

## ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456  
**Document Number:** 148  
**Date of Document:** 12/02/2002  
**Document Type:** Cable  
**Classification:** Top Secret  
**From/To:** HQ/Field and Field/HQ  
**Subject:** Destruction of classified material  
**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 is a two-page document with excerpts from two cables discussing a proposal to destroy the videotapes. The document contains information relating to classified intelligence operations and methods, as well as the identities of personnel engaged in counterterrorism operations. The document is withheld in part on the bases of FOIA exemptions b(1), b(3), b(6), and b(7)(A). The Agency was prepared to release this document in part, but Special Prosecutor Durham has claimed FOIA Exemption b(7) over the information the Agency proposed to release, which has resulted in the document being denied in full.

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 individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Exemption b(7) - This document contains information compiled for law enforcement purposes the disclosure of which could reasonably be expected to interfere with enforcement proceedings, and thus is protected from disclosure by Exemption b(7)(A).

# ACLU v. DOD Final Production

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

**Document Number:** 149

**Date of Document:** 12/03/2002

**Document Type:** Cable

**Classification:** Secret

**From/To:** HQ/Field

**Subject:** Destruction of Classified material

**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 cable discussing the proposed destruction of classified material. The document contains information relating to classified intelligence operations and methods, as well as the identities of personnel engaged in counterterrorism operations. The document is withheld in part on the bases of FOIA exemptions b(1), b(3), b(6) and b(7)(A). The Agency was prepared to release this document in part, but Special Prosecutor Durham has claimed FOIA Exemption b(7) over the information the Agency proposed to release, which has resulted in the document being denied in full.

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 individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Exemption b(7) - This document contains information compiled for law enforcement purposes the disclosure of which could reasonably be expected to interfere with enforcement proceedings, and thus is protected from disclosure by Exemption b(7)(A).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456  
**Document Number:** 150  
**Date of Document:** 12/04/2002  
**Document Type:** Cable  
**Classification:** Top Secret  
**From/To:** Field/HQ and Field/HQ  
**Subject:** Destruction of classified material  
**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 contains two cables and an excerpt of a third cable regarding a proposal to destroy certain classified information. The document contains information regarding classified intelligence operations and methods as well as the identities of personnel engaged in counterterrorism activities. The document also contains predecisional information provided and used as part of the CIA's deliberative process. The document is withheld in full on the bases of FOIA exemptions b(1), b(3) and b(5), and in part on the basis of FOIA exemption b(6).

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

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

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

Exemption b(6) - This document contains information relating to the identities of personnel engaged in 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 individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

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

**Document Number:** 151

**Date of Document:** 12/09/02

**Document Type:** Cable

**Classification:** Top Secret

**From/To:** Field/HQ

**Subject:** Review of video tapes

**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 six-page cable discussing the results of a review of the videotapes. The document contains classified information relating to intelligence operations and methods, as well as the identities of personnel engaged in counter-terrorism operations. The document also contains information created by a CIA attorney in anticipation of litigation and given to the client for the purpose of obtaining legal advice. 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 by an attorney or the attorney’s agent in anticipation of litigation and conveyed between the attorney and client in connection with the provision of legal advice. The information has been kept in confidence by the attorney and client 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 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 individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456  
**Document Number:** 152  
**Date of Document:** 01/02/2003  
**Document Type:** Cable  
**Classification:** Secret  
**From/To:** Field/HQ  
**Subject:** Attorney survey of tapes  
**Document Pages:** 1

## FOIA Exemptions:

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

## Privacy Act Exemptions:

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

## Disposition:

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

## Document Description:

This document is a one-page cable discussing a proposed course of action regarding the videotapes. The document contains information relating to classified intelligence operations and methods, as well as predecisional information used as part of the CIA deliberative process. The document is withheld in full on the basis of FOIA exemption b(1) 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 intra-agency predecisional deliberations,

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

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456  
**Document Number:** 153  
**Date of Document:** 11/08/2005  
**Document Type:** Cable  
**Classification:** Secret  
**From/To:** Field/HQ  
**Subject:** Destruction of Videotapes  
**Document Pages:** 1

## FOIA Exemptions:

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

## Privacy Act Exemptions:

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

## Disposition:

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

## Document Description:

This document is a one-page cable requesting permission to destroy the videotapes. The document contains information relating to classified intelligence operations and methods, as well as the identities of personnel engaged in counterterrorism operations. The document is withheld in part on the bases of FOIA exemptions b(1), b(3), b(6), and b(7)(A). The Agency was prepared to release this document in part, but Special Prosecutor Durham has claimed FOIA Exemption b(7) over the information the Agency proposed to release, which has resulted in the document being denied in full.

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 individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Exemption b(7) - This document contains information compiled for law enforcement purposes the disclosure of which could reasonably be expected to interfere with enforcement proceedings, and thus is protected from disclosure by Exemption b(7)(A).

## ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456  
**Document Number:** 154  
**Date of Document:** 11/08/2005  
**Document Type:** Cable  
**Classification:** Secret  
**From/To:** HQ/Field  
**Subject:** Approval to destroy tapes  
**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 cable discussing a proposal and granting permission to destroy the videotapes. The document contains information relating to classified intelligence operations and methods, as well as the identities of personnel engaged in counter-terrorism activities. The document is withheld in part on the bases of FOIA exemptions b(1), b(3), b(6), and b(7)(A). The Agency was prepared to release this document in part, but Special Prosecutor Durham has claimed FOIA Exemption b(7) over the information the Agency proposed to release, which has resulted in the document being denied in full.

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 individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Exemption b(7) - This document contains information compiled for law enforcement purposes the disclosure of which could reasonably be expected to interfere with enforcement proceedings, and thus is protected from disclosure by Exemption b(7)(A).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456  
**Document Number:** 155  
**Date of Document:** 02/04/2003  
**Document Type:** MFR  
**Classification:** Top Secret  
**From/To:** HQ/Record  
**Subject:** SSCI Member Briefing  
**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 draft MFR recounting a briefing of SSCI members and staff regarding the CIA's RDI program. The document contains information relating to classified intelligence sources, operations, and methods, as well as the identities of personnel engaged in counterterrorism activities. The document also contains predecisional information transmitted to presidential advisors and used as part of the President's and the CIA's decision-making process. The document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

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

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

Exemption b(5) - This document contains information relating to intra-agency predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government personnel, including presidential advisors, 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 individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456  
**Document Number:** 156  
**Date of Document:** 02/04/2003  
**Document Type:** MFR  
**Classification:** Top Secret  
**From/To:** HQ/Record  
**Subject:** SSCI Member Briefing  
**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 contains two MFRs discussing a CIA briefing regarding the RDI program. The document contains information transmitted to presidential advisors in furtherance of the President's decision making process. The document also contains information relating to classified intelligence sources, operations, and methods, as well as the identities of personnel engaged in counter-terrorism activities and is withheld in part on the bases of FOIA exemptions b(1), b(3), b(5) and b(6). This document also contains Congressional equities that require coordination with Congress before a final release determination can be reached. Therefore, the document is currently withheld in full.

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, and opinions of United States government officers, including CIA attorneys and presidential advisers, 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 individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456  
**Document Number:** 157  
**Date of Document:** 02/05/2003  
**Document Type:** MFR  
**Classification:** Top Secret  
**From/To:** HQ/Record  
**Subject:** HPSCI Member briefing  
**Document Pages:** 8

## FOIA Exemptions:

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

## Privacy Act Exemptions:

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

## Disposition:

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

## Document Description:

This document is an eight-page MFR including three pages of handwritten notes discussing a briefing regarding the CIA's RDI program. The document contains information relating to classified intelligence sources, operations, and methods, as well as the identities of personnel engaged in counter-terrorism activities. The document is withheld in part on the bases of FOIA exemptions b(1), b(3), and b(6). This document also contains Congressional equities that require coordination with Congress before a final release determination can be reached. Therefore the document is currently withheld in full.

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 individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456  
**Document Number:** 158  
**Date of Document:** 02/05/2003  
**Document Type:** MFR  
**Classification:** Top Secret  
**From/To:** HQ/Record  
**Subject:** HPSCI member briefing  
**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 draft Memorandum for the Record, with three pages of handwritten notes, discussing a briefing regarding the CIA's RDI program. The document contains information relating to classified intelligence sources, operations, and methods, as well as the identities of personnel engaged in counterterrorism activities. The document also contains predecisional information used as part of the CIA's decision-making process. The document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

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

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

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

Exemption b(6) - This document contains information relating to the identities of personnel engaged in 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 individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456  
**Document Number:** 159  
**Date of Document:** UNDATED  
**Document Type:** Memo  
**Classification:** Secret  
**From/To:** HQ/HQ  
**Subject:** Disposition of Videotapes  
**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 proposals for disposing of the videotapes. The document contains information relating to classified intelligence operations and methods, as well as predecisional information created by an attorney in anticipation of litigation and given to the client in connection with provision of legal advice as part of the CIA's deliberative process. 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) – Exemption b(5) – This document contains information relating predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government employees, as well as CIA attorney work product conveyed in connection with the provision of legal advice. The information is therefore protected from disclosure by Exemption b(5).

# ACLU v. DOD Final Production

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

**Document Number:** 160

**Date of Document:** UNDATED

**Document Type:** Memo

**Classification:** Top Secret

**From/To:** HQ/Unknown

**Subject:** Timeline regarding destruction of AZ tapes

**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 timeline discussing the destruction of the videotapes. The document contains information exchanged between CIA officers and presidential advisors regarding possible presidential actions, as well as information relating to classified intelligence operations and methods, as well as the identities of personnel engaged in counter-terrorism operations. The document is withheld in part on the bases of FOIA exemptions b(1), b(3), b(5), b(6), and b(7)(A). The Agency was prepared to release this document in part, but Special Prosecutor Durham has claimed FOIA Exemption b(7) over the information the Agency proposed to release, which has resulted in the document being denied in full.

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 provided to presidential advisers in furtherance of the President's decision making process , 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 individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Exemption b(7) - This document contains information compiled for law enforcement purposes the disclosure of which could reasonably be expected to interfere with enforcement proceedings, and thus is protected from disclosure by Exemption b(7)(A).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456  
**Document Number:** 161  
**Date of Document:** UNDATED  
**Document Type:** Memo  
**Classification:** Top Secret  
**From/To:** HQ/HQ  
**Subject:** Interview Questions  
**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 list of questions regarding the CIA's RDI program. The document contains information relating to classified intelligence operations and methods, as well as the identities of personnel engaged in counterterrorism operations. The document is withheld in part on the bases of FOIA exemptions b(1), b(3), b(6), and b(7)(A). The Agency was prepared to release this document in part, but Special Prosecutor Durham has claimed FOIA Exemption b(7) over the information the Agency proposed to release, which has resulted in the document being denied in full.

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

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

Exemption b(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 individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Exemption b(7) - This document contains information compiled for law enforcement purposes the disclosure of which could reasonably be expected to interfere with enforcement proceedings, and thus is protected from disclosure by Exemption b(7)(A).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456  
**Document Number:** 162  
**Date of Document:** UNDATED  
**Document Type:** Memo  
**Classification:** Top Secret  
**From/To:** HQ/Unknown  
**Subject:** CIA Interrogation Techniques  
**Document Pages:** 13

## FOIA Exemptions:

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

## Privacy Act Exemptions:

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

## Disposition:

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

## Document Description:

This document is a thirteen-page memo with handwritten marginalia discussing the CIA's interrogation of Abu Zubaydah. The document contains information relating to classified intelligence operations and methods, as well as the identities of personnel engaged in counter-terrorism operations, and is withheld in part on the bases of FOIA exemptions b(1), b(3), b(6), and b(7)(A). The Agency was prepared to release this document in part, but Special Prosecutor Durham has claimed FOIA Exemption b(7) over the information the Agency proposed to release, which has resulted in the document being denied in full.

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 individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Exemption b(7) - This document contains information compiled for law enforcement purposes the disclosure of which could reasonably be expected to interfere with enforcement proceedings, and thus is protected from disclosure by Exemption b(7)(A).

# ACLU v. DOD Final Production

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

**Document Number:** 163

**Date of Document:** UNDATED

**Document Type:** Memo

**Classification:** Top Secret

**From/To:** UNK/UNK

**Subject:** Timeline

**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 timeline discussing the destruction of the videotapes. The document contains information relating to classified intelligence operations and methods, as well as the identities of personnel engaged in counter-terrorism operations. The document is also contains information created by a CIA attorney in anticipation of litigation and transmitted to the client in connection with the provision of legal services. The document also contains information provided to presidential advisers in furtherance of the President's decision making process. 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 by an attorney or the attorney’s agent in anticipation of litigation and conveyed between the attorney and client, including presidential advisors, in connection with the provision of legal advice. The information has been kept in confidence by the attorney and client 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 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 individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

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

**Document Number:** 164

**Date of Document:** UNDATED

**Document Type:** Memo

**Classification:** Top Secret

**From/To:** UNK/UNK

**Subject:** Briefings on Tapes

**Document Pages:** 1

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

This document is a one-page chart regarding the proposed destruction of the tapes. The document contains information to classified intelligence methods and the identities of personnel engaged in counterterrorism operations and is withheld in part on the bases of FOIA exemptions b(1), b(3), and b(6). This document also contains Congressional equities that require coordination with Congress before a final release determination can be reached. Therefore, the document is currently withheld in full.

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 individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

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

**Document Number:** 165

**Date of Document:** UNDATED

**Document Type:** Memo

**Classification:** Unclassified

**From/To:** HQ/HQ

**Subject:** Taping of Early Detainee Interrogations

**Document Pages:** 1

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

This document is a one-page draft of a message from DCIA Hayden to CIA personnel discussing the CIA's taping of early detainee interrogations. The document is an unfinished draft of a statement that ultimately appeared on the CIA's website. The document contains predecisional, deliberative information and is withheld in full on the basis of FOIA exemption b(5).

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