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The Honorable Carl Levin

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(19 June 07)

OCA-2007-00345

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**Distribution:**

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THE DIRECTOR  
CENTRAL INTELLIGENCE AGENCY  
WASHINGTON, D.C. 20505

12 July 2007

The Honorable Carl Levin  
Chairman  
Committee on Armed Services  
United States Senate  
Washington, D.C. 20510

Dear Senator Levin:

Thank you for your 3 May 2007 letter regarding your interest in the so-called "second Bybee memo."

As you may recall, during my testimony before the Senate Select Committee on Intelligence (SSCI) on 6 September 2006, Senator Feingold asked me a question regarding SSCI Members' access to a CIA Inspector General (IG) Report from May 2004 regarding CIA's interrogation program. In response to Senator Feingold's question, I made clear that I supported access by all Senators to the entire IG report, which included the second Bybee memo as an attachment. I did, however, state that "there is an attachment to that report that is not mine, and that's the DOJ opinion. But with regard to the CIA IG Report, I'll turn it over to the Committee leadership as to how they want to share it with the Members".

Subsequent to my testimony, I learned that CIA's General Counsel notified the Department of Justice (DOJ) in 2004--before sending the IG Report--that the second Bybee memo would be attached to the report and sent to Committee leadership. The DOJ posed no objection at that time. Since my testimony before you in September, the Department of Justice (DOJ) has stated that if SSCI leadership has taken up my offer and "opened up" the IG report to the full Committee, then DOJ will not block the attached opinion from being disseminated. I hope this clears up any confusion on this matter.

Sincerely,

A handwritten signature in black ink that reads "Michael V. Hayden".

Michael V. Hayden  
General, USAF

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US Classification//Non US//SCI//Codeword//FGI//Dissem Controls//Non-Intell//Declass (as appropriate)

# EXECUTIVE CORRESPONDENCE ROUTING SHEET

1. Origination Office FO/OCA/CIA		2. Date 06/19/2007
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3. FROM:	Name Christopher Walker	Room No. and Building	Phone

4. Subject Response to Senator Levin, Chairman, Committee on Armed Services, U.S. Senate  
RE: Second Bybee Memo

5. Originating Office Control # OCA 2007-00345	5a. Response to DAC # (Originating Office to Complete) 02646	5b. DAC Control # (DAC Use Only) 02646
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6. Justification / Summary (Required for Immediate and Priority Actions)

Routine       Priority       Immediate

7. Coordination  
Coordinated with D/OCA, DD/OCA, COS/OCA

**NOTE: All correspondence sent to D/CIA must be sent via ADD/CIA and DD/CIA**

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JUL 11 2007	TITLE DCIA	<input checked="" type="checkbox"/> SIGNATURE <input type="checkbox"/> CONCUR <input type="checkbox"/> FYI		7/11/07
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