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MEMORANDUM

TO: ATTORNEY GENERAL
DEPUTY ATTORNEY GENERAL

FROM: Dan Levin
Acting Assistant Attorney General

RE: Status of Interrogation Advice

DATE: September __, 2004

You have asked for an update on the status of interrogation advice.

A. GENERAL ADVICE

1. Previously Given

- a.. The primary prior general advice was an unclassified August 1, 2002 memorandum from Jay Bybee to Judge Gonzales interpreting the torture statute. It contains discussion of a variety of matters that are not necessary to resolving any issues raised to date.

2. Current/Pending

a. []

B. CIA ADVICE

1. Previously Given

- a. The primary prior advice was a classified August 1, 2002 memorandum from Jay Bybee to John Rizzo discussing ten techniques under the torture statute (attention grasp, walling, facial hold, facial slap (insult slap), cramped confinement, wall standing, stress positions, sleep deprivation, insects placed in a confinement box, and the waterboard).

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2. Current/Pending

a. The Attorney General reaffirmed the conclusion as to nine of the techniques (excluding the waterboard) in a July 22, 2004 letter to John McLaughlin.

b. In addition, I have written letters as to three detainees to date:

i.

[the waterboard is currently subject to the following limits: no more than two sessions a day; sessions on no more than 5 out of 30 days; sessions last no more than two hours each; no single application can exceed 40 seconds and no more than 6 applications exceeding 10 seconds in any one session; no more than 12 minutes total application per day]

ii.

iii.

c.

d. CIA has also requested an opinion on whether any of their techniques would "shock the conscience" if that legal standard applied

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C. DOD ADVICE

1. Previously Given

- a. There was a classified March 14, 2003 opinion to William Haynes from John Yoo which contains extensive discussion of the torture statute and other matters that is not necessary to resolve any issue.
- b. In addition, we approved 24 specific techniques the use of which the Secretary of Defense approved. Although it is not entirely clear to me when that was done it was reaffirmed, for example, in a July 7, 2004 letter from Jack Goldsmith to Scott Muller (referring to approval of both CIA and DOD techniques) and also in a July 17, 2004 fax by Jack.

2. Current/Pending

a. []

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