IS THERE A 2003 WATERBOARDING MEMO WE'RE MISSING?

Michael Hayden said something that confused me today on Fox News. When asked whether he thought waterboarding is torture, he replied simply that DOJ had said it was not.

> Question: Are you satisfied that waterboarding is not torture?
>
> HAYDEN: I'm satisfied that the Justice Department, in a series of opinions — '02, '03, '05 — said that it was not. Now…

See, we know that DOJ addressed waterboarding specifically in 2002 and 2005 in the memos released last week.

But 2003?

Yes, there is one I, at least, have forgotten. The one in which the White House signed off on waterboarding, even after they had waterboarded KSM 183 times in a month.

> *6/XX/03*
> *White House*
> *CIA*
> *Interrogation of prisoners*

Here's the WaPo's description of this 2003 memo, from last year when we were all trying to elect Barack Obama President.

> The Bush administration issued a pair of secret memos to the CIA in 2003 and 2004 that explicitly endorsed the agency's use of interrogation techniques such as waterboarding against al-Qaeda suspects — documents prompted by worries among intelligence officials about a possible backlash if details of the program

> became public.
>
> The classified memos, which have not been previously disclosed, were requested by then-CIA Director George J. Tenet more than a year after the start of the secret interrogations, according to four administration and intelligence officials familiar with the documents. Although Justice Department lawyers, beginning in 2002, had signed off on the agency's interrogation methods, senior CIA officials were troubled that White House policymakers had never endorsed the program in writing.
>
> The memos were the first — and, for years, the only — tangible expressions of the administration's consent for the CIA's use of harsh measures to extract information from captured al-Qaeda leaders, the sources said.

Gosh, that would be an interesting memo to see, wouldn't it?

(Updated entirely to make sensible after I discovered I'm a bone-head.)