



**U.S. Department of Justice**  
Office of Information Policy  
Sixth Floor  
441 G Street, NW  
Washington, DC 20530-0001

Telephone: (202) 514-3642

February 28, 2024

Shaiba Rather  
American Civil Liberties Union  
125 Broad Street  
18th Floor  
New York, NY 10004  
[srather@aclu.org](mailto:srather@aclu.org)

Re: FOIA-2023-00337  
23-cv-00644 (D.D.C.)  
VRB:JMB:RNB:KHK

Dear Shaiba Rather:

This is an interim response to your Freedom of Information Act (FOIA) request dated and received in this Office on December 8, 2022, seeking the Presidential Policy Memorandum and memoranda concerning the use of lethal force abroad in “collective self-defense.”

Please be advised that searches have been conducted in the Offices of the Attorney General and the Deputy Attorney General and records potentially responsive to your request were located. At this time, we have identified certain records responsive to your request that are duplicative of records you received in response to your request to the Department’s Office of Legal Counsel (OLC).<sup>1</sup> Additionally, we have identified responsive records that are already publicly available at:

<https://obamawhitehouse.archives.gov/the-press-office/2016/12/05/fact-sheet-presidential-memorandum-legal-and-policy-transparency>; and

[https://obamawhitehouse.archives.gov/sites/whitehouse.gov/files/documents/Legal\\_Policy\\_Report.pdf](https://obamawhitehouse.archives.gov/sites/whitehouse.gov/files/documents/Legal_Policy_Report.pdf)

Because these records are either duplicative of records you previously received or are otherwise publicly available, we have not processed these records for release. Finally, we are continuing to process additional potentially responsive records.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2018). This response is limited to those records that are subject to the requirements of the

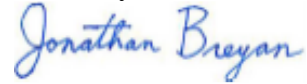
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<sup>1</sup> In its response to you dated October 17, 2023, OLC released a memo titled: “MEMORANDUM FOR JOHN A. EISENBERG LEGAL ADVISOR TO THE NATIONAL SECURITY COUNCIL *Re: January 2020 Airstrike in Iraq Against Qassem Soleimani*” which we located during our search. The OLC request number associated with your request is FY23-016. For your awareness, this memo is also publicly available on the Department’s website at: [https://www.justice.gov/d9/2023-04/2020-03-10\\_soleimani\\_airstrike\\_redacted\\_2021.pdf](https://www.justice.gov/d9/2023-04/2020-03-10_soleimani_airstrike_redacted_2021.pdf).

FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have any questions regarding this response, please contact Stephen Elliott of the Department's Civil Division, Federal Programs Branch at (202) 353-0889.

Sincerely,



Jonathan Breyan  
Senior Supervisory Attorney  
for  
Vanessa R. Brinkmann  
Senior Counsel