1. Intelligence gained using the interrogation techniques has saved American lives and property, and it is likely that [redacted]

2. The interrogation of [redacted] should proceed only with a clear understanding [redacted] of all the legal and policy matters involved with the interrogation techniques, including:

- The classified August 2002 DoJ opinion stating that [redacted] interrogation techniques including the waterboard, do not violate the Torture Statute.

- The United States uses the Constitutional standards of conduct described above to implement Article 16 of the CAT within its jurisdiction. The Administration's stated policy is "to treat all detainees and conduct all interrogations, wherever they may occur, in a manner consistent with [the] commitment" made by the United States under Article 16. (Emphasis added)

- The President's 7 February 2002 memorandum to the Vice President, the Secretary of Defense, the DCI and others, addressing the Armed Forces support for the Geneva Conventions, which states in pertinent part: "Of course, our values as a Nation. . .call for us to treat detainees humanely, including those who are not legally entitled to such treatment . . . . As a matter of policy, the Armed Forces shall continue to treat detainees humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva."

- The Durbin amendment to the FY 2005 National Defense Authorization Act, which recently passed the Senate, but is not, as of now, law, states that "no person in the custody or under the physical control of the United States shall be subject to torture or cruel, inhuman, or degrading treatment or punishment that is prohibited by the Constitution, laws, or treaties of the US." (Emphasis added)

- The Supreme Court's decision in Rasul v. Bush, 542 U.S. ___ (2004), which raises possible concerns about future US judicial review of the Program, and these issues.