

Talking Points for Telephone Call to
Senator Feinstein
January 4, 2005

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DATE 08-18-2009 BY 65179 DMH/STW

- Appreciate your letter to me dated December 30, 2004
- Calling to assure you that my testimony before the Committee on May 20, 2004 regarding FBI reports of detainee mistreatment was intended to be forthcoming and I regret any impression that you may have had to the contrary.
- As I testified, we were continuing to look into reports from FBI Agents regarding mistreatment of detainees but, at the time of the hearing, my testimony and my responses to questions accurately reflected my knowledge at that time.
- At the time of the hearing, I may not have been aware of the specific documents recently released to the ACLU, but I was aware of some of the concerns raised by Agents in some of those documents
 - (1) the conduct of a female Marine Sgt.
 - (2) the use of duct tape on a detainee
 - (3) the handling of Detainee #63

As I testified, the FBI relayed these incidents to DoD Personnel.

- I apologize if Committee was left with the impression that reports received from FBI Agents were not serious.
- Subsequent to the hearing, we contacted each FBI Agent who had served at GTMO to inquire whether any mistreatment of detainees had been observed. Additional information surfaced as a result of that survey and is in the process of being reviewed for referral to DoD.
- I will have to defer to the pending OIG investigation into these matters with regard to the other questions contained in your letter.

MISCELLANEOUS

- I apologize that Committee was not advised prior to FOIA release to ACLU. This reflects only a glitch in the process at FBIHQ, not an intentional effort to withhold information from Congress.
- Documents: We are currently working with DOJ to provide the Committee with the requested documents.

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OIG REQ 07/15/05-PART 1-(DIR STAFF)

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