



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 20, 2004

The Honorable F. James Sensenbrenner, Jr.  
Chairman  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

Thank you for your letter, dated July 13, 2004, to the Attorney General regarding documents related to the interrogation of detainees.

The Department of Justice ("the Department") can assure you that the Administration has released all unclassified, final written opinions from the Department addressing the legality of interrogation techniques used in interrogations conducted by the United States of al Qaeda and Taliban enemy combatants. The Department has not issued written opinions addressing interrogation practices in Iraq. However, it has been the consistent understanding within the Executive Branch that the conflict with Iraq is covered by the Geneva Conventions, and the Department has concurred in that understanding.

On June 22, 2004, the White House released several documents related to the interrogation of detainees. Included among those documents were six documents that originated with the Department: 1) a memorandum from the Office of Legal Counsel (OLC) to the Counsel to the President and the General Counsel of the Department of Defense on the "Application of Treaties and Laws to al Qaeda and Taliban Detainees," dated January 22, 2002; 2) a letter from the Attorney General to the President on the status of Taliban detainees, dated February 1, 2002; 3) a memorandum from OLC to the Counsel to the President on the "Status of Taliban Forces Under Article 4 of the Third Geneva Convention of 1949," dated February 7, 2002; 4) a memorandum from OLC to the General Counsel of the Department of Defense on the "Potential Legal Constraints Applicable to Interrogations of Persons Captured by U.S. Armed Forces in Afghanistan," dated February 26, 2002; 5) a letter from OLC to the Counsel to the President on the legality, under international law, of interrogation methods to be used during the war on terrorism, dated August 1, 2002; and 6) a memorandum from OLC to the Counsel to the President on "Standards of Conduct for Interrogation under 18 U.S.C. §§ 2340-2340A," dated August 1, 2002.

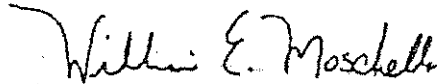
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Although these documents that have been released are documents that would not usually be disclosed to anyone outside the Executive Branch, the Administration decided to release a number of documents, including the Department documents listed above and including many from the Department of Defense, to provide a fuller picture of the issues the Administration had considered and the narrower policies the Administration actually adopted in this important area.

It should also be noted that many of the documents requested in H. Res. 700 originated with other agencies such as the Department of State and the Department of Defense. Consistent with established third-agency practice, those agencies should be contacted directly if Congress wishes to inquire further about any documents they may possess.

Thank you for contacting the Department of Justice. Please do not hesitate to contact this office if we may be of assistance with this, or any other matter.

Sincerely,



William E. Moschella  
Assistant Attorney General

cc: The Honorable John Conyers, Jr.  
Ranking Minority Member