

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 38

Date of Document: 06/25/2004

Document Type: Letter

Classification: Top Secret

From/To: CIA/DOJ

Document Pages: 3

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a three-page letter containing predecisional, deliberative comments and a draft OLC opinion by a CIA attorney and provided to the DOJ to assist the DOJ in the preparation of legal advice. The document also contains information relating to classified intelligence operations, sources, methods, and the identities of USG personnel engaged in counter-terrorism activities. The document is withheld in full on the bases of FOIA exemptions b(1), b(3), and b(5) and in part on the basis of FOIA exemption b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – This document contains information relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, as well as CIA attorney work product conveyed for the purposes of soliciting legal advice. The information is therefore protected from disclosure by Exemption b(5).

Case Number: 04-cv-4151 (SDNY)

Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 39

Date of Document: 06/XX/2004

Document Type: Letter

Classification: Top Secret

From/To: DOJ/CIA

Document Pages: 8

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a two-page draft letter with handwritten attorney notes and 3 page addendum, plus three routing sheets. The letter discusses a draft letter from the OLC and CIA OGC to the CIA's Office of the Inspector General. The document contains pre-decisional deliberative information as well as information relating to intelligence methods and the identities of personnel engaged in counter-terrorism activities. The document is withheld in full under FOIA exemption b(5) and in part under FOIA exemptions b(3) and b(6).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains information relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of USG personnel and is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in

counter-terrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)

Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 40

Date of Document: 06/XX/2004

Document Type: Letter

Classification: Top Secret

From/To: DOJ/CIA

Document Pages: 5

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a two-page draft letter with handwritten attorney notes and a three page addendum that discusses a draft letter from the OLC and CIA OGC to the CIA's Office of the Inspector General. The document contains pre-decisional deliberative information. The document also contains information relating to intelligence methods and the identities of personnel engaged in counter-terrorism activities. The document is withheld in full under FOIA exemption b(5) and in part under FOIA exemptions b(3) and b(6).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains information relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of USG personnel and is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in

counter-terrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)

Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 41

Date of Document: 07/14/2004

Document Type: MFR

Classification: Top Secret

From/To: CIA/Record

Document Pages: 8

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a Memorandum for the Record of a briefing CIA and DOJ provided Congress on a classified intelligence operation. The briefing was provided to enable the House Permanent Select Committee on Intelligence (HPSCI) to provide input and inform the CIA's deliberative process regarding contemplated future operations. The document also contains information relating to classified intelligence sources and methods, as well as the identities of individuals engaged in counter-terrorism operations. The document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains information relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of USG personnel, and thus is protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counter-terrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)

Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 42

Date of Document: 07/14/2004

Document Type: Memo

Classification: Top Secret

From/To: DOJ/CIA

Document Pages: 10

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a ten-page memo from DOJ to CIA discussing a classified counter-terrorism program. The document contains legal advice provided to the CIA by the DOJ in furtherance of the CIA's deliberative process. The document also contains information relating to classified intelligence operations, sources, and methods. The document is withheld in full on the bases of FOIA exemptions b(1), b(3), and b(5).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains information relating to predecisional deliberations, including

preliminary evaluations, opinions, and recommendations of USG personnel and is therefore protected from disclosure by Exemption b(5).

Case Number: 04-cv-4151 (SDNY)
Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 43

Date of Document: 07/15/2004

Document Type: Memo

Classification: Top Secret

From/To: DOJ/Record

Document Pages: 5

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a five-page memorandum for the file by DOJ attorneys discussing the legal advice provided to the CIA regarding a classified intelligence operation in furtherance of the CIA's deliberative process. The document also contains information relating to classified intelligence operations, sources, and methods. The document is withheld in full on the bases of FOIA exemptions b(1), b(3), and b(5).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains information relating to predecisional deliberations, including

preliminary evaluations, opinions, and recommendations of USG personnel, as well as communications between an attorney and client for the purpose of the attorney providing the client legal advice, and is therefore protected from disclosure by Exemption b(5).

Case Number: 04-cv-4151 (SDNY)

Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 44

Date of Document: 07/15/2004

Document Type: MFR

Classification: Unclassified

From/To: DOJ/Record

Document Pages: 4

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a four-page memorandum for the files written by a DOJ attorney discussing a hypothetical legal question. It contains deliberative, predecisional information and is withheld in full on the basis of FOIA exemption b(5).

Exemption b(5) - This document contains information created in connection with the preparation of legal advice, relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of USG personnel, and is therefore protected from disclosure by exemption b(5).

Case Number: 04-cv-4151 (SDNY)

Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 45

Date of Document: 07/16/2004

Document Type: Memo

Classification: Unclassified

From/To: DOJ/Record

Document Pages: 34

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a two-page memorandum for the file plus a seventeen-page appendix with cover sheet and a thirteen-page appendix with cover sheet. The document contains pre-decisional, deliberative information that is withheld on the basis of FOIA exemption b(5).

Exemption b(5) - This document contains information, created in connection with the preparation of legal advice, relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of USG personnel, and thus is protected from disclosure by Exemption b(5).

Case Number: 04-cv-4151 (SDNY)

Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 46

Date of Document: 07/21/2004

Document Type: Letter

Classification: Top Secret

From/To: DOJ/CIA

Document Pages: 3

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a one-page draft letter and a two-page draft letter with handwritten attorney notes from the DOJ to the CIA providing legal advice and requesting information for preparation of legal advice regarding a counter-terrorism operation in furtherance of the CIA's deliberative process. The document also contains information relating to classified intelligence operations, sources, and methods and the identities of personnel engaged in counter-terrorism operations. The document is denied in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – This document contains information created in connection with the preparation of legal advice reflecting predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counter-terrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)

Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 47

Date of Document: 07/22/2004

Document Type: Letter

Classification: Top Secret

From/To: CIA/DOJ

Document Pages: 6

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a two-page draft letter with a two-page attachment from a CIA attorney provided to the DOJ to obtain legal advice in furtherance of the CIA's deliberative process, with an attached draft letter from DOJ to CIA with handwritten attorney notes and a fax cover sheet. The letter from CIA contains information relating to classified intelligence operations, sources, and methods as well as the identities of personnel engaged in counter-terrorism activities. The draft letter from DOJ contains predecisional, deliberative information. The document is withheld in full on the bases of FOIA exemptions b(1), b(3), and b(5) and in part on the basis of FOIA exemption b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended,

50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – This document contains information relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, as well as CIA attorney work product conveyed for the purposes of soliciting legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counter-terrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)

Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 48

Date of Document: 07/30/2004

Document Type: Letter

Classification: Top Secret

From/To: CIA/DOJ

Document Pages: 15

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a two-page letter and eleven-page enclosure, with fax and classification coversheets discussing an intelligence operation, written by a CIA and provided to the DOJ in order to allow the DOJ to give the CIA legal guidance in furtherance of the CIA's deliberative process. The document also contains information relating to classified intelligence sources and methods, as well as the identities of USG personnel engaged in counter-terrorism activities. This document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – This document contains information relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, as well as CIA attorney work product conveyed for the purposes of soliciting legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counter-terrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)
Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 49

Date of Document: 08/02/2004

Document Type: Letter

Classification: Top Secret

From/To: CIA/DOJ

Document Pages: 14

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a two-page letter with twelve pages of attachments, 3 of which are blank, and handwritten attorney notes, discussing an intelligence operation, written by a CIA and provided to the DOJ in order to allow the DOJ to give the CIA legal guidance in furtherance of the CIA's deliberative process. The document also contains information relating to classified intelligence sources and methods, as well as the identities of USG personnel engaged in counter-terrorism activities. This document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – This document contains information relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, as well as CIA attorney work product conveyed for the purposes of soliciting legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counter-terrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)

Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 50

Date of Document: 08/05/2004

Document Type: Email

Classification: Unclassified

From/To: DOJ/DOJ

Document Pages: 4

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a four-page email between DOJ attorneys that contains predecisional, deliberative legal analysis, as well as information relating to the identities of non-supervisory DOJ attorneys. The document is withheld in full on the basis on FOIA exemption b(5) and in part on the basis of FOIA exemption b(6).

Exemption b(5) - This document contains information created in connection with the preparation of legal advice, relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, and thus is protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of non-supervisory DOJ attorneys, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)

Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 51

Date of Document: 08/12/2004

Document Type: Memo

Classification: Top Secret

From/To: DOJ/CIA

Document Pages: 3

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a one-page memo with two fax coversheets from DOJ to CIA seeking information related to a classified intelligence program. DOJ sought the information to provide legal advice to the CIA in furtherance of the CIA's deliberative process. The document also contains information relating to classified intelligence sources and methods, as well as the identities of USG employees engaged in counter-terrorism operations and non-supervisory DOJ employees. The document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains information relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, as well as communications between an attorney and client, made and kept in confidence, for the purpose of the attorney providing the client legal advice, and is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counter-terrorism operations as well as those of non-supervisory DOJ attorneys, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)

Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 52

Date of Document: 08/24/2004

Document Type: Memo

Classification: Top Secret

From/To: DOJ/CIA

Document Pages: 14

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a thirteen-page draft, with handwritten attorney notes plus a routing coversheet, of an OLC memo for John Rizzo on the interrogation of al-Qai'ida operatives. The document contains predecisional information created by an attorney in connection with the preparation of legal advice and information provided to the DOJ by the CIA in order to allow the DOJ to provide the CIA with legal advice. The document also contains information relating to classified intelligence sources and methods, as well as the identities of USG employees engaged in counter-terrorism activities. This document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended,

50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – This document contains information created in connection with the preparation of legal advice, relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, as well as information created by a CIA attorney and conveyed for purposes of soliciting legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counter-terrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)

Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 53

Date of Document: 08/XX/2004

Document Type: Memo

Classification: Top Secret

From/To: DOJ/CIA

Document Pages: 16

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a sixteen-page draft, with handwritten attorney notes, of an OLC memo for John Rizzo on the interrogation of al-Qai'ida operatives. The document contains predecisional information created by an attorney in connection with the preparation of legal advice and information provided to the DOJ by the CIA in order to allow the DOJ to provide the CIA with legal advice. The document also contains information relating to classified intelligence sources and methods, as well as the identities of USG employees engaged in counter-terrorism activities. This document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended,

50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – This document contains information created in connection with the preparation of legal advice, relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, as well as information created by a CIA attorney and conveyed for purposes of soliciting legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counter-terrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)

Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 54

Date of Document: 09/19/2004

Document Type: Letter

Classification: Top Secret

From/To: CIA/DOJ

Document Pages: 7

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a three-page letter with three pages of attachments and a fax cover sheet written by a CIA attorney and provided to the DOJ to obtain legal advice in furtherance of the CIA's deliberative process. The document discusses classified intelligence operations, sources and methods and also contains information relating to the identities of personnel engaged in counter-terrorism operations. The document is withheld in full on the bases of FOIA exemptions b(1), b(3), and b(5) and in part on the basis of FOIA exemption b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(j)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – This document contains information relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, as well as CIA attorney work product conveyed for the purposes of soliciting legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counter-terrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)

Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 55

Date of Document: 09/XX/2004

Document Type: Memo

Classification: Top Secret

From/To: DOJ/CIA

Document Pages: 25

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a twenty-four page draft, with handwritten attorney notes and a one page routing sheet, of an OLC memo for John Rizzo on the interrogation of al-Qai'ida operatives. The document contains predecisional information created by an attorney in connection with the preparation of legal advice and information provided to the DOJ by the CIA in order to allow the DOJ to provide the CIA with legal advice. The document also contains information relating to classified intelligence sources and methods, as well as the identities of USG employees engaged in counter-terrorism activities and non-supervisory DOJ attorneys. This document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended,

50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – This document contains information created in connection with the preparation of legal advice, relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, as well as information created by a CIA attorney and conveyed for purposes of soliciting legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counter-terrorism operations, as well as those of non-supervisory DOJ attorneys, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)
Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 56

Date of Document: 09/10/2004

Document Type: Memo

Classification: Top Secret

From/To: DOJ/Record

Document Pages: 28

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a twenty-seven page draft, with handwritten attorney notes and a one page routing sheet, of an OLC memo for John Rizzo on the interrogation of al-Qai'ida operatives. The document contains predecisional information created by an attorney in in conection with the preparation of legal advice and information provided to the DOJ by the CIA in order to allow the DOJ to provide the CIA with legal advice. The document also contains information relating to classified intelligence sources and methods, as well as the identities of USG employees engaged in counter-terrorism activities and non-supervisory DOJ attorneys. This document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended,

50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – This document contains information created in connection with the preparation of legal advice, relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, as well as information created by an attorney and conveyed to the client for purposes of soliciting legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counter-terrorism operations, as well as those of non-supervisory DOJ attorneys, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)
Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 57

Date of Document: 09/12/2004

Document Type: Memo

Classification: Top Secret

From/To: DOJ/Record

Document Pages: 26

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is twenty-five pages of a draft, with handwritten attorney notes, of an OLC memo for John Rizzo on the interrogation of al-Qa'ida operatives. The document contains predecisional information created by an attorney in connection with the preparation of legal advice and information provided to the DOJ by the CIA in order to allow the DOJ to provide the CIA with legal advice. The document also contains information relating to classified intelligence sources and methods, as well as the identities of USG employees engaged in counter-terrorism activities. This document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended,

50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – This document contains information created in connection with the preparation of legal advice, relating to government attorneys' predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, as well as information created by a CIA attorney and conveyed to the OLC for purposes of soliciting legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counter-terrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)
Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 58

Date of Document: 09/12/2004

Document Type: Memo

Classification: Top Secret

From/To: DOJ/CIA

Document Pages: 25

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is twenty-five pages of a draft, with handwritten attorney notes and a one page routing sheet, of an OLC memo for John Rizzo on the interrogation of al-Qai'ida operatives. The document contains predecisional information created by an attorney in in conection with the preparation of legal advice and information provided to the DOJ by the CIA in order to allow the DOJ to provide the CIA with legal advice. The document also contains information relating to classified intelligence sources and methods, as well as the identities of USG employees engaged in counter-terrorism activities and non-supervisory DOJ attorneys. This document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended,

50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – This document contains information created in connection with the preparation of legal advice, relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, as well as information created by a CIA attorney and conveyed to the OLC for purposes of soliciting legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counter-terrorism operations, as well as those of non-supervisory DOJ attorneys, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)

Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 59

Date of Document: 09/15/2004

Document Type: Memo

Classification: Top Secret

From/To: DOJ/Record

Document Pages: 9

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is an eight-page excerpt from a draft of an OLC memo, with handwritten attorney notes and a one page routing sheet, for John Rizzo on the interrogation of al-Qai'ida operatives. The document contains predecisional information created by an attorney in connection with the preparation of legal advice and information provided to the DOJ by the CIA in order to allow the DOJ to provide the CIA with legal advice. The document also contains information relating to classified intelligence sources and methods, as well as the identities of USG employees engaged in counter-terrorism activities. The document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended,

50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – This document contains information relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, created in connection with the preparation of legal advice, as well as information created by a CIA attorney and conveyed for the purposes of obtaining legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counter-terrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)

Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 60

Date of Document: 09/12/2004

Document Type: Memo

Classification: Top Secret

From/To: DOJ/CIA

Document Pages: 27

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a twenty-six page draft, with handwritten attorney notes and a one page routing sheet, of an OLC memo for John Rizzo on the interrogation of al-Qai'ida operatives. The document contains predecisional information created by an attorney in in conection with the preparation of legal advice and information provided to the DOJ by the CIA in order to allow the DOJ to provide the CIA with legal advice. The document also contains information relating to classified intelligence sources and methods, as well as the identities of USG employees engaged in counter-terrorism activities. This document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended,

50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – This document contains information created in connection with the preparation of legal advice, relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, as well as information created by a CIA attorney and conveyed for purposes of soliciting legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counter-terrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)

Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 61

Date of Document: 09/15/2004

Document Type: Email

Classification: Unclassified

From/To: DOJ/DOJ

Document Pages: 8

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is seven-pages of email and handwritten attorney notes between DOJ attorneys, plus a routing coversheet, containing predecisional, deliberative information. The document also includes information relating to the identities of USG employees engaged in counter-terrorism operations and non-supervisory DOJ attorneys. The document is withheld in full on the basis of FOIA exemption b(5) and in part on the basis of FOIA exemption b(6).

Exemption b(5) - This document contains information created in connection with the preparation of legal advice and relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of USG attorneys and thus is protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counter-terrorism operations, as well as those of non-supervisory DOJ attorneys, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)

Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 62

Date of Document: 09/15/2004

Document Type: Memo

Classification: Top Secret

From/To: DOJ/CIA

Document Pages: 28

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a twenty-seven page draft, with handwritten attorney notes and a one page routing sheet, of an OLC memo for John Rizzo on the interrogation of al-Qai'ida operatives. The document contains predecisional information created by an attorney in connection with the preparation of legal advice and information provided to the DOJ by the CIA in order to allow the DOJ to provide the CIA with legal advice. The document also contains information relating to classified intelligence sources and methods, as well as the identities of USG employees engaged in counter-terrorism activities. This document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended,

50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – This document contains information created in connection with the preparation of legal advice, relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, as well as information created by a CIA attorney and conveyed for purposes of soliciting legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counter-terrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)

Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 63

Date of Document: 09/XX/2004

Document Type: Memo

Classification: Top Secret

From/To: DOJ/DOJ

Document Pages: 1

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a one-page draft memo with hand written attorney notes that contains information relating to legal advice the DOJ provided the CIA. The document contains information relating to classified intelligence sources and methods and is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains information relating to predecisional deliberations, including

preliminary evaluations, opinions, and recommendations of USG attorneys, and thus is protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)
Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 64

Date of Document: 09/15/2004

Document Type: Memo

Classification: Top Secret

From/To: DOJ/CIA

Document Pages: 27

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a twenty-six page draft, with handwritten attorney notes and a one page fax cover sheet, of an OLC memo for John Rizzo on the interrogation of al-Qai'ida operatives. The document contains predecisional information created by an attorney in in connection with the preparation of legal advice and information provided to the DOJ by the CIA in order to allow the DOJ to provide the CIA with legal advice. The document also contains information relating to classified intelligence sources and methods, as well as the identities of USG employees engaged in counter-terrorism activities. This document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended,

50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – This document contains information created in connection with the preparation of legal advice, relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, as well as information created by a CIA attorney and conveyed for purposes of soliciting legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counter-terrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)

Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 65

Date of Document: 09/19/2004

Document Type: Memo

Classification: Top Secret

From/To: DOJ/CIA

Document Pages: 29

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a twenty-eight page draft, with handwritten attorney notes and a one page routing sheet, of an OLC memo for John Rizzo on the interrogation of al-Qai'ida operatives. The document contains predecisional information created by an attorney in in conection with the preparation of legal advice and information provided to the DOJ by the CIA in order to allow the DOJ to provide the CIA with legal advice. The document also contains information relating to classified intelligence sources and methods, as well as the identities of USG employees engaged in counter-terrorism activities and non-supervisory DOJ attorneys. This document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended,

50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – This document contains information created in connection with the preparation of legal advice, relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, as well as information created by a CIA attorney and conveyed for purposes of soliciting legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counter-terrorism operations, as well as those of non-supervisory DOJ attorneys, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)
Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 66

Date of Document: 09/27/2004

Document Type: Memo

Classification: Top Secret

From/To: DOJ/CIA

Document Pages: 32

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a thirty-one page draft, with handwritten attorney notes and a one page routing sheet, of an OLC memo for John Rizzo on the interrogation of al-Qai'ida operatives. The document contains predecisional information created by an attorney in in conection with the preparation of legal advice and information provided to the DOJ by the CIA in order to allow the DOJ to provide the CIA with legal advice. The document also contains information relating to classified intelligence sources and methods, as well as the identities of USG employees engaged in counter-terrorism activities and non-supervisory DOJ attorneys. This document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended,

50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – This document contains information created in connection with the preparation of legal advice, relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, as well as information created by a CIA attorney and conveyed for purposes of soliciting legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counter-terrorism operations, as well as those of non-supervisory DOJ attorneys, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)

Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 67

Date of Document: 09/27/2004

Document Type: Memo

Classification: Top Secret

From/To: DOJ/CIA

Document Pages: 32

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a thirty-one page draft, with handwritten attorney notes and a one page routing sheet, of an OLC memo for John Rizzo on the interrogation of al-Qai'ida operatives. The document contains predecisional information created by an attorney in in conection with the preparation of legal advice and information provided to the DOJ by the CIA in order to allow the DOJ to provide the CIA with legal advice. The document also contains information relating to classified intelligence sources and methods, as well as the identities of USG employees engaged in counter-terrorism activities. This document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended,

50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – This document contains information created in connection with the preparation of legal advice, relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, as well as information created by a CIA attorney and conveyed for purposes of soliciting legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counter-terrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)

Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 68

Date of Document: 09/27/2004

Document Type: Memo

Classification: Top Secret

From/To: DOJ/CIA

Document Pages: 32

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a thirty-one page draft, with handwritten attorney notes and a one page routing sheet, of an OLC memo for John Rizzo on the interrogation of al-Qai'ida operatives. The document contains predecisional information created by an attorney in in conection with the preparation of legal advice and information provided to the DOJ by the CIA in order to allow the DOJ to provide the CIA with legal advice. The document also contains information relating to classified intelligence sources and methods, as well as the identities of USG employees engaged in counter-terrorism activities. This document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended,

50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – This document contains information created in connection with the preparation of legal advice, relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, as well as information created by a CIA attorney and conveyed for purposes of soliciting legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counter-terrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)

Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 69

Date of Document: 09/XX/2004

Document Type: Memo

Classification: Top Secret

From/To: DOJ/CIA

Document Pages: 22

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a twenty-two page draft of an OLC memo for John Rizzo on the interrogation of al-Qai'ida operatives. The document contains predecisional information created by an attorney in connection with the preparation of legal advice and information provided to the DOJ by the CIA in order to allow the DOJ to provide the CIA with legal advice. The document also contains information relating to classified intelligence sources and methods, and is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1) and b(3).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – This document contains information created in connection with the preparation of legal advice, relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys personnel, as well as information created by a CIA attorney and conveyed for the purposes of soliciting legal advice. The information is therefore protected from disclosure by Exemption b(5).

Case Number: 04-cv-4151 (SDNY)

Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 70

Date of Document: 09/XX/2004

Document Type: Memo

Classification: Top Secret

From/To: DOJ/CIA

Document Pages: 30

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a twenty-nine page draft, with handwritten attorney notes and a one page routing sheet, of an OLC memo for John Rizzo on the interrogation of al-Qai'ida operatives. The document contains predecisional information created by an attorney in in conection with the preparation of legal advice and information provided to the DOJ by the CIA in order to allow the DOJ to provide the CIA with legal advice. The document also contains information relating to classified intelligence sources and methods, as well as the identities of USG employees engaged in counter-terrorism activities. This document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended,

50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – This document contains information created in connection with the preparation of legal advice, relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, as well as information created by a CIA attorney and conveyed for purposes of soliciting legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counter-terrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)

Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 71

Date of Document: 09/XX/2004

Document Type: Memo

Classification: Top Secret

From/To: DOJ/CIA

Document Pages: 20

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a nineteen-page draft, with handwritten attorney notes and a one page routing sheet, of an OLC memo for John Rizzo on the interrogation of al-Qai'ida operatives. The document contains predecisional information created by in in conection with the preparation of legal advice and information provided to the DOJ by the CIA in order to allow the DOJ to provide the CIA with legal advice. The document also contains information relating to classified intelligence sources and methods, as well as the identities of USG employees engaged in counter-terrorism activities and non-supervisory DOJ attorneys. This document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended,

50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – This document contains information created in connection with the preparation of legal advice, relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, as well as information created by a CIA attorney and conveyed for purposes of soliciting legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counter-terrorism operations, as well as those of non-supervisory DOJ attorneys, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)
Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 72

Date of Document: 09/XX/2004

Document Type: Memo

Classification: Top Secret

From/To: DOJ/CIA

Document Pages: 23

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a twenty-two page draft, with handwritten attorney notes and a one page routing sheet, of an OLC memo for John Rizzo on the interrogation of al-Qai'ida operatives. The document contains predecisional information created by an attorney in in conection with the preparation of legal advice and information provided to the DOJ by the CIA in order to allow the DOJ to provide the CIA with legal advice. The document also contains information relating to classified intelligence sources and methods, as well as the identities of USG employees engaged in counter-terrorism activities. This document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended,

50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – This document contains information created in connection with the preparation of legal advice, relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, as well as information created by a CIA attorney and conveyed for purposes of soliciting legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counter-terrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)

Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 73

Date of Document: 09/XX/2004

Document Type: Memo

Classification: Top Secret

From/To: DOJ/CIA

Document Pages: 24

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a twenty-two page draft, with handwritten attorney notes, a one page routing sheet, and a one-page transmittal note of an OLC memo for John Rizzo on the interrogation of al-Qai'ida operatives. The document contains predecisional information created by an attorney in in conection with the preparation of legal advice and information provided to the DOJ by the CIA in order to allow the DOJ to provide the CIA with legal advice. The document also contains information relating to classified intelligence sources and methods, as well as the identities of USG employees engaged in counter-terrorism activities and non-supervisory DOJ attorneys. This document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the

CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – This document contains information created in connection with the preparation of legal advice, relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, as well as information created by a CIA attorney and conveyed for purposes of soliciting legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counter-terrorism operations, as well as those of non-supervisory DOJ attorneys, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)

Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 74

Date of Document: 09/XX/2004

Document Type: Memo

Classification: Top Secret

From/To: DOJ/CIA

Document Pages: 24

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a twenty-four page draft of an OLC memo for John Rizzo on the interrogation of al-Qai'ida operatives. The document contains predecisional information created by an attorney in in conection with the preparation of legal advice and information provided to the DOJ by the CIA in order to allow the DOJ to provide the CIA with legal advice. The document also contains information relating to classified intelligence sources and methods, as well as the identities of USG employees engaged in counter-terrorism activities. This document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended,

50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – This document contains information created in connection with the preparation of legal advice, relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, as well as information created by a CIA attorney and conveyed for purposes of soliciting legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counter-terrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)

Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 75

Date of Document: 10/04/2004

Document Type: Memo

Classification: Top Secret

From/To: DOJ/CIA

Document Pages: 37

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a thirty-six page draft, with handwritten attorney notes and a one page routing sheet, of an OLC memo for John Rizzo on the interrogation of al-Qai'ida operatives. The document contains predecisional information created by an attorney in in conection with the preparation of legal advice and information provided to the DOJ by the CIA in order to allow the DOJ to provide the CIA with legal advice. The document also contains information relating to classified intelligence sources and methods, as well as the identities of USG employees engaged in counter-terrorism activities and non-supervisory DOJ attorneys. This document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended,

50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – This document contains information created in connection with the preparation of legal advice, relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, as well as information created by a CIA attorney and conveyed for purposes of soliciting legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counter-terrorism operations, as well as those of non-supervisory DOJ attorneys, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)

Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 76

Date of Document: 10/12/2004

Document Type: Letter

Classification: Top Secret

From/To: CIA/DOJ

Document Pages: 5

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a four-page letter from the CIA to the DOJ with handwritten attorney notes and a fax cover sheet, drafted by a CIA attorney and provided to DOJ to obtain legal advice in furtherance of the CIA's deliberative process. The letter also contains information relating to classified intelligence sources and methods, as well as the identities of personnel engaged in counter-terrorism operations. The handwritten notes convey predecisional, deliberative information. The document is withheld in full under FOIA exemption b(5) and in part under FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – This document contains information relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, as well as CIA attorney work product conveyed for the purposes of soliciting legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)

Judge's Initials: AKH

OLC DOCS 9-21-09

FOIA/PA Request No.: F-2004-01456

Document Number: 77

Date of Document: 10/12/2004

Document Type: Memo

Classification: Top Secret

From/To: DOJ/CIA

Document Pages: 39

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a thirty-eight page draft, with handwritten attorney notes and a one page routing sheet, of an OLC memo for John Rizzo on the interrogation of al-Qai'ida operatives. The document contains predecisional information created by an attorney in in conection with the preparation of legal advice and information provided to the DOJ by the CIA in order to allow the DOJ to provide the CIA with legal advice. The document also contains information relating to classified intelligence sources and methods, as well as the identities of USG employees engaged in counter-terrorism activities and non-supervisory DOJ attorneys. This document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

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Exemption b(5) – This document contains information created in connection with the preparation of legal advice, relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, as well as information created by a CIA attorney and conveyed for purposes of soliciting legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counter-terrorism operations, as well as those of non-supervisory DOJ attorneys, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

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- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a thirty-seven page draft, with handwritten attorney notes, of an OLC memo for John Rizzo on the interrogation of al-Qai'da operatives. The document contains predecisional information created by an attorney in in connection with the preparation of legal advice and information provided to the DOJ by the CIA in order to allow the DOJ to provide the CIA with legal advice. The document also contains information relating to classified intelligence sources and methods, as well as the identities of USG employees engaged in counter-terrorism activities. This document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

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