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U.S. Department of Justice

Office of Legal Counsel

Office of the Assistant Attorney General

Washington, D.C. 20530

June 11, 2009

**MEMORANDUM FOR THE ATTORNEY GENERAL**

*Re: Withdrawal of Office of Legal Counsel Opinion*

Sections 3(a) and 3(b) of Executive Order 13491 (2009) set forth restrictions on the use of interrogation methods. In section 3(c) of that Order, the President further directed that "unless the Attorney General with appropriate consultation provides further guidance, officers, employees, and other agents of the United States Government may not, in conducting interrogations, rely upon any interpretation of the law governing interrogation . . . issued by the Department of Justice between September 11, 2001, and January 20, 2009." We have previously noted that this direction encompasses, among other things, four opinions of the Office of Legal Counsel, which we withdrew on April 15, 2009. See Memorandum for the Attorney General, from David J. Barron, Acting Assistant Attorney General, Office of Legal Counsel, *Re: Withdrawal of Office of Legal Counsel Opinions* (April 15, 2009). We have now determined that it also encompasses another opinion of our Office. See Memorandum for John A. Rizzo, Acting General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, *Re: Application of the War Crimes Act, the Detainee Treatment Act, and Common Article 3 of the Geneva Conventions to Certain Techniques that May Be Used by the CIA in the Interrogation of High-Value al Qaeda Detainees* (July 20, 2007). (~~TS~~ [REDACTED] ~~NR~~).

In connection with the consideration of this opinion for possible public release, the Office has now reviewed this additional opinion and has decided to withdraw it. It no longer represents the views of the Office of Legal Counsel. (~~TS~~ [REDACTED] ~~NR~~).

David J. Barron  
Acting Assistant Attorney General

