

# **EXHIBIT 34**

[washingtonpost.com](http://washingtonpost.com)

## Justice Dept. Memo Says Torture 'May Be Justified'

By Dana Priest  
Washington Post Staff Writer  
Sunday, June 13, 2004; 6:30 PM

Today [washingtonpost.com](http://washingtonpost.com) is posting a copy of the [Aug. 1, 2002, memorandum \(PDF\)](#) "Re: Standards of Conduct for Interrogation under 18 U.S.C. 2340-2340A," from the Justice Department's Office of Legal Counsel for Alberto R. Gonzales, counsel to President Bush.

The memo was the focus of a [recent article](#) in The Washington Post.

The memo was written at the request of the CIA. The CIA wanted authority to conduct more aggressive interrogations than were permitted prior to the terrorist attacks of Sept. 11, 2001. The interrogations were of suspected al Qaeda members whom the CIA had apprehended outside the United States. The CIA asked the White House for legal guidance. The White House asked the Justice Department's Office of Legal Counsel for its legal opinion on the standards of conduct under the Convention Against Torture and Other Cruel, Inhumane and Degrading Treatment or Punishment.

The Office of Legal Counsel is the federal government's ultimate legal adviser. The most significant and sensitive topics that the federal government considers are often given to the OLC for review. In this case, the memorandum was signed by Jay S. Bybee, the head of the office at the time. Bybee's signature gives the document additional authority, making it akin to a binding legal opinion on government policy on interrogations. Bybee has since become a judge on the 9th U.S. Circuit Court of Appeals.

Another [memorandum](#), dated March 6, 2003, from a Defense Department working group convened by Defense Secretary Donald H. Rumsfeld to come up with new interrogation guidelines for detainees at Guantanamo Bay, Cuba, incorporated much, but not all, of the legal thinking from the OLC memo. The Wall Street Journal first published the March memo.

At a recent Senate Judiciary Committee hearing, senators asked Attorney General John D. Ashcroft to release both memos. Ashcroft said he would not discuss the contents of the Justice and Pentagon memos or turn them over to the committees. A [transcript](#) of that hearing is also available.

President Bush spoke on the issue of torture Thursday, saying he expected U.S. authorities to abide by the law. He declined to say whether he believes U.S. law prohibits torture. Here is a link to the [transcript](#) of the president's press conference, which included questions and answers on torture.

The Post deleted several lines from the memo that are not germane to the legal arguments being made in it and that are the subject of further reporting by The Post.

© 2004 The Washington Post Company

Featured  
Advertisement

XEROX

Advertisement

"...Al  
Jazeera's  
moment"

— The New York Times

Watch  
Al Jazeera  
English  
Now



ALJAZEERA

[www.watchaljazeera.net](http://www.watchaljazeera.net)