

From: John H. Moseman

To: [REDACTED]

Cc: John A. Rizzo, [REDACTED] Scott W. Muller, [REDACTED]

Bcc:

Subject: Re: DCI & GC Meeting with the Attorney General

Date: 5/28/2004 4:34:17 PM

[REDACTED] et al: Here's a quick note on the DCI's conversation today with the Attorney General:

1. The DCI walked through the prepared talking points.
2. The AG focused his discussion/concern on the waterboard, referencing the IG report.

-- the AG raised the issue of the number of times the technique was employed with KSM. The DCI reminded the AG that he, the AG, had been informed of this last summer.

-- the AG raised the issue of a possible disparity in training on the technique

3. The DCI discussed the "shocking the conscience" standard. The AG indicated there was no formal OLC opinion on the constitutional matter, and reiterated that the Constitution did not apply to foreign nationals overseas.

The DCI responded that OLC had coordinated on the Leahy letter, and quoted relevant passages to the AG (including the "where ever they occur" phrase). The AG appeared unaware of the Leahy letter.

4. The AG indicated that the Justice Department would have no concerns with the techniques, other than waterboarding.

5. The conversation, cordial in all respects, ended with an agreement that the DCI and AG would meet next week with CIA's GC and other relevant persons.

(The DCI called [REDACTED] to urge that the meeting be scheduled.)

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