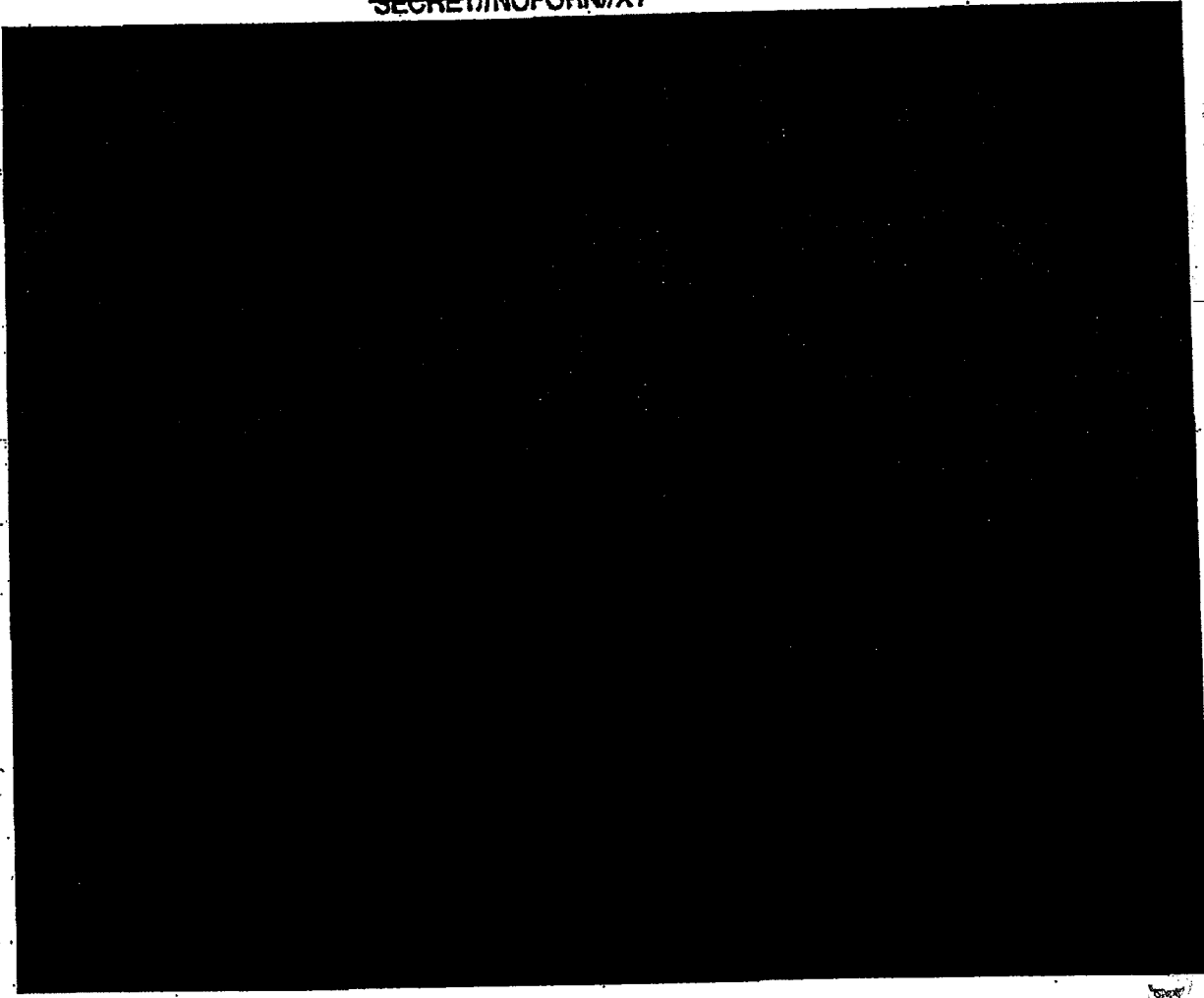
30. OLC Opinions, 10 May 2005
31. Blacksite Concept of Operations
32. [REDACTED]
33. Review of CIA Detainee Program in Response to DCI Query, 10 June 2004
34. [REDACTED]
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36. OIG Special Review, Counterterrorism Detention and Interrogation Activities (September 2001 – October 2003), 7 May 2004
37. D/CTC Comments on Draft Special Review: Counterterrorism Detention and Interrogation Program, May 2004
38. Office of General Counsel Comments on Counterterrorism Detention and Interrogation Program Special Review, 24 February 2004
39. Draft Report of Audit, CIA-Controlled Detention Facilities [REDACTED]
40. Review of Interrogation Program on 29 July 2003, Scott Muller, 29 July 2003
41. Quarterly Review of Confinement Conditions for CIA Detainees 2/28/03 – 4/30/03
42. CTC [REDACTED] HVD Exploitation and Interrogation Training Program
43. DOJ OLC Memorandum for John Rizzo, Acting General Counsel of the CIA, Interrogation of al Qaeda Operative, 1 August 2002
44. Memorandum from the President regarding Humane Treatment of al Qaeda and Taliban detainees, 7 February 2002
45. MFR dated 30 July 2003, White House Meeting on Enhanced Techniques, 31 July 2003
46. Memorandum for William J. Haynes, II; General Counsel, DOD; Re: The President's power as Commander in Chief to transfer captured terrorists to the control and custody of foreign nations, 13 March 2003
47. DOJ OLC Letter to John Rizzo regarding what is necessary to establish the crime of torture, 13 July 2002
48. Review of Legislative History, United Nations Convention Against Torture and Other Cruel, Inhumane, or Degrading Treatment
49. DOJ OLC Letter and Memorandum to White House, Gonzales, Counsel to the President, regarding interrogation methods and torture, 1 August 2002
50. Letter to DOJ, Physiological Effect of the Water Board, 31 July 2002
51. DOJ OLC Memorandum to White House, Gonzales, Counsel to the President; Re: Status of Taliban Forces Under Article 4 of the Third Geneva Convention of 1949, 7 February 2002
52. Letter to the President from Attorney General John Ashcroft on status of Taliban detainees, 1 February 2002
53. DOJ OLC Memorandum to White House, Gonzales, Counsel to the President and William Haynes, DOD General Counsel; Re: Application of Treaties and Laws to al Qaeda and Taliban detainees, 22 January 2002
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