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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 [REDACTED] (nfi) someone (nfi) downtown and as a result got cold feet 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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2007-8808-IG000074

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11/10/2005 07:25 PM

To: Dusty Fogg

cc:

Subject: short backgrounder - part 2

Dusty - ok - on the Zabaydah tapes - - I am no longer feeling comfortable. While I understand Jose's 'decision' (and believe the tapes were bad news) I was just told by Rizzo that [REDACTED] DID NOT concur on the cable - it was never discussed with him (this is perhaps worse news, in that we may have 'improperly' destroyed something). In fact, it is unclear now whether the [REDACTED] did as well. Cable was apparently drafted by [REDACTED] and released by Jose; they are only two names on it, so I am told by Rizzo. Either [REDACTED] lied to Jose about 'clearing' with [REDACTED] and IG (my bet) or Jose misstated the facts. (It is not without relevance that [REDACTED] figured prominently in the tapes, as [REDACTED] was in charge of [REDACTED] at the time and clearly would want the tapes destroyed.) Rizzo is clearly upset, because he was on the hook to notify Harriet Miers of the status of the tapes because it was she who had asked to be advised before any action was taken. Apparently, Rizzo called Harriet this afternoon and she was livid, which he said was actually unusual for her. Rizzo does not think this is likely to just go away. Rizzo has advised [REDACTED] of this latest 'wrinkle.' Sounds like we will regroup on Monday.

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