

## OLC DOCS 9-21-09

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

**Document Number:** 79

**Date of Document:** 10/12/2004

**Document Type:** Memo

**Classification:** Top Secret

**From/To:** DOJ/Record

**Document Pages:** 38

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

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

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

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

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

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

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

**Case Number:** 04-cv-4151 (SDNY)

**Judge's Initials:** AKH

## OLC DOCS 9-21-09

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

**Document Number:** 80

**Date of Document:** 10/18/2004

**Document Type:** Memo

**Classification:** Top Secret

**From/To:** CIA/DOJ

**Document Pages:** 29

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

This document is a twenty-eight page fax from CIA OGC to the DOJ, with a one page fax cover sheet. The document contains information relating to classified intelligence sources and methods, as well as the identities of personnel engaged in counter-terrorism activities. The document is withheld in part under FOIA exemptions b(1), b(3), and b(6).

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

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

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

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

**Case Number:** 04-cv-4151 (SDNY)

**Judge's Initials:** AKH

# OLC DOCS 9-21-09

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

**Document Number:** 81

**Date of Document:** 10/18/2004

**Document Type:** Memo

**Classification:** Top Secret

**From/To:** CIA/DOJ

**Document Pages:** 39

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

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

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

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

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

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

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

**Case Number: 04-cv-4151 (SDNY)**

**Judge's Initials: AKH**

## OLC DOCS 9-21-09

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

**Document Number:** 82

**Date of Document:** 11/13/2004

**Document Type:** Memo

**Classification:** Top Secret

**From/To:** DOJ/CIA

**Document Pages:** 91

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

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

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

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

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

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

**Case Number:** 04-cv-4151 (SDNY)

**Judge's Initials:** AKH



## OLC DOCS 9-21-09

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

**Document Number:** 83

**Date of Document:** 11/22/2004

**Document Type:** Memo

**Classification:** Top Secret

**From/To:** DOJ/CIA

**Document Pages:** 46

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

This document is a forty-six 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 connection with the preparation of legal advice and information provided to the DOJ by the CIA in order to allow the DOJ to provide the CIA with legal advice. The document also contains information relating to classified intelligence sources and methods, as well as the identities of USG employees engaged in counter-terrorism activities. This document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

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

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

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

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

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

**Case Number: 04-cv-4151 (SDNY)**

**Judge's Initials: AKH**

## OLC DOCS 9-21-09

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

**Document Number:** 84

**Date of Document:** 11/22/2004

**Document Type:** Memo

**Classification:** Top Secret

**From/To:** DOJ/CIA

**Document Pages:** 47

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

This document is a forty-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 connection with the preparation of legal advice and information provided to the DOJ by the CIA in order to allow the DOJ to provide the CIA with legal advice. The document also contains information relating to classified intelligence sources and methods, as well as the identities of USG employees engaged in counter-terrorism activities. This document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

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

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

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

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

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

**Case Number: 04-cv-4151 (SDNY)**

**Judge's Initials: AKH**

## OLC DOCS 9-21-09

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

**Document Number:** 85

**Date of Document:** 11/22/2004

**Document Type:** Memo

**Classification:** Top Secret

**From/To:** DOJ/Record

**Document Pages:** 47

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

This document is a forty-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 connection with the preparation of legal advice and information provided to the DOJ by the CIA in order to allow the DOJ to provide the CIA with legal advice. The document also contains information relating to classified intelligence sources and methods, as well as the identities of USG employees engaged in counter-terrorism activities. This document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

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

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

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

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

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

**Case Number:** 04-cv-4151 (SDNY)

**Judge's Initials:** AKH

## OLC DOCS 9-21-09

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

**Document Number:** 86

**Date of Document:** 12/03/2004

**Document Type:** Memo

**Classification:** Top Secret

**From/To:** CIA/DOJ

**Document Pages:** 22

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

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

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

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

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

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

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

**Case Number: 04-cv-4151 (SDNY)**

**Judge's Initials: AKH**



## OLC DOCS 9-21-09

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

**Document Number:** 87

**Date of Document:** 12/08/2004

**Document Type:** Memo

**Classification:** Top Secret

**From/To:** DOJ/CIA

**Document Pages:** 48

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

This document is a forty-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. This document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

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

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

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

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

**Case Number: 04-cv-4151 (SDNY)**

**Judge's Initials: AKH**

## OLC DOCS 9-21-09

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

**Document Number:** 88

**Date of Document:** 12/08/2004

**Document Type:** Memo

**Classification:** Top Secret

**From/To:** DOJ/CIA

**Document Pages:** 47

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

This document is a forty-seven page draft, 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 connection with the preparation of legal advice and information provided to the DOJ by the CIA in order to allow the DOJ to provide the CIA with legal advice. The document also contains information relating to classified intelligence sources and methods, as well as the identities of USG employees engaged in counter-terrorism activities. This document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

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

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

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

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

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

**Case Number: 04-cv-4151 (SDNY)**

**Judge's Initials: AKH**

## OLC DOCS 9-21-09

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

**Document Number:** 89

**Date of Document:** 12/12/2004

**Document Type:** Memo

**Classification:** Top Secret

**From/To:** DOJ/CIA

**Document Pages:** 15

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

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

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

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

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

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

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

**Case Number: 04-cv-4151 (SDNY)**

**Judge's Initials: AKH**

## OLC DOCS 9-21-09

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

**Document Number:** 90

**Date of Document:** 01/08/2005

**Document Type:** Memo

**Classification:** Top Secret

**From/To:** DOJ/Record

**Document Pages:** 49

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

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

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

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

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

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

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

**Case Number: 04-cv-4151 (SDNY)**

**Judge's Initials: AKH**



## OLC DOCS 9-21-09

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

**Document Number:** 91

**Date of Document:** UNDATED

**Document Type:** Memo

**Classification:** Top Secret

**From/To:** CIA/DOJ

**Document Pages:** 17

**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 17 pages from the CIA OIG Spring 2004 report, previously released in part in this case, that was provided to the OLC by the CIA. The document contains attorney handwritten notes and marginalia, as well as information relating to classified intelligence sources and methods and the identity of a United States government attorney. Document #96 of this Vaughn is the same document without the notes. This document is withheld in full under FOIA exemption b(5) and in part under FOIA exemptions b(1), b(3) and b(6).

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

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

Exemption b(5) – This document contains handwritten, predecisional, deliberative information and therefore is protected from disclosure by Exemption b(5).

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

**Case Number:** 04-cv-4151 (SDNY)

**Judge's Initials:** AKH

## OLC DOCS 9-21-09

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

**Document Number:** 92

**Date of Document:** UNDATED

**Document Type:** Memo

**Classification:** Top Secret

**From/To:** CIA/DOJ

**Document Pages:** 18

**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 seventeen pages with cover sheet from the CIA OIG Spring 2004 report, previously released in part in this case. The document contains handwritten marginalia, as well as information relating to classified intelligence sources and methods. The same document with attorney notes and marginalia appears as document #95 of this vaughn. This document is withheld in part under FOIA exemptions b(1) and b(3).

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

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

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

## OLC DOCS 9-21-09

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

**Document Number:** 93

**Date of Document:** UNDATED

**Document Type:** Memo

**Classification:** Top Secret

**From/To:** DOJ/Record

**Document Pages:** 40

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

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

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

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

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

**Case Number:** 04-cv-4151 (SDNY)

**Judge's Initials:** AKH

## OLC DOCS 9-21-09

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

**Document Number:** 94

**Date of Document:** UNDATED

**Document Type:** Memo

**Classification:** Top Secret

**From/To:** DOJ/Record

**Document Pages:** 18

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

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

**Case Number: 04-cv-4151 (SDNY)**

**Judge's Initials: AKH**



## OLC DOCS 9-21-09

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

**Document Number:** 95

**Date of Document:** UNDATED

**Document Type:** Memo

**Classification:** Top Secret

**From/To:** DOJ/Record

**Document Pages:** 18

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

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

**Case Number:** 04-cv-4151 (SDNY)

**Judge's Initials:** AKH

## OLC DOCS 9-21-09

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

**Document Number:** 96

**Date of Document:** UNDATED

**Document Type:** Memo

**Classification:** Top Secret

**From/To:** DOJ/record

**Document Pages:** 18

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

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

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

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

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

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

**Case Number: 04-cv-4151 (SDNY)**

**Judge's Initials: AKH**

## OLC DOCS 9-21-09

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

**Document Number:** 97

**Date of Document:** UNDATED

**Document Type:** Memo

**Classification:** Unclassified

**From/To:** Unk/Unk

**Document Pages:** 4

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

This document is a four-page excerpt from a memo that contains predecisional information and legal analysis regarding the Geneva Convention created in connection with the preparation of legal advice. The document is withheld in full on the basis of FOIA exemption b(5).

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

**Case Number:** 04-cv-4151 (SDNY)

**Judge's Initials:** AKH

## OLC DOCS 9-21-09

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

**Document Number:** 98

**Date of Document:** UNDATED

**Document Type:** Memo

**Classification:** Unclassified

**From/To:** Unk/Unk

**Document Pages:** 5

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

This five page document contains legal research of what laws may be applicable to Guantanamo Bay, Cuba. The document contains predecisional, deliberative information and is withheld in full under FOIA exemption b(5).

Exemption b(5) - This document contains information reflecting predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, and thus is protected from disclosure by Exemption b(5).

**Case Number:** 04-cv-4151 (SDNY)

**Judge's Initials:** AKH

## OLC DOCS 9-21-09

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

**Document Number:** 99

**Date of Document:** UNDATED

**Document Type:** Handwritten

**Classification:** Unclassified

**From/To:** Unk/Unk

**Document Pages:** 4

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

This document is four pages of handwritten attorney notes containing deliberative information on proposed interrogation techniques. The document also contains information relating to the identity of personnel engaged in counter-terrorism operations. The document is withheld in full under FOIA exemptions b(5) and b(6).

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

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

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

## OLC DOCS 9-21-09

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

**Document Number:** 100

**Date of Document:** UNDATED

**Document Type:** Cable

**Classification:** Secret

**From/To:** CIA/UNK

**Document Pages:** 11

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

This document is a eleven page draft cable written by a CIA attorney to provide his client with legal advice. The document also conatins information related to classified intelligence operations, sources and methods. The document is withheld in full on the basis of FOIA exemptions b(1), b(3), and b(5). This document is similar to document # 153.

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

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

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



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

**Case Number:** 04-cv-4151 (SDNY)

**Judge's Initials:** AKH

## OLC DOCS 9-21-09

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

**Document Number:** 101

**Date of Document:** UNDATED

**Document Type:** Memo

**Classification:** Secret

**From/To:** CIA/DOJ

**Document Pages:** 2

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

This document is a two-page chart created by CIA OGC in furtherance of the CIA's deliberative process. The document contains information relating to classified intelligence operations, sources and methods and the identities of non-supervisory DOJ attorneys. The document is withheld in full under FOIA exemptions b(1), b(3), and b(5) and in part under 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 USG personnel, as well as information created by an attorney or his agent in anticipation of litigation and conveyed in confidence. The information is therefore protected from disclosure by Exemption b(5).

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

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

## OLC DOCS 9-21-09

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

**Document Number:** 102

**Date of Document:** UNDATED

**Document Type:** Handwritten

**Classification:** Top Secret

**From/To:** DOJ/UNK

**Document Pages:** 3

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

This document is three pages of handwritten notes containing predecisional, deliberative information relating to classified intelligence operations, sources, and methods, as well as the identity of personnel engaged in counter-terrorism activities. The document is withheld in full on the bases of FOIA exemptions b(1), b(3), b(5), 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, and thus is protected from disclosure by Exemption b(5).

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

**Case Number:** 04-cv-4151 (SDNY)

**Judge's Initials:** AKH

## OLC DOCS 9-21-09

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

**Document Number:** 103

**Date of Document:** 07/29/2003

**Document Type:** Memo

**Classification:** Top Secret

**From/To:** DOJ/UNK

**Document Pages:** 2

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

This document is a two page memo discussing predecisional deliberations between USG attorneys as well as intelligence methods. The document is withheld in full on the basis of FOIA exemption b(5) and in part on the basis of FOIA exemption b(3).

Exemption b(5) - This document contains information 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(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(j)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

**Case Number:** 04-cv-4151 (SDNY)

**Judge's Initials:** AKH

## OLC DOCS 9-21-09

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

**Document Number:** 104

**Date of Document:** UNDATED

**Document Type:** Memo

**Classification:** Unclassified

**From/To:** UNK/UNK

**Document Pages:** 1

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

This one page document contains legal research regarding the Convention against Torture. The document contains information reflecting predecisional deliberations and is withheld in full on the basis of FOIA exemption b(5).

Exemption b(5) – This document contains information relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys. Therefore, the information is protected from disclosure by Exemption b(5).

**Case Number:** 04-cv-4151 (SDNY)

**Judge's Initials:** AKH

## OLC DOCS 9-21-09

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

**Document Number:** 105

**Date of Document:** UNDATED

**Document Type:** Memo

**Classification:** Top Secret

**From/To:** UNK/UNK

**Document Pages:** 2

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

This document is a one page memo with routing coversheet that contains predecisional, deliberative legal analysis created by an attorney in connection with the preparation of legal advice, as well as information relating to classified intelligence operations, sources, and methods. The document is withheld in full under FOIA Exemption b(5) and in part under FOIA exemptions b(1) and b(3).

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

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

Exemption b(5) - This document contains CIA attorney work product information relating to predecisional



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

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

## OLC DOCS 9-21-09

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

**Document Number:** 106

**Date of Document:** UNDATED

**Document Type:** Memo

**Classification:** Top Secret

**From/To:** UNK/UNK

**Document Pages:** 3

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

This document is two pages from a slideshow presentation, and a page of handwritten notes. The handwritten notes reflect deliberative, predecisional information. The document also contains information related to classified intelligence sources and methods and is withheld in part 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 reflecting predecisional deliberations, including preliminary evaluations, opinions, and recommendation of government attorneys and therefore is protected from

disclosure by Exemption b(5).

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

## OLC DOCS 9-21-09

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

**Document Number:** 107

**Date of Document:** UNDATED

**Document Type:** Memo

**Classification:** Top Secret

**From/To:** CIA/UNK

**Document Pages:** 2

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

This document is a two page slideshow presentation that contains predecisional, deliberative information relating to classified intelligence operations, sources, and methods. 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) and b(3).

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

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

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

Exemption b(5).

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

## OLC DOCS 9-21-09

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

**Document Number:** 108

**Date of Document:** UNDATED

**Document Type:** Memo

**Classification:** Top Secret

**From/To:** CIA/UNK

**Document Pages:** 4

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

This document is a four-page memo containing predecisional legal analysis done by a CIA attorney in furtherance of the CIA's deliberative process. The document has handwritten attorney notes that reflect predecisional, deliberative information. 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 CIA attorneys, as well as CIA attorney work product, and thus is protected from disclosure by Exemption b(5).

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

## OLC DOCS 9-21-09

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

**Document Number:** 109

**Date of Document:** UNDATED

**Document Type:** Memo

**Classification:** Top Secret

**From/To:** CIA/UNK

**Document Pages:** 1

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

This document is one page from a draft training manual discussing how to perform certain enhanced interrogation techniques. The document contains predecisional information as well as information relating to classified intelligence sources and methods. The document is withheld in part 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 thus is protected from disclosure by Exemption b(5).

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

## OLC DOCS 9-21-09

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

**Document Number:** 110

**Date of Document:** UNDATED

**Document Type:** Memo

**Classification:** Top Secret

**From/To:** DOJ/UNK

**Document Pages:** 6

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

This document is a three-page summary of legal advice provided by the OLC with a three page addendum. The document contains information relating to an intelligence method and is withheld in part on the basis of FOIA exemption b(3).

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).

**Case Number:** 04-cv-4151 (SDNY)

**Judge's Initials:** AKH

## OLC DOCS 9-21-09

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

**Document Number:** 111

**Date of Document:** UNDATED

**Document Type:** Handwritten

**Classification:** Unclassified

**From/To:** UNK/UNK

**Document Pages:** 3

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

This document is a three page set of handwritten notes that contains predecisional, deliberative information created by an attorney in connection with the preparation of legal advice, as well as information relating to the identity of personnel engaged in counter-terrorism operations. The document is withheld in full on the bases of FOIA exemptions b(5) and b(6).

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

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

**Case Number:** 04-cv-4151 (SDNY)

**Judge's Initials:** AKH

## OLC DOCS 9-21-09

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

**Document Number:** 112

**Date of Document:** UNDATED

**Document Type:** Handwritten

**Classification:** Unclassified

**From/To:** UNK/UNK

**Document Pages:** 3

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

This document is a three page set of handwritten notes that contains predecisional, deliberative information created by an attorney in connection with the preparation of legal advice, as well as information relating to the identity of personnel engaged in counter-terrorism operations. The document is withheld in full on the bases of FOIA exemptions b(5) and b(6).

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

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

**Case Number:** 04-cv-4151 (SDNY)

**Judge's Initials:** AKH

## OLC DOCS 9-21-09

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

**Document Number:** 113

**Date of Document:** UNDATED

**Document Type:** Handwritten

**Classification:** Top Secret

**From/To:** UNK/UNK

**Document Pages:** 5

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

This document is a five page set of handwritten notes that contains predecisional, deliberative information created by an attorney in connection with the preparation of legal advice, as well as information relating to classified intelligence sources and methods and the identity of personnel engaged in counter-terrorism operations. The document is withheld in full on the bases of FOIA exemptions b(5) and b(6) and in part on the bases of FOIA exemptions b(1) and b(3).

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

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

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

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

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

## OLC DOCS 9-21-09

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

**Document Number:** 114

**Date of Document:** UNDATED

**Document Type:** Handwritten

**Classification:** Unclassified

**From/To:** UNK/UNK

**Document Pages:** 2

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

This document is a two page set of handwritten notes that contains predecisional, deliberative information created by an attorney in connection with the preparation of legal advice, as well as information relating to the identity of personnel engaged in counter-terrorism operations. The document is withheld in full on the bases of FOIA exemptions b(5) and b(6).

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

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

**Case Number:** 04-cv-4151 (SDNY)

**Judge's Initials:** AKH

## OLC DOCS 9-21-09

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

**Document Number:** 115

**Date of Document:** UNDATED

**Document Type:** Handwritten

**Classification:** Top Secret

**From/To:** UNK/UNK

**Document Pages:** 2

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

This document is a two page set of handwritten notes that contains predecisional, deliberative information created by an attorney in connection with the preparation of legal advice, as well as information relating to classified intelligence sources and methods and the identity of personnel engaged in counter-terrorism operations. The document is withheld in full on the bases of FOIA exemptions b(5) and b(6) and in part on the bases of FOIA exemptions b(1) and b(3).

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

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



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

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

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

## OLC DOCS 9-21-09

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

**Document Number:** 116

**Date of Document:** UNDATED

**Document Type:** Handwritten

**Classification:** Unclassified

**From/To:** UNK/UNK

**Document Pages:** 2

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

This document is a two page set of handwritten notes that contains predecisional, deliberative information created by an attorney in connection with the preparation of legal advice, as well as information relating to the identity of personnel engaged in counter-terrorism operations. The document is withheld in full on the bases of FOIA exemptions b(5) and b(6).

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

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

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

## OLC DOCS 9-21-09

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

**Document Number:** 117

**Date of Document:** UNDATED

**Document Type:** Handwritten

**Classification:** Top Secret

**From/To:** UNK/UNK

**Document Pages:** 2

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

This document is a two page set of handwritten notes that contains predecisional, deliberative information created by an attorney in connection with the preparation of legal advice, as well as information relating to the identity of personnel engaged in counter-terrorism operations and classified intelligence operations, sources, and methods. The document is withheld in full on the bases of FOIA exemptions b(5) and b(6) and in part on the bases of FOIA exemptions b(1) and b(3).

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

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

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

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

**Case Number: 04-cv-4151 (SDNY)**

**Judge's Initials: AKH**