

Comey, James (ODAG)

From: Comey, James (ODAG)
Sent: Tuesday, May 31, 2005 7:05 PM
To: Rosenberg, Chuck

Pat Philbin and I met with the AG and Steve Bradbury this morning to prep the AG for his NSC PC.

The AG began by saying that Dr. Rice was not interested in discussing details and that her attitude was that if DOJ said it was legal and CIA said it was effective, then that ended it, without a need for detailed policy discussion. Pat and I urged the AG in the strongest possible terms to drive a full policy discussion of all techniques. I said I was not going to rehash my concerns about the legal opinion, but that it was simply not acceptable for Principles to say that everything that may be "legal" is also appropriate. In stark terms, I explained to him what this would look like some day and what it would mean for the President and the government. I sketched out for him the "summation" that could be made to demonstrate that some of this stuff is simply awful. I told him it would all come out some day and be presented in the way I was presenting it. I mentioned that I had heard there was a video of an early session, which would come out eventually.

I told him that it was simply not fair to him or to this institution for him to allow a truncated discussion because DOJ had rendered a legal opinion. To allow that would bring great damage to him and this department. I explained that even he and Bradbury believed that the legal question was extremely close; given that, and the details of what we are talking about, there needed to be a detailed factual discussion, followed by a full policy discussion. It would land on the President eventually and it simply could not be that the Principles would be willfully blind. At the close of the meeting, I gave him a card on which I had written a listing of all techniques, including some things that never get mentioned because they are "preliminary." He took it with him.

Late this afternoon, after our sentencing discussion, the AG spoke to me in front of the sentencing meeting participants. He said the meeting had gone very well, and that there had been a full factual and policy discussion. He said the issues were fully presented and he had drawn my "worst-case scenario" for them. At the end, he said, all Principles approved the full list. He gave me no details. I relayed this to Pat Philbin just a few minutes ago. Both of us were quite surprised at that report, but agreed that we did not know exactly what had been presented and discussed, which is a vice -- and, to some, a virtue -- of the "Principles Only" meeting.

Jim