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THE DIRECTOR OF CENTRAL INTELLIGENCE
WASHINGTON, D.C. 20505

3 July 2003

MEMORANDUM FOR: National Security Advisor

SUBJECT: ~~T/S~~ [redacted] Reaffirmation of the
Central Intelligence Agency's Interrogation
Program

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1. ~~T/S~~ [redacted] This memorandum requests that
within the next week, as a part of this year's annual
review of [redacted] or otherwise, the National
Security Council Principals affirm, on behalf of the
Administration, its commitment and support for the Central
Intelligence Agency's (CIA) use of enhanced interrogation
techniques as a part of its Interrogation Program for High
Value Detainees (HVD). As you know, in September 2002 the
Justice Department (DoJ) authorized particular
interrogation techniques, including what have been termed
"stress and duress" techniques such as sleep deprivation
and stress positions and physical contact with detainees
such as facial and abdominal slaps and the waterboard. We
request this reaffirmation because recent Administration
responses to inquiries and resulting media reporting about
the Administration's position have created the impression
that these techniques are not used by US personnel and are
no longer approved as a policy matter.

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2. ~~(U//AFO)~~ Background: Senator Leahy recently
sent a letter to you raising several questions regarding
the treatment of detainees. This inquiry came on the heels
of repeated inquiries by non-governmental agencies and
members of the press on the subject of US interrogation
techniques. On 25 June 2003, Department of Defense General
Counsel William J. Haynes II responded to Senator Leahy's
letter in a response that was fully coordinated with CIA
and DoJ. On 26 June 2003, the White House issued a press
statement supporting International Day in Support of

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Victims of Torture condemning "cruel" treatment of detainees. On 27 June 2003, the Washington Post ran a front-page article that relied heavily on the press statement and also reported the Deputy White House Press Secretary as saying that currently US Government detainees are being treated "humanely." While the Haynes letter to Senator Leahy was coordinated with CIA and DoJ, the press statement was not coordinated with CIA. In addition, CIA had previously objected to White House statements to the effect that all US Government detainees are treated "humanely."

3. ~~(TS)~~ [REDACTED] Discussion: As you know, the primary national interest in interrogating HVDS is to acquire critical intelligence that may be exploited by the United States to prevent future terrorist attacks. To accomplish that mission, CIA developed an Interrogation Program that includes the use of enhanced interrogation techniques to assist in obtaining that critical intelligence. From the outset, use of these techniques has been subject to rigorous oversight. The Vice President, National Security Advisor, Deputy National Security Advisor, Counsel to the President, Counsel to the National Security Advisor, and the Attorney General were consulted in August 2002 in advance of implementing use of the techniques with a particular detainee and concurred in its implementation as a matter of law and policy. There have been updates since that time on CIA's interrogation activities. In addition, last fall and again earlier this year, the Agency briefed, in detail, the leadership of the House and Senate Intelligence Committees of CIA's use of enhanced techniques.

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4. ~~(TS)~~ [REDACTED] Last September and again recently, the Department of Justice's Office of Legal Counsel (OLC) has advised that CIA's use of the enhanced techniques does not violate the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment, as ratified by the United States in 1994. In addition, OLC concluded that this Program complies with the Federal anti-torture statute (18 U.S.C. §§ 2340-2340A). Moreover, CIA officers have held ongoing discussions with OLC personnel on the legal

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principles to ensure that changing facts, and the capture of other HVDs, still comply with the original OLC guidance.

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5. ~~(TS)~~ [redacted] Action Requested: Our officers are relying on the guidance they have been given that they are implementing US policy. Because of the recent erroneous reports in the media characterizing the Administration's position regarding the interrogation of detainees, and also because of the passage of time since high-level Administration officials were briefed on the Interrogation Program, CIA requests that the Administration reaffirm its commitment to the use of enhanced techniques in this Program, as appropriate.

George J. Tenet
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DCI/OGC/SWMuller: [redacted] (30 June 03)

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