

Exhibit 68



CENTRAL INTELLIGENCE AGENCY
OFFICE OF GENERAL COUNSEL
WASHINGTON, D.C. 20505

Date: 8 MAY 2009

TO: JAMIE S. GORELICK
WILMERHALE

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SUBJECT: CLARIFICATION OF AG PRESS RELEASE

From: JOHN A. RIZZO
SR. DEPUTY GENERAL COUNSEL

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CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

Office of General Counsel

Jamie S. Gorelick
WilmerHale
1875 Pennsylvania Avenue, NW
WDC 20006

Dear Ms. Gorelick,

Pursuant to your request, I am providing you this letter to clarify certain statements the Attorney General made in a 16 April 2009 Justice Department press release (copy enclosed) accompanying its release of four Office of Legal Counsel legal opinions given to the Central Intelligence Agency in 2002 and 2005. Specifically, your request relates to the statements that:

"The Attorney General has informed the Central Intelligence Agency that the government would provide legal representation to any employee, at no cost to the employee, in any state or federal judicial or administrative proceeding brought against the employee based on such conduct and would take measures to respond to any proceeding initiated against the employee in any international or foreign tribunal, including counsel to act on the employee's behalf and asserting any available immunities and other defense in the proceeding itself.....To the extent permissible under federal law, the government will also indemnify any employee for any monetary judgment or penalty ultimately imposed against him for such conduct and will provide representation in congressional investigations.....It would be unfair to prosecute dedicated men and women working to protect America for conduct that was sanctioned in advance by the Justice Department".

This is to confirm the oral guidance that Donald Verrilli, counsel to the Department Attorney General, gave me the day the press release was issued and repeated in a second conversation he and I had on 4 May. Mr. Verrilli told me the Justice Department considers the word "employee" in the AG's statement that include contractors retained by the Central Intelligence Agency to help carry out the terrorist interrogation program described in the OLC opinions in question. I consider the contractors you represent to fall within this ambit.

Sincerely,

John A. Rizzo
Senior Deputy General Counsel

Enclosure



Department of Justice

FOR IMMEDIATE RELEASE

Thursday, April 16, 2009

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AG

(202) 514-2007

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Department of Justice Releases Four Office of Legal Counsel Opinions

In connection with ongoing litigation, the Department of Justice today released four previously undisclosed Office of Legal Counsel ("OLC") opinions – one that OLC issued to the Central Intelligence Agency in August 2002 and three that OLC issued to the CIA in May 2005.

"The President has halted the use of the interrogation techniques described in these opinions, and this administration has made clear from day one that it will not condone torture," said Attorney General Eric Holder. "We are disclosing these memos consistent with our commitment to the rule of law."

Holder also stressed that intelligence community officials who acted reasonably and relied in good faith on authoritative legal advice from the Justice Department that their conduct was lawful, and conformed their conduct to that advice, would not face federal prosecutions for that conduct.

The Attorney General has informed the Central Intelligence Agency that the government would provide legal representation to any employee, at no cost to the employee, in any state or federal judicial or administrative proceeding brought against the employee based on such conduct and would take measures to respond to any proceeding initiated against the employee in any international or foreign tribunal, including appointing counsel to act on the employee's behalf and asserting any available immunities and other defenses in the proceeding itself.

To the extent permissible under federal law, the government will also indemnify any employee for any monetary judgment or penalty ultimately imposed against him for such conduct and will provide representation in congressional investigations.

"It would be unfair to prosecute dedicated men and women working to protect America for conduct that was sanctioned in advance by the Justice Department," Holder said.

After reviewing these opinions, OLC has decided to withdraw them: They no longer represent the views of the Office of Legal Counsel.

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