

(b)(3) NatSecAct

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Date: 200402 []

(b)(3) CIAAct

TO: James L. Pavitt@DO []

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FROM: Scott W. Muller

CC: George J. Tenet@DCI; John E. McLaughlin@DCI; John H. Moseman@DCI; []

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SUBJECT: CIA Detainees at GITMO.

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In light of the Supreme Court's acceptance of a case presenting the question of whether GITMO is US territory, we asked DOJ for its advice on whether the CIA detainees should remain at GITMO or be moved out pending the Supreme Court decision. We also raised the issue with NSC and White House Counsel. Pat Philbin (OLC) called this afternoon and advised that, as agreed in an earlier conversation with White House counsel and others, the Solicitor General had been consulted. Philbin reported that DOJ (including specifically the Solicitor General) recommended that CIA move the detainees (except al-Libi) out of GITMO at this time.

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