



U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

MAR 15 2012

Mr. Alexander Abdo
American Civil Liberties Union
125 Broad Street, 18th Floor
New York, NY 10004

Re: AG/11-00790 (F)
DAG/11-00791 (F)
ASG/11-00792 (F)
OLA/11-00793 (F)
VRB:DRH:SBT

Dear Mr. Abdo:

This responds to your Freedom of Information Act (FOIA) request dated and received in this Office on May 31, 2011, for all records concerning the government's interpretation or use of section 215 of the PATRIOT Act from March 9, 2006 to the present. The scope of your request was subsequently narrowed per stipulation filed December 9, 2011. This response is made on behalf of the Offices of the Attorney General, Deputy Attorney General, Associate Attorney General, and Legislative Affairs.

Please be advised that searches have been conducted in the Offices of the Attorney General, Deputy Attorney General, Associate Attorney General, and Legislative Affairs (OLA), as well as of the electronic database of the Departmental Executive Secretariat, which is the official records repository for the Offices of the Attorney General, Deputy Attorney General, Associate Attorney General, and maintains certain OLA records. We also conducted a search of the records indices of the administration of former Attorneys General Gonzales and Mukasey. The indices supplement the electronic database of the Departmental Executive Secretariat and list file folder titles, arranged according to subject, for the records of former Office of the Attorney General, Deputy Attorney General, and Associate Attorney General staff. In addition, as we advised in our letter of August 31, 2011, the National Security Division located and referred material to this Office. In total, sixteen records, totaling 262 pages, have been located that are responsive to your request.

I have determined that eight documents, totaling twenty-six pages, are appropriate for release without excision and copies are enclosed.

Additionally, four documents, totaling ten pages, are being withheld in full pursuant to Exemptions 1 and 5 of the FOIA, 5 U.S.C. § 552(b)(1), (b)(5), which pertain to information that is properly classified in the interest of national security pursuant to Section 1.4(c) of Executive Order 13526 and to certain inter- or intra-agency communications protected by the deliberative process privilege. For your information, the withheld material consists of briefing material and three classified letters between the Department and Congress that are identical but for the addressee. None of the information being withheld is appropriate for discretionary disclosure.

Moreover, one document, totaling five pages, is a duplicate of material previously withheld in full pursuant to Exemption 1 by the National Security Division. This material is already the subject of litigation in the Southern District of New York, *New York Times Co. v. DOJ*, 11 Civ. 6990 (WHP) and *ACLU et al. v. FBI et al.*, 11 Civ. 07562 (WHP).

Because one document, totaling thirteen pages, originated with the Office of the Legal Counsel (OLC), we have referred that material to OLC for processing and direct response to you. You may contact OLC as follows:

Elizabeth Farris, Supervisory Paralegal
Office of Legal Counsel
Room 5515
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-2038
Email: usdoj-officeoflegalcounsel@usdoj.gov

Additionally, because two classified documents, totaling 208 pages, originated with the Office of the Inspector General (OIG), we have referred that material to OIG for further processing. You may contact OIG as follows:

Deborah Waller, Paralegal Specialist
Office of the Inspector General
Room 4726
950 Pennsylvania Avenue, NW
Washington, DC 20530

Telephone: (202) 616-0646
E-mail: oigfoia@usdoj.gov

Although I am aware that your request is the subject of ongoing litigation and that appeals are not ordinarily acted on in such situations, I am required by statute and regulation to inform you of your right to file an administrative appeal.

Sincerely,



Vanessa R. Brinkmann
Counsel, Initial Request Staff

Enclosures