
From: Harriet_Miers@who.eop.gov
Sent: Monday, October 16, 2006 8:25 PM
To: Bradbury, Steve
Subject: RE: Press Secy/Torture

[REDACTED]

-----Original Message-----

From: Steve.Bradbury@usdoj.gov [mailto:Steve.Bradbury@usdoj.gov]
Sent: Monday, October 16, 2006 7:38 PM
To: Miers, Harriet
Cc: Kelley, William K.
Subject: RE: Press Secy/Torture

[REDACTED]

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-----Original Message-----

From: Harriet_Miers@who.eop.gov [mailto:Harriet_Miers@who.eop.gov]

Sent: Monday, October 16, 2006 7:01 PM

To: Bradbury, Steve

Subject: FW: Press Secy/Torture



MR. SNOW: Because the President is -- the United States is assisting the government of Iraq, it's not handing out orders. And it would be inappropriate.

Helen, you've had your hand up, sorry.

Q I wanted to talk about the bill the President will sign tomorrow.

MR. SNOW: Yes.

Q It makes him a final arbiter on torture.

MR. SNOW: Right.

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Q Does he have any guidelines, does he have any advisory group? And how will he know?

MR. SNOW: What I've actually -- Helen, in response to your question, I called White House legal counsel --

Q Can you repeat the question?

MR. SNOW: Yes, how will the President know when it's torture and when it's not, and avoid having torture.

Q And how will he approach these cases?

MR. SNOW: And how will he approach the cases.

The White House Office of Legal Counsel is actually putting together a paper so that -- I knew that this would come up. What they will do is help me describe to you, as accurately as possible. It's a very complex series of issues, but there are definitions that outline what constitutes torture, and I will be happy to share those. And I'll get them for you tomorrow.

Q When are you going to release those?

MR. SNOW: I'm not going to release it. I'll share it with you tomorrow. It's not like a formal release, it's just me trying to do my homework, and I don't have it done yet.

Q Following up on the signing ceremony tomorrow. How quickly is the administration going to move ahead on the military commission, the

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trying of the high-valued --

MR. SNOW: Well, it still takes time, because once you have the commission process in place, you still have to arrange for representation for all involved, you have the gathering of evidence. Now in terms of getting moving toward that goal, that will start immediately; but in terms of having trials, for good and obvious reasons, you don't do that overnight. You do have to make sure that the defense is going to be able to do its job properly, and the prosecution the same.

The estimates I've heard in the past, and I will double check again before tomorrow, is that it may take a month or two, really, to get these things moving toward a trial phase.

Q One other question about the signing. The CIA interrogation program which the President formerly confirmed in the process of asking for this legislation, at that time he said there were no high-value detainees then in custody. Is that still the case?

MR. SNOW: I do not know. I don't believe there are any others.

Q Can you tell us by tomorrow?

MR. SNOW: Probably not, because, frankly, when there are detainees, it is not the practice to start telling when or where you have high-value detainees.

Q Because, I mean, the President made a point of saying, we need this, we need this right away, it's got to be done before Congress adjourns, and I guess --

MR. SNOW: I understand that --

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Q -- it would be nice to know if it were a moot point.

MR. SNOW: It would be nice to know lots of pieces of classified information, but there's a reason they're classified.

Q Tony, just to follow on that -- or is it possible for you to tell us, once this bill is signed, should there be a need to house high-level detainees in this CIA program, will you be able to immediately, upon signing the bill, or are there other steps that have to happen before you can start that program up again?

MR. SNOW: The program has never ceased, it is merely dormant.

Q Well, before it can resume?

MR. SNOW: Well, again, that's a very cagey way of saying, have you got anybody?

Q No, it's a way of saying, do you --

MR. SNOW: Well, if a program is dormant because there are a lack of occupants, and it suddenly ceases to be dormant, then it does tell you whether they're occupants.

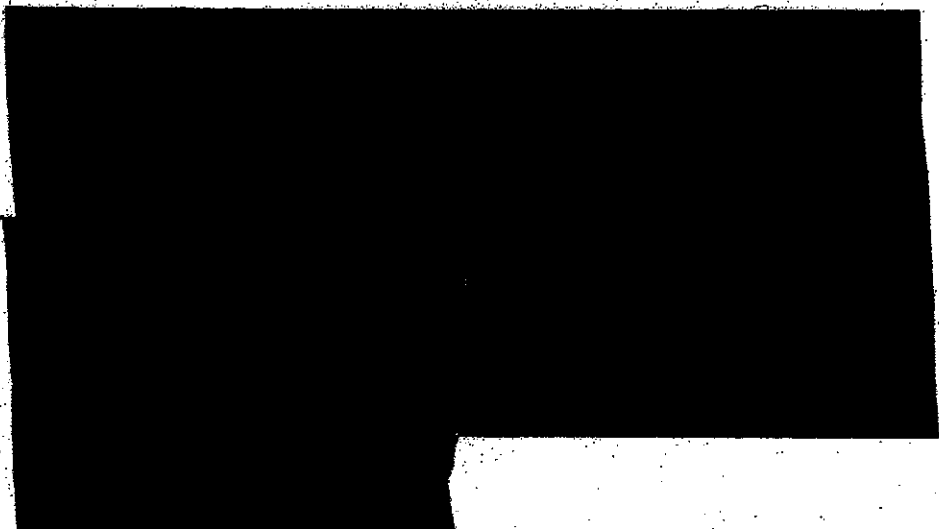
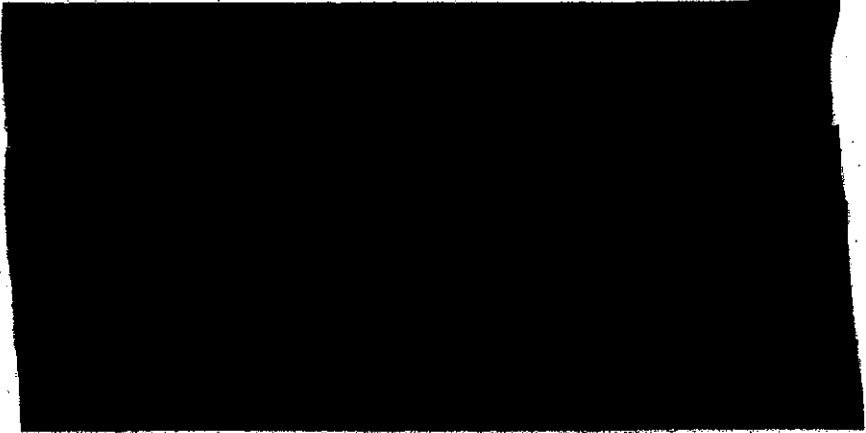
Q We can go at it later.

MR. SNOW: Okay. And I mean, Sheryl, if there's a specific legal point I can help with, I'll work it through legal counsel. I don't want to pretend to have the expertise to be able to parse all this stuff.

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From: Kelley, William K.
Sent: Monday, October 16, 2006 6:37 PM
To: Miers, Harriet
Subject: Press Secy/Torture



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