

EXHIBIT 45

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Attachment classified as above. Classification of transmittal document (when separated from attachment): ~~SECRET~~

[REDACTED]
11/10/2005 05:48 PM

To: Dusty Foggo [REDACTED]
cc:
Subject: short backgrounder

Dusty - at both the DO update and right after the G-7 the issue of the Abu.Zubaydah tapes were discussed. You may recall these concern the tapes which were made during his interrogations at [REDACTED] and being held by the [REDACTED] of that country. It was recommended to previous DO management that the tapes be destroyed. This was after the [REDACTED] had reviewed them and deemed that transcripts were an accurate reflection of what happened and they were no longer needed from their perspective [REDACTED]. For whatever reason it seems, previous DO asked (nfi) someone (nfi) downtown and as a result got told feel and did not order them destroyed. Current [REDACTED] not wanting - smartly - to continue to be custodian of these things was advised to send in a cable asking for guidance. He did so. Guidance just sent - cleared by [REDACTED], DDO and [REDACTED] - told him to destroy. He did so. Rizzo found out today this had occurred as was upset - apparently because he had not been consulted - not sure if there was another reason. He raised at DO update but was 'calmed' (only slightly) when told [REDACTED] had approved. Jose raised with Porter and myself and [REDACTED] after G-7 and explained that he (Jose) felt it was extremely important to destroy the tapes and that if there was any heat he would take it (PG laughed and said that actually, it would be he, PG, who would take the heat) PG, however, agreed with the decision. As Jose said, the heat from destroying is nothing compared to what it would be if the tapes ever got into public domain - he said that out of context, they would make us look terrible; it would be 'devastating' to us. All in the room agreed but noted that we needed to find out Rizzo's concern and whether it was substantive or just being 'left out'. Jose was going to pursue this. Believe this is end of it, but in case it comes up, you need the background. [REDACTED]

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