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1.4(c)
3.5(c)

24 May 2004

MEMORANDUM FOR THE RECORD

SUBJECT: ~~(S)~~ [redacted] ~~(NF)~~ Memorandum of Meeting With the
DCI Regarding DOJ's Statement That DOJ Has Rendered No
Legal Opinion on Whether CIA's Use of Interrogation
Techniques Would Meet Constitutional Standards

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1. ~~(S)~~ [redacted] ~~(NF)~~ This evening, after the 1700 meeting, I attended a meeting in the DCI's office with the DCI, DDCI, Director OCA, DCI Chief of Staff, and General Counsel to discuss several issues pertaining to detainees and interrogations. One such issue was a recent statement Patrick Philbin of DOJ made to the GC that DOJ's Office of Legal Counsel has not rendered a written opinion that CIA's use of its interrogation techniques would meet the Constitution's "Shock the Conscience" standards applicable within the United States. (The GC had previously informed DCI and DCI/COS, but not in detail.) The fact that DOJ had coordinated on the briefing slides the GC used to brief the Vice President, Attorney General, and others; that DOJ had approved language in a June 2003 DOD GC letter to Senator Leahy; nor the fact that DOJ had coordinated on bullets that CIA had drafted which specifically stated that CIA's use of interrogation techniques would meet constitutional standards were they applicable to aliens overseas, could not be taken as DOJ agreement that CIA's use of interrogation techniques would meet constitutional standards were they applicable overseas. Rather, he advised that DOJ had not opined on that, one way or the other.

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2. ~~(S)~~ [redacted] ~~(NF)~~ In response to learning fully of this DOJ position, the DCI asked whether CIA was currently using interrogation techniques with anyone. Upon learning CIA was not, the DCI directed an immediate suspension of any use of its interrogation techniques unless and until CIA receives from DOJ a formal, written legal opinion on whether CIA's use of its interrogation techniques would meet U.S. Constitutional standards if those standards were applicable to aliens overseas. Should DOJ not provide an opinion, or should DOJ's opinion find to the

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SUBJECT: (TS, [Redacted] NF) Memorandum of Meeting With the DCI Regarding DOJ's Statement That DOJ Has Rendered No Legal Opinion on Whether CIA's Use of Interrogation Techniques Would Meet Constitutional Standards

negative, the use of interrogation techniques would not resume without further consideration.

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3. (TS, [Redacted] NF) The DCI further directed:

a. A memo from him to the DDO directing the suspension (my action);

b. Talking points for him to speak to the Attorney General about this matter (GC action);

c. A paper from CTC informing him precisely which interrogation techniques (enhanced and standard) have been used on which HVTs, and when they were last used (my action to request from CTC).

[Redacted]

Legal Group
DCI Counterterrorist Center

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