

Exhibit P

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SEP 12 2014 7:52AM
C06238951

NO. 070 P. 4

Approved for Release: 2014/09/09 C06238951

~~TOP SECRET~~ ~~NOFORN//MR~~

1.4(c)
3.5(c)

24 May 2004

MEMORANDUM FOR THE RECORD

1.4(c)
3.5(c)

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

1.4(c)

3.5(c)

1. ~~(S)~~ [redacted] ~~(NF)~~ This evening, after the 1700 meeting, I attended a meeting in the DCI's office with the DCI, DDCL, 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.

1.4(c)
3.5(c)

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

ALL PORTIONS CLASSIFIED

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1.4(c)
3.5(c)

[redacted]

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1.4(c)
3.5(c)

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3.5(c)

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SEP. 12. 2014 7:58AM
C06238951
1.4(c)
3.5(c)

NO. 070 P. 5

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~~TOP SECRET~~ ~~1.4(c)~~ ~~NOFORN//MR~~
[Redacted] 3.5(c)

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.

1.4(c)
3.5(c)

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

3.5(c)

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[Redacted] 3.5(c)

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SEP 12 2014 7:59AM
C06238952

NO. 070 P. 6

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[redacted] 3.5(c)

3.5(c)



Sent by [redacted] 3.5(c)

05/25/04 03:44 PM

To: [redacted]
cc: [redacted]

Subject: Interim Guidance for Standard and Enhanced Interrogations

PLEASE PASS A COPY OF THIS NOTE TO [redacted] 3.5(c)

This note is being passed for information ONLY.

As Site is well aware there have been numerous press articles, domestically and internationally, concerning the treatment of detainees in U.S. control. We can happily report that from internal reviews conducted thus far we are well within the "box" pertaining to detainees under CTG [redacted] control. That said, the DCI believes it is prudent to suspend the use of STANDARD and ENHANCED measures until we have completed all necessary reviews. Senior managers within the Agency understand we are not currently performing standard or enhanced measures of interrogation, but wishes to highlight the fact there should be no submission of requests for standard/enhanced at this time pertaining to anyone of the detainees the [redacted] has under its [redacted] control. Should we be fortunate and capture one of the truly High Value Terrorists we are still seeking, of course we'll seek necessary approvals to immediately initiate actions, which will allow us to gain the required information.

3.5(c)

1.4(c)

Please pass our best to all at site and thank them for the hard work and commitment they have given to this most valuable program - it has truly prevented the loss of additional lives within our borders and afforded the same support to numerous allies.

A similar note is being sent to other [redacted] 1.4(c)

~~TOP SECRET~~ [redacted] ~~NOFORN//MR~~

3.5(c)