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:	Privacy Act Exemptions:	Disposition:
\boxtimes (b) (1)	□ (d) (5)	Denied in Full
\square (b) (2)	\square (j) (1)	O Partial Release
\boxtimes (b) (3)	□ (j) (2)	Released in Full
□ (b) (4)	\square (k) (1)	 Referred to Third Agency
⊠ (b) (5)	\square (k) (2)	<u> </u>
\boxtimes (b) (6)	\square (k) (5)	
\Box (b) (7) (a)		
□ (b) (7) (c)		
\Box (b) (7) (d)		
(b) (7) (e)		
□ (b) (7) (f)		

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)

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:	Privacy Act Exemptions:	Disposition:
\square (b) (1)	\square (d) (5)	Denied in Full
□ (b) (2)	\square (j) (1)	O Partial Release
⊠ (b) (3)	\square (j) (2)	 Released in Full
□ (b) (4)	☐ (k) (1)	 Referred to Third Agency
⊠ (b) (5)	\square (k) (2)	<u> </u>
⊠ (b) (6)	☐ (k) (5)	
\Box (b) (7) (a)		
□ (b) (7) (c)		
\square (b) (7) (d)		
□ (b) (7) (e)		
\Box (b) (7) (f)		

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)

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:		
FOIA Exemptions:	Privacy Act Exemptions:	Disposition:
⊠ (b) (1)	\square (d) (5)	Denied in Full
\square (b) (2) ,	\square (j) (1)	O Partial Release
\boxtimes (b) (3)	\square (j) (2)	 Released in Full
□ (b) (4)	\square (k) (1)	 Referred to Third Agency
\boxtimes (b) (5)	\square (k) (2)	
⊠ (b) (6)	☐ (k) (5)	
\Box (b) (7) (a)	, , , ,	
\Box (b) (7) (c)		
\Box (b) (7) (d)		
☐ (b) (7) (e)		
$\Box \text{ (b) (7) (f)}$		

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)

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:	Privacy Act Exemptions:	Disposition:
⊠ (b) (1)	\square (d) (5)	Denied in Full
□ (b) (2)	\square (j) (1)	O Partial Release
⊠ (b) (3)	\square (j) (2)	O Released in Full
☐ (b) (4)	\square (k) (1)	O Referred to Third Agency
⊠ (b) (5)	\square (k) (2)	
⊠ (b) (6)	☐ (k) (5)	
☐ (b) (7) (a)	□ (k) (3)	
☐ (b) (7) (c)		
$\Box (b) (7) (d)$ $\Box (b) (7) (d)$		
☐ (b) (7) (e)		
\square (b) (7) (f)		

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)

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:	Privacy Act Exemptions:	Disposition:
rota Exemptions:	Tilvacy Act Exemptions.	Disposition
\boxtimes (b) (1)	$\square (d) (5)$	Denied in Full
_		
⊠ (b) (1) □ (b) (2)	☐ (d) (5) ☐ (j) (1)	Denied in FullPartial Release
⋈ (b) (1)⋈ (b) (2)⋈ (b) (3)	☐ (d) (5) ☐ (j) (1) ☐ (j) (2)	Denied in FullPartial ReleaseReleased in Full
 ⋈ (b) (1) ⋈ (b) (2) ⋈ (b) (3) ⋈ (b) (4) 	☐ (d) (5) ☐ (j) (1) ☐ (j) (2) ☐ (k) (1)	Denied in FullPartial Release
 ⋈ (b) (1) ⋈ (b) (2) ⋈ (b) (3) ⋈ (b) (4) ⋈ (b) (5) 	☐ (d) (5) ☐ (j) (1) ☐ (j) (2) ☐ (k) (1) ☐ (k) (2)	Denied in FullPartial ReleaseReleased in Full
 ⋈ (b) (1) ⋈ (b) (2) ⋈ (b) (3) ⋈ (b) (4) ⋈ (b) (5) ⋈ (b) (6) 	☐ (d) (5) ☐ (j) (1) ☐ (j) (2) ☐ (k) (1)	Denied in FullPartial ReleaseReleased in Full
 ⋈ (b) (1) ⋈ (b) (2) ⋈ (b) (3) ⋈ (b) (4) ⋈ (b) (5) ⋈ (b) (6) ⋈ (b) (7) (a) 	☐ (d) (5) ☐ (j) (1) ☐ (j) (2) ☐ (k) (1) ☐ (k) (2)	Denied in FullPartial ReleaseReleased in Full
 ⋈ (b) (1) ⋈ (b) (2) ⋈ (b) (3) ⋈ (b) (4) ⋈ (b) (5) ⋈ (b) (6) ⋈ (b) (7) (a) ⋈ (b) (7) (c) 	☐ (d) (5) ☐ (j) (1) ☐ (j) (2) ☐ (k) (1) ☐ (k) (2)	Denied in FullPartial ReleaseReleased in Full
 ⋈ (b) (1) ⋈ (b) (2) ⋈ (b) (3) ⋈ (b) (4) ⋈ (b) (5) ⋈ (b) (6) ⋈ (b) (7) (a) 	☐ (d) (5) ☐ (j) (1) ☐ (j) (2) ☐ (k) (1) ☐ (k) (2)	Denied in FullPartial ReleaseReleased in Full

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)

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:	Privacy Act Exemptions:	Disposition:
\boxtimes (b) (1)	\square (d) (5)	Denied in Full
\square (b) (2)	\square (j) (1)	O Partial Release
\boxtimes (b) (3)	\square (j) (2)	Released in Full
□ (b) (4)	\square (k) (1)	Referred to Third Agency
\boxtimes (b) (5)	\square (k) (2)	
☐ (b) (6)	$\square \text{ (k) (5)}$	
$\square \text{ (b) (7) (a)}$	_ (4)	
(b) (7) (c)		
☐ (b) (7) (d)		
☐ (b) (7) (e)		
$\Box (b) (7) (f)$		

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)

Document Number: 44 Date of Document: 07/15/2004
Date of Document: 07/15/2004
Document Type: MFR
Classification: Unclassified
From/To: DOJ/Record
Document Pages: 4
FOIA Exemptions: Privacy Act Exemptions: Disposition:
$\square (b) (1) \qquad \square (d) (5) \qquad \bullet \text{ Denied in Full}$
\square (b) (2) \square (j) (1) \square Partial Release
\square (b) (3) \square (j) (2) \square Released in Full
\square (b) (4) \square (k) (1) \square Referred to Third Agency
\boxtimes (b) (5) \square (k) (2)
\Box (b) (6) \Box (k) (5)
\Box (b) (7) (a)
\square (b) (7) (c)
\Box (b) (7) (d)
□ (b) (7) (e)
□ (b) (7) (f)

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)

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) (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:

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)

FOIA/PA	A Request No.:	F-2004-01456	
Docu	ment Number:	46	·
Date	e of Document:	07/21/2004	
De	ocument Type:	Letter	
	Classification:	Top Secret	
	From/To:	DOJ/CIA	
Do	cument Pages:	3	•
FOIA Exemption	s:	Privacy Act Exemptions:	Disposition:
\boxtimes (b) (1)		\Box (d) (5)	Denied in Full
\square (b) (2)		\square (j) (1)	O Partial Release
\boxtimes (b) (3)		☐ (j) (2)	Released in Full
\square (b) (4)		\square (k) (1)	 Referred to Third Agency
\boxtimes (b) (5)		\square (k) (2)	
□ (b) (6)		\square (k) (5)	
\Box (b) (7) (a)			
\Box (b) (7) (c)			
\square (b) (7) (d)		•	
$\square \text{ (b) (7) (e)}$			
$\Box (b) (7) (b)$			

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)

FOIA/PA Request No.:	F-2004-01430			
Document Number:	47			
Date of Document:	07/22/2004			
Document Type:	Letter	•		
Classification:	Top Secret			
From/To:	CIA/DOJ	•		
Document Pages:	6			
FOIA Exemptions:	Privacy Act Exemptions:	Disposit	ion:	
\boxtimes (b) (1)	\square (d) (5)	Denie	ed in Full	
\square (b) (2)	\square (j) (1)	○ Partia	l Release	
\boxtimes (b) (3)	\square (j) (2)		sed in Full	
☐ (b) (4)	\square (k) (1)		red to Third	Agency
\boxtimes (b) (5)	\square (k) (1) \square (k) (2)	O Reioi	100 10 111110	1150110)
\boxtimes (b) (6)	$\square (k) (2)$ $\square (k) (5)$			
$\square (b) (7) (a)$				
		-		
$\square \text{ (b) (7) (c)}$ $\square \text{ (b) (7) (d)}$				
$\square \text{ (b) (7) (d)}$				
(b) (7) (e)				
\Box (b) (7) (f)				

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)

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:	Privacy Act Exemptions: ☐ (d) (5) ☐ (j) (1) ☐ (j) (2) ☐ (k) (1) ☐ (k) (2) ☐ (k) (5)	Disposition:

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)

	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	
	kemptions:	Privacy Act Exemptions:	Disposition:
\boxtimes (b) (1		\square (d) (5)	Denied in Full
☐ (b) (2		\square (j) (1)	O Partial Release
\boxtimes (b) (3		☐ (j) (2)	Released in Full
\Box (b) (4	.)	\square (k) (1)	 Referred to Third Agency
⊠ (b) (5		\square (k) (2)	
⊠ (b) (6	5)	□ (k) (5)	
□ (b) (7			
☐ (b) (7			
\Box (b) (7			
\Box (b) (7			
□ (b) (7) (I)		

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)

F-2004-01456	
50	
08/05/2004	
Email	
Unclassified	
DOJ/DOJ	
4	
Privacy Act Exemptions: ☐ (d) (5) ☐ (j) (1) ☐ (j) (2) ☐ (k) (1) ☐ (k) (2) ☐ (k) (5)	Disposition:
	50 08/05/2004 Email Unclassified DOJ/DOJ 4 Privacy Act Exemptions: (d) (5) (j) (1) (j) (2) (k) (1) (k) (2)

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

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:	Privacy Act Exemptions:	Disposition:
⊠ (b) (1)	\square (d) (5)	Denied in Full
(b) (2)	\square (j) (1)	O Partial Release
⊠ (b) (3)	\square (j) (2)	Released in Full
□ (b) (4)	\square (k) (1)	Referred to Third Agency
⊠ (b) (5)	□ (k) (2)	<u> </u>
⊠ (b) (6)	\square (k) (5)	
\Box (b) (7) (a)		
☐ (b) (7) (c)		
□ (b) (7) (d)		
□ (b) (7) (e)		
\Box (b) (7) (f)		

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)

FOI	A/PA Request No.:	F-2004-01456	
Ι	Oocument Number:	52	
	Date of Document:	08/24/2004	
	Document Type:	Memo	
	Classification:	Top Secret	
	From/To:	DOJ/CIA	
	Document Pages:	14	• •
FOIA Exemp	otions:	Privacy Act Exemptions:	Disposition:
\boxtimes (b) (1)		\square (d) (5)	Denied in Full
(b) (2)		\Box (j) (1)	O Partial Release
\boxtimes (b) (3)		\square (j) (2)	O Released in Full
\Box (b) (4)		\square (k) (1)	O Referred to Third Agency
\boxtimes (b) (5)		\square (k) (2)	- 3
⊠ (b) (6)		$\square \text{ (k) (5)}$	
$\square \text{ (b) (7) (a)}$			
$\Box (b) (7) (a)$ $\Box (b) (7) (c)$			
$ \Box (b) (7) (d) $ $ \Box (b) (7) (a) $			
(b) (7) (e)			
\Box (b) (7) (f)			

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 solicting 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)

F-2004-01456	
53	•
08/XX/2004	
Memo	•
Top Secret	
DOJ/CIA	
16	·
Privacy Act Exemptions: ☐ (d) (5) ☐ (j) (1) ☐ (j) (2) ☐ (k) (1) ☐ (k) (2) ☐ (k) (5)	Disposition:
	53 08/XX/2004 Memo Top Secret DOJ/CIA 16 Privacy Act Exemptions: (d) (5) (j) (1) (j) (2) (k) (1) (k) (2)

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 solicting 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)

FOIA/PA Request No.	F-2004-01456	
Document Number	: 54	
Date of Document	: 09/19/2004	
Document Type		
Classification	: Top Secret	
From/To	: CIA/DOJ	
Document Pages	: 7	
FOIA Exemptions: ⊠ (b) (1) □ (b) (2)	Privacy Act Exemptions: ☐ (d) (5) ☐ (j) (1)	Disposition: ● Denied in Full ○ Partial Release
⊠ (b) (3) □ (b) (4)	☐ (j) (2) ☐ (k) (1)	Released in FullReferred to Third Agency
⋈ (b) (5)⋈ (b) (6)	☐ (k) (2) ☐ (k) (5)	
☐ (b) (7) (a) ☐ (b) (7) (c)		
☐ (b) (7) (d) ☐ (b) (7) (e) ☐ (b) (7) (f)		

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(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)

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:	Privacy Act Exemptions:	Disposition:
\boxtimes (b) (1)		Denied in FullPartial Release
☐ (b) (2) ☒ (b) (3)	$ \Box (j) (1) \Box (j) (2) $	Released in Full
$\square \text{ (b) (4)}$	$\square (k) (1)$ $\square (k) (1)$	Referred to Third Agency
\boxtimes (b) (5)	$\Box (k) (1)$ $\Box (k) (2)$	O Referred to Time Agoney
\boxtimes (b) (6)	$\square (k) (2)$ $\square (k) (5)$	
$\square (b) (7) (a)$		
(b) (7) (c)		
$\square \text{ (b) (7) (d)}$		
☐ (b) (7) (e)		
\Box (b) (7) (f)		

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 solicting 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)

FOI	A/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 Exemp		Privacy Act Exemptions: ☐ (d) (5) ☐ (j) (1) ☐ (j) (2) ☐ (k) (1) ☐ (k) (2) ☐ (k) (5)	Disposition:	ency
☐ (b) (7) (c) ☐ (b) (7) (d) ☐ (b) (7) (e) ☐ (b) (7) (f))			

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 solicting 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)

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rota/PA Request No.:	F-2004-01430	
Document Number:	57	
Date of Document:	09/12/2004	
Document Type:	Memo	
Classification:	Top Secret	
From/To:	DOJ/Record	
Document Pages:	26	·
FOIA Exemptions:	Privacy Act Exemptions:	Disposition:
\boxtimes (b) (1)	\square (d) (5)	Denied in Full
☐ (b) (2)	\square (j) (1)	O Partial Release
\boxtimes (b) (3)	\square (j) (2)	 Released in Full
□ (b) (4)	\square (k) (1)	 Referred to Third Agency
\boxtimes (b) (5)	\square (k) (2)	
⊠ (b) (6)	\square (k) (5)	
\Box (b) (7) (a)	. , , ,	
□ (b) (7) (c)		
□ (b) (7) (d)		
□ (b) (7) (e)		
□ (b) (7) (f)		

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-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,

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 solicting 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)

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)	Privacy Act Exemptions: ☐ (d) (5) ☐ (j) (1) ☐ (j) (2) ☐ (k) (1) ☐ (k) (2) ☐ (k) (5)	Disposition:	ease
☐ (b) (7) (e)			

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(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 solicting 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)

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(5) – This document contains information relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, created in connection with the preperation 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)

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:	Privacy Act Exemptions:	Disposition:
⊠ (b) (1)	\square (d) (5)	Denied in Full
\Box (b) (2)	\square (j) (1)	O Partial Release
\boxtimes (b) (3)	\square (j) (2)	Released in Full
☐ (b) (4)	\square (k) (1)	 Referred to Third Agency
⊠ (b) (5)	\square (k) (2)	
\boxtimes (b) (6)	\square (k) (5)	
\square (b) (7) (a)		
□ (b) (7) (c)		
\Box (b) (7) (d)		
☐ (b) (7) (e)		
\Box (b) (7) (f)		

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(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 solicting 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)

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:	Privacy Act Exemptions:	Disposition:
☐ (b) (1)	☐ (d) (5)	Denied in Full
		Denied in FullPartial Release
□ (b) (1)	□ (d) (5)	
☐ (b) (1) ☐ (b) (2)	☐ (d) (5) ☐ (j) (1)	O Partial Release
☐ (b) (1) ☐ (b) (2) ☐ (b) (3) ☐ (b) (4)	☐ (d) (5) ☐ (j) (1) ☐ (j) (2) ☐ (k) (1)	Partial ReleaseReleased in Full
☐ (b) (1) ☐ (b) (2) ☐ (b) (3) ☐ (b) (4) ☐ (b) (5)	☐ (d) (5) ☐ (j) (1) ☐ (j) (2) ☐ (k) (1) ☐ (k) (2)	Partial ReleaseReleased in Full
☐ (b) (1) ☐ (b) (2) ☐ (b) (3) ☐ (b) (4) ☒ (b) (5) ☒ (b) (6)	☐ (d) (5) ☐ (j) (1) ☐ (j) (2) ☐ (k) (1)	Partial ReleaseReleased in Full
☐ (b) (1) ☐ (b) (2) ☐ (b) (3) ☐ (b) (4) ☒ (b) (5) ☒ (b) (6) ☐ (b) (7) (a)	☐ (d) (5) ☐ (j) (1) ☐ (j) (2) ☐ (k) (1) ☐ (k) (2)	Partial ReleaseReleased in Full
☐ (b) (1) ☐ (b) (2) ☐ (b) (3) ☐ (b) (4) ☒ (b) (5) ☒ (b) (6) ☐ (b) (7) (a) ☐ (b) (7) (c)	☐ (d) (5) ☐ (j) (1) ☐ (j) (2) ☐ (k) (1) ☐ (k) (2)	Partial ReleaseReleased in Full
☐ (b) (1) ☐ (b) (2) ☐ (b) (3) ☐ (b) (4) ☒ (b) (5) ☒ (b) (6) ☐ (b) (7) (a)	☐ (d) (5) ☐ (j) (1) ☐ (j) (2) ☐ (k) (1) ☐ (k) (2)	Partial ReleaseReleased in Full

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)

F-2004-01456

FOIA/PA Request No.:

1 Ombilit Request 1 ton	1 200 . 01 13 5	
Document Number:	62	
Date of Document:	09/15/2004	
Document Type:	Memo	
Classification:	Top Secret	
From/To:	DOJ/CIA	· · · · · · · · · · · · · · · · · · ·
Document Pages:	28	
FOIA Exemptions:	Privacy Act Exemptions:	Disposition:
\boxtimes (b) (1)	\square (d) (5)	Denied in Full
☐ (b) (2)	\square (j) (1)	O Partial Release
⊠ (b) (3)	\square (j) (2)	Released in Full
□ (b) (4)	\square (k) (1)	O Referred to Third Agency
\boxtimes (b) (5)	\square (k) (2)	, <u></u> ,
\boxtimes (b) (6)	$\square (k) (5)$	
$\square \text{ (b) (7) (a)}$		
□ (b) (7) (c)		
☐ (b) (7) (d)		
(b) (7) (e)		
\Box (b) (7) (f)		

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 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(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 solicting 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)

FOI	IA/PA Request No.:	F-2004-01456	
I	Document Number:	63	
	Date of Document:	09/XX/2004	
	Document Type:	Memo	
	Classification:	Top Secret	
	From/To:	DOJ/DOJ	
	Document Pages:	1	
FOIA Exemp	ptions:	Privacy Act Exemptions:	Disposition:
\boxtimes (b) (1)	•	\square (d) (5)	Denied in Full
\Box (b) (2)		\square (j) (1)	O Partial Release
\boxtimes (b) (3)		\square (j) (2)	O Released in Full
\square (b) (4)		\square (k) (1)	O Referred to Third Agency
\boxtimes (b) (5)		\square (k) (2)	•
\boxtimes (b) (6)		\square (k) (5)	
$\square (b) (7) (a)$	l	_ (, (,	
(b) (7) (c)			
\Box (b) (7) (d)			
$\square \text{ (b) (7) (e)}$			
$\square (b) (7) (f)$ $\square (b) (7) (f)$			
(0) (1) (1)			

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)

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:	Privacy Act Exemptions:	Disposition:
\boxtimes (b) (1)	\square (d) (5)	 Denied in Full
\square (b) (2)	\square (j) (1)	O Partial Release
⊠ (b) (3)	\square (j) (2)	O Released in Full
□ (b) (4)	\square (k) (1)	O Referred to Third Agency
⊠ (b) (5)	\square (k) (2)	<i>c</i> ,
⊠ (b) (6)	\square (k) (5)	
\Box (b) (7) (a)		
□ (b) (7) (c)		
(b) (7) (d)		
☐ (b) (7) (d) ☐ (b) (7) (e)		

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 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(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 solicting 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)

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	en e
Document Pages:	29	
FOIA Exemptions:	Privacy Act Exemptions:	Disposition:
\boxtimes (b) (1)	\square (d) (5)	Denied in Full
☐ (b) (2)	\square (j) (1)	O Partial Release
\boxtimes (b) (3)	☐ (j) (2)	Released in Full
□ (b) (4)	\square (k) (1)	 Referred to Third Agency
⊠ (b) (5)	\square (k) (2)	
⊠ (b) (6)	\square (k) (5)	
\Box (b) (7) (a)		
\square (b) (7) (c)		
\square (b) (7) (d)		
\Box (b) (7) (e)		
\Box (b) (7) (f)		

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(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 solicting 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)

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:	Privacy Act Exemptions:	Disposition:
\boxtimes (b) (1)	\square (d) (5)	Denied in Full
☐ (b) (2)	\square (j) (1)	O Partial Release
\boxtimes (b) (3)	\square (j) (2)	 Released in Full
□ (b) (4)	\square (k) (1)	 Referred to Third Agency
⊠ (b) (5)	\square (k) (2)	
\boxtimes (b) (6)	\square (k) (5)	
\Box (b) (7) (a)	` ` ` ` `	
\Box (b) (7) (c)		
□ (b) (7) (d)		
☐ (b) (7) (e)		
☐ (b) (7) (f)		

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(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 solicting 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)

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FUIA/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:	Privacy Act Exemptions:	Disposition:
⊠ (b) (1)	\square (d) (5)	Denied in Full
□ (b) (2)	\square (j) (1)	O Partial Release
\boxtimes (b) (3)	\square (j) (2)	O Released in Full
\square (b) (4)	\square (k) (1)	 Referred to Third Agency
\boxtimes (b) (5)	□ (k) (2)	
⊠ (b) (6)	\square (k) (5)	
\Box (b) (7) (a)	, , , ,	
□ (b) (7) (c)		
□ (b) (7) (d)		×
□ (b) (7) (e)		
\Box (b) (7) (f)		

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(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 solicting 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)

FOL	A/PA Request No.:	F-2004-01456	
D	ocument Number:	68	
	Date of Document:	09/27/2004	
	Document Type:	Memo	
	Classification:	Top Secret	
	From/To:	DOJ/CIA	
	Document Pages:	32	
FOIA Exemp	tions:	Privacy Act Exemptions:	Disposition:
\boxtimes (b) (1)		☐ (d) (5)	Denied in Full
☐ (b) (2)		\square (j) (1)	O Partial Release
\boxtimes (b) (3)		\square (j) (2)	O Released in Full
\Box (b) (4)		\square (k) (1)	O Referred to Third Agency
\boxtimes (b) (5)		\square (k) (2)	- · · · · · · · · · · · · · · · · · · ·
\boxtimes (b) (6)		\square (k) (5)	
$\square \text{ (b) (7) (a)}$			
$\square \text{ (b) (7) (c)}$			
$\square \text{ (b) (7) (d)}$			
$\Box (b) (7) (e)$ $\Box (b) (7) (e)$			
\Box (b) (7) (f)			

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(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 solicting 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)

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	
	··	70.1 *.1
FOIA Exemptions:	Privacy Act Exemptions:	Disposition:
FOIA Exemptions: ⊠ (b) (1)	Privacy Act Exemptions: \Box (d) (5)	Disposition: Denied in Full
	\square (d) (5)	
⊠ (b) (1) □ (b) (2)	☐ (d) (5) ☐ (j) (1)	Denied in FullPartial Release
∅ (b) (1)□ (b) (2)⋈ (b) (3)	☐ (d) (5) ☐ (j) (1) ☐ (j) (2)	Denied in FullPartial ReleaseReleased in Full
 ⋈ (b) (1) ⋈ (b) (2) ⋈ (b) (3) ⋈ (b) (4) 	☐ (d) (5) ☐ (j) (1) ☐ (j) (2) ☐ (k) (1)	Denied in FullPartial Release
 ⋈ (b) (1) ⋈ (b) (2) ⋈ (b) (3) ⋈ (b) (4) ⋈ (b) (5) 	☐ (d) (5) ☐ (j) (1) ☐ (j) (2) ☐ (k) (1) ☐ (k) (2)	Denied in FullPartial ReleaseReleased in Full
 ⋈ (b) (1) ⋈ (b) (2) ⋈ (b) (3) ⋈ (b) (4) ⋈ (b) (5) ⋈ (b) (6) 	☐ (d) (5) ☐ (j) (1) ☐ (j) (2) ☐ (k) (1)	Denied in FullPartial ReleaseReleased in Full
 ⋈ (b) (1) ⋈ (b) (2) ⋈ (b) (3) ⋈ (b) (4) ⋈ (b) (5) ⋈ (b) (6) ⋈ (b) (7) (a) 	☐ (d) (5) ☐ (j) (1) ☐ (j) (2) ☐ (k) (1) ☐ (k) (2)	Denied in FullPartial ReleaseReleased in Full
 ⋈ (b) (1) ⋈ (b) (2) ⋈ (b) (3) ⋈ (b) (4) ⋈ (b) (5) ⋈ (b) (6) ⋈ (b) (7) (a) ⋈ (b) (7) (c) 	☐ (d) (5) ☐ (j) (1) ☐ (j) (2) ☐ (k) (1) ☐ (k) (2)	Denied in FullPartial ReleaseReleased in Full
 ⋈ (b) (1) ⋈ (b) (2) ⋈ (b) (3) ⋈ (b) (4) ⋈ (b) (5) ⋈ (b) (6) ⋈ (b) (7) (a) 	☐ (d) (5) ☐ (j) (1) ☐ (j) (2) ☐ (k) (1) ☐ (k) (2)	Denied in FullPartial ReleaseReleased in Full

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(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)

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:	Privacy Act Exemptions:	Disposition:
\boxtimes (b) (1)	$\square (d) (5)$ $\square (3) (1)$	Denied in FullPartial Release
\square (b) (2) \square (c) (2)	\square (j) (1) \square (c) (2)	Released in Full
\boxtimes (b) (3)	\square (j) (2)	
$\square \text{ (b) (4)}$	\square (k) (1)	O Referred to Third Agency
\boxtimes (b) (5)	\square (k) (2)	
⊠ (b) (6)	\square (k) (5)	
\Box (b) (7) (a)		
(b) (7) (c)		
\Box (b) (7) (d)		
□ (b) (7) (e)		
\square (b) (7) (f)		

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(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 solicting 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)

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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(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 solicting 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)

FOIA/PA Reque	st No.: F-2004-01456	
Document Nu	mber: 72	
Date of Docu		
Document		
Classific	cation: Top Secret	
Fro	om/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)	Privacy Act Exemptions: ☐ (d) (5) ☐ (j) (1) ☐ (j) (2) ☐ (k) (1) ☐ (k) (2) ☐ (k) (5)	Disposition:
☐ (b) (7) (e) ☐ (b) (7) (f)		

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(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 solicting 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)

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roia/ra Request No.:	r-2004-01430	
Document Number:	73	•
Date of Document:	09/XX/2004	
Document Type:		
Classification:		
From/To:	DOJ/CIA	
Document Pages:	24	
FOIA Exemptions:	Privacy Act Exemptions:	Disposition:
⊠ (b) (1)	\square (d) (5)	Denied in Full
☐ (b) (2)	\square (j) (1)	O Partial Release
⊠ (b) (3)	\square (j) (2)	Released in Full
☐ (b) (4)		Referred to Third Agency
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⊠ (b) (6)	$\square (k) (5)$	
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$\square (b) (7) (a)$ $\square (b) (7) (c)$		
$\square \text{ (b) (7) (d)}$ $\square \text{ (b) (7) (c)}$		
☐ (b) (7) (e)		
\sqcup (b) (7) (f)		

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).

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 solicting 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)

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:	Privacy Act Exemptions:	Disposition		
\boxtimes (b) (1)	\square (d) (5)	Denied in	n Full	
□ (b) (2)	\square (j) (1)	O Partial R	elease	
⊠ (b) (3)	\square (j) (2)	 Released 	in Full	
☐ (b) (4)	\square (k) (1)	○ Referred	to Third Agency	
\boxtimes (b) (5)	\square (k) (2)			
□ (b) (6)	$\square (k) (5)$			
$\square \text{ (b) (7) (a)}$	_ () ()			
□ (b) (7) (c)				
$\square (b) (7) (d)$				
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(b) (7) (e)				
\Box (b) (7) (f)				

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(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 solicting 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)

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: Privacy Act Exemptions: Disposition:		•
\square (b) (1) \square (d) (5) \square Denied in Full		
\Box (b) (2) \Box (j) (1) \Box Partial Release		
\boxtimes (b) (3) \square (j) (2) \bigcirc Released in Ful		
\Box (b) (4) \Box (k) (1) \Box Referred to Thi		
\boxtimes (b) (5) \square (k) (2)	a a rigorio y	
\boxtimes (b) (6) \square (k) (5)		
□ (b) (7) (a)		
(b) (7) (c)		
□ (b) (7) (d)		
☐ (b) (7) (e)		
□ (b) (7) (f)		

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(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 solicting 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)

FOI	A/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 Exemp	otions:	Privacy Act Exemptions:	Disposition:
\boxtimes (b) (1)		☐ (d) (5)	Denied in Full
\square (b) (2)		\square (j) (1)	O Partial Release
\boxtimes (b) (3)		□ (j) (2)	C Released in Full
\square (b) (4)		\square (k) (1)	 Referred to Third Agency
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$\square \text{ (b) (7) (c)}$			
$\square \text{ (b) (7) (d)}$			
☐ (b) (7) (e)			
$\square \text{ (b) (7) (f)}$ $\square \text{ (b) (7) (f)}$			

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(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)

Date of Document: 10/12/2004 Document Type: Memo Classification: Top Secret From/To: DOJ/CIA Document Pages: 39 FOIA Exemptions: Privacy Act Exemptions: Disposition: (b) (1) (d) (5) Denied in Full (b) (2) (j) (1) Partial Release (b) (3) (j) (2) Released in Full (b) (3) (k) (1) Referred to Third Agency (b) (5) (k) (2) (b) (6) (k) (5) (b) (7) (a) (b) (7) (d) (b) (7) (d) (b) (7) (e)	FOIA/PA Request No.:	F-2004-01456	
Document Type: Memo Classification: Top Secret From/To: DOJ/CIA Document Pages: 39 FOIA Exemptions: Privacy Act Exemptions: Disposition: (b) (1) (d) (5) Denied in Full (b) (2) (j) (1) Partial Release (b) (3) (j) (2) Released in Full (b) (3) (k) (1) Referred to Third Agency (b) (5) (k) (2) (b) (6) (k) (5) (b) (7) (a) (b) (7) (d)	Document Number:	77	
Classification: Top Secret From/To: DOJ/CIA Document Pages: 39 FOIA Exemptions: Privacy Act Exemptions: Disposition: ∅ (b) (1) □ (d) (5) ● Denied in Full □ (b) (2) □ (j) (1) ○ Partial Release ⋈ (b) (3) □ (j) (2) ○ Released in Full □ (b) (4) □ (k) (1) ○ Referred to Third Agency ⋈ (b) (5) □ (k) (5) □ (b) (7) (a) □ (k) (5) □ (b) (7) (d) □ (b) (7) (d)	Date of Document:	10/12/2004	
From/To: DOJ/CIA Document Pages: 39 FOIA Exemptions:	Document Type:	Memo	
Document Pages: 39 FOIA Exemptions: Privacy Act Exemptions: Disposition: ∅ (b) (1) ∅ (d) (5) ♠ Denied in Full ∅ (b) (2) ∅ (j) (2) ♠ Released in Full ⋈ (b) (3) ⋈ (j) (2) ♠ Referred to Third Agency ⋈ (b) (4) ⋈ (k) (1) ♠ Referred to Third Agency ⋈ (b) (5) ⋈ (k) (2) ⋈ (b) (7) (a) ⋈ (b) (7) (c) ⋈ (b) (7) (d) ⋈ (b) (7) (d)	Classification:	Top Secret	
FOIA Exemptions: Privacy Act Exemptions: Disposition: ⋈ (b) (1) (d) (5) Denied in Full (b) (2) (j) (1) Partial Release ⋈ (b) (3) (j) (2) Released in Full (b) (4) (k) (1) Referred to Third Agency ⋈ (b) (5) (k) (2) ⋈ (b) (7) (a) (k) (5) (b) (7) (a) (b) (7) (d)	From/To:	DOJ/CIA	
⋈ (b) (1) □ (d) (5) ● Denied in Full □ (b) (2) □ (j) (1) ○ Partial Release ⋈ (b) (3) □ (j) (2) ○ Released in Full □ (b) (4) □ (k) (1) ○ Referred to Third Agency ⋈ (b) (5) □ (k) (2) ⋈ (b) (6) □ (k) (5) □ (b) (7) (a) □ (b) (7) (d)	Document Pages:	39	
□ (b) (2) □ (j) (1) ○ Partial Release ⋈ (b) (3) □ (j) (2) ○ Released in Full □ (b) (4) □ (k) (1) ○ Referred to Third Agency ⋈ (b) (5) □ (k) (2) ⋈ (b) (6) □ (k) (5) □ (b) (7) (a) □ (b) (7) (d)	-		. •
⋈ (b) (3) ⋈ (j) (2) ○ Released in Full ⋈ (b) (4) ⋈ (k) (1) ○ Referred to Third Agency ⋈ (b) (5) ⋈ (k) (2) ⋈ (b) (6) ⋈ (k) (5) ⋈ (b) (7) (a) ⋈ (b) (7) (c) ⋈ (b) (7) (d) ⋈ (b) (7) (d)			
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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).

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 solicting 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)

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\boxtimes (b) (1)	☐ (d) (5)	Denied in Full
□ (b) (2)	\square (j) (1)	Partial Release
\boxtimes (b) (3)	\square (j) (2)	O Released in Full
□ (b) (4)	\square (k) (1)	 Referred to Third Agency
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□ (b) (7) (c)		
\square (b) (7) (d)		
□ (b) (7) (e)		
\Box (b) (7) (f)		

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'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).

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