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30 November 2004

# Memorandum for the Record

KEY: C/2003-00086

EVENT: MEMBER BRIEFING DATE: 02/04/2003 TIME: 10:30 STATUS: COMPLETED  
PLACE: 211 HART  
FOR: SSCI  
SUBJECT: SENSITIVE NOTIFICATION

## ATTENDEES:

ASSOCIATION	NAME	ROLE
DCI/OCA	MOSKOWITZ, STANLEY	
DDO	PAVITT, JAMES (JEM)	
GC	MULLER, SCOTT	
SSCI	ROBERTS, PAT [R-KS]	CHAIRMAN
SSCI		STAFF
SSCI/STAFF		

## Executive Summary:

### Summary Text:

(TS) This briefing for Senators Roberts and Rockefeller took place in SH211 from 1030 to 1210 on 4 February. Rockefeller was unable to attend; he was to be briefed by his principal staffer. The purpose of the meeting was to brief the Senators in their new capacities as Chairman and Vice Chairman on our "enhanced interrogation techniques". The briefing was to be similar to that given to their predecessors Senators Graham and Shelby. Before the meeting could be scheduled, two events occurred about which the Senators needed to be informed. These were, in chronological order, the awareness of senior officers, to include the General Counsel, the D/OCA, and the DCI/COS that tapes had been taken and retained of the interrogation of Abu Zubayda and, in late December 2002, the inappropriate "interrogation" of terrorist operative Nashiri by CIA officers. All three subjects were briefed in considerable detail to Senator Roberts and staffers.

(TS) The first part of the briefing by Pavitt and described in great detail the importance of the information provided by Zubayda and Nashiri, both of whom had information of on-going terrorist operations, information that might well have saved American lives, the difficulty of getting that information from them, and the importance of the enhanced techniques in getting that information. Both Zubayda and Nashiri were described as founts of useful information, even though it seems clear that they have not, even under enhanced techniques, revealed everything they know of importance.

(TS) The enhanced techniques were described in considerable detail, including how the water board was used. The General Counsel described the process by which the techniques were approved by a bevy of lawyers from the NSC, the Vice President's office and the Justice Department, including the Criminal Division and the Attorney General.

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who opined that the techniques were legal under U.S. law.

(TS [redacted]) The Senator was briefed by Pavitt on the events surrounding the inappropriate "interrogation" of Nashiri. These included the cocking of a pistol (reportedly unloaded) near his blind-folded face, and the brandishment of an electric hand held drill (at this, Senator Roberts winced). Pavitt spoke disparagingly of the actions of the officers who violated guidance and stated that he had asked for the Inspector General's investigation, of which the SSCI has recently been notified.

(TS [redacted]) Pavitt and Muller briefly described the circumstances surrounding the existence of tapes of the Zubayda debriefing, the inspection of those tapes by OGC lawyers, the comparison of the tapes with the cables describing the same interrogations. According to Muller, the match was perfect and [redacted] who did the review was satisfied that the interrogations were carried out in full accordance with the guidance. Muller indicated that it was our intention to destroy these tapes, which were created in any case as but an aide to the interrogations, as soon as the Inspector General had completed his report. (In a subsequent briefing to Congressmen Goss and Harman, Muller said that the interrogators themselves were greatly concerned that the tapes might leak one day and put themselves and their families at risk.) Senator Roberts listened carefully and gave his assent.

(TS [redacted]) Throughout the briefing Senator Roberts posed no objection to what he had heard. It seemed clear that he supported the interrogation effort.

(TS [redacted]) Roberts' [redacted] asked me whether I had "taken up the line" the Committee's, actually Senator Graham's, late November request to undertake its own "assessment" of the enhanced interrogation. I explained to Senator Roberts the dialogue I had had with [redacted] and our response that we would not support reading another staffer into the program nor allow any staffer to review the interrogations in real time or visit the clandestine site where the interrogations were taking place. Quickly, the Senator interjected that he saw no reason for the Committee to pursue such a request and could think of "ten reasons right off why it is a terrible idea" for the Committee to do any such thing as had been proposed. Turning to [redacted], he asked whether they thought otherwise and they indicated that they agreed with the Senator.

[redacted]  
Stanley M. Wloskowitz  
Director of Congressional Affairs

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Follow-up Action Items:

Additional Information:

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