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**Re: Request Under Freedom of Information Act  
(Expedited Processing Requested)**

To Whom It May Concern:

The American Civil Liberties Union and the American Civil Liberties Union Foundation (together, the "ACLU")<sup>1</sup> submit this Freedom of

<sup>1</sup> The American Civil Liberties Union is a non-profit, 26 U.S.C. § 501(c)(4) membership organization that educates the public about the civil liberties implications of pending and proposed state and federal legislation, provides analysis of pending and proposed legislation, directly lobbies legislators, and mobilizes its members to lobby their legislators. The American Civil Liberties Union Foundation is a separate 26 U.S.C. § 501(c)(3) organization that provides legal representation free of charge to individuals and organizations



Information Act (“FOIA”) request (the “Request”)<sup>2</sup> for specific records identified or discussed in the Executive Summary of the Senate Select Committee on Intelligence (“SSCI”) *Study of the CIA’s Detention and Interrogation Program* (“SSCI Report”); and for records implicated by the declassification and release of the Executive Summary, the CIA’s June 2013 response to an earlier version of the SSCI Report, and the January 30, 2015 CIA classification guidance with respect to the former Rendition, Detention, and Interrogation (“RDI”) program.

## I. Background

On December 9, 2014, following Executive Branch declassification review, the SSCI released the SSCI Report summary to the public. The summary describes widespread abuses that took place in the RDI program, as well as details concerning the CIA’s evasions and misrepresentations about its activities to Congress, the White House, the courts, the media, and the American public. The SSCI Report immediately became the subject of widespread public controversy, debate, and media attention.

In response to the public release of the SSCI Report summary, the CIA declassified and released its June 2013 response to the SSCI’s Study. CIA Director Brennan also released a public statement on December 9, 2014, acknowledging that the “the detention and interrogation program had shortcomings,” “that the Agency made mistakes,” and that it “did not always live up to the high standards that we set for ourselves and that the American people expect of us.”<sup>3</sup>

In addition to the voluminous and extensive official disclosures of the CIA’s detention and interrogation program contained in the SSCI Report summary and the CIA’s response, the CIA further declassified additional aspects of the RDI Program in response to the SSCI Report. On January 30,

in civil rights and civil liberties cases, educates the public about civil rights and civil liberties issues across the country, directly lobbies legislators, and mobilizes the American Civil Liberties Union’s members to lobby their legislators.

<sup>2</sup> The ACLU submits this request pursuant to FOIA, 5 U.S.C § 552 *et seq.*, the Department of Defense implementing regulations, 32 C.F.R. § 286.1 *et seq.*, the Department of Justice implementing regulations, 28 C.F.R. § 16.1 *et seq.*, the Department of State implementing regulations, 22 C.F.R. § 171.1 *et seq.*, the Central Intelligence Agency implementing regulations, 32 C.F.R. § 1900.01 *et seq.*, and the President’s Memorandum of January 21, 2009, 74 Fed. Reg. 4683 (Jan. 26, 2009) and the Attorney General’s Memorandum of March 19, 2009, 74 Fed. Reg. 49 892 (Sep. 29, 2009).

<sup>3</sup> Statement from Director Brennan on the SSCI Study on the Former Detention and Interrogation Program, Central Intelligence Agency News & Information (Dec. 9, 2014), <https://www.cia.gov/news-information/press-releases-statements/2014-press-releases-statements/statement-from-director-brennan-on-ssci-study-on-detention-interrogation-program.html>.

2015, the CIA provided new classification guidance with respect to the RDI program that specifically declassified:

- The fact that the former RDI Program was a covert action program authorized by the President. The fact that the former RDI Program was authorized by the 17 September 2001 Memorandum of Notification (MON).
- General allegations of torture by [High Value Detainees] unless such allegations reveal the identities (e.g., names, physical descriptions, or other identifying information) of CIA personnel or contractors; the locations of detention sites (including the name of any country in which the detention site was allegedly located); or any foreign intelligence service involvement in the HVDs' capture, rendition, detention, or interrogation.
- The names and descriptions of the thirteen Enhanced Interrogation Techniques (EITs) that were approved for use, and the specified parameters within which the EITs could be applied.
- EITs as applied to the 119 individuals mentioned in Appendix 2 of the SSCI Executive Summary acknowledged to have been in CIA custody.
- Information regarding the conditions of confinement as applied to the 119 individuals mentioned in Appendix 2 of the SSCI Executive Summary acknowledged to have been in CIA custody.
- Information regarding the treatment of the 119 individuals mentioned in Appendix 2 of the SSCI Executive Summary acknowledged to have been in CIA custody, including the application of standard interrogation techniques.
- Information regarding the conditions of confinement or treatment during the transfer ("rendition") of the 119 individuals mentioned in Appendix 2 of the SSCI Executive Summary acknowledged to have been in CIA custody.

AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION

Government's Mot. to Amend Protective Order, *U.S. v. Mohammad*, Dkt. No. AE 013RRR (U.S. Mil. Comm. Jan. 30, 2015).<sup>4</sup>

The ACLU seeks certain documents that are identified in the SSCI Report or implicated by its public release. These records are of clear and enormous public importance. For much of the last decade, the CIA's RDI program has been a matter of intense public interest. The American public's interest in the torture and abusive treatment of CIA detainees has only increased in the wake of the release of the SSCI Report summary.<sup>5</sup> A fair

<sup>4</sup> [http://www.mc.mil/Portals/0/pdfs/KSM2/KSM%20II%20\(AE013RRR\(Gov\)\).pdf](http://www.mc.mil/Portals/0/pdfs/KSM2/KSM%20II%20(AE013RRR(Gov)).pdf)

<sup>5</sup> See, e.g., Carol Rosenberg, *Human Rights Groups Ask Attorney General to Order New CIA Torture Probe*, Miami Herald, June 23, 2015, <http://www.miamiherald.com/news/nation-world/world/americas/guantanamo/article25313905.html>; Alex Rogers, *Another 2016 GOP Fault Line: Torture*, National Journal, June 16, 2015, <http://www.nationaljournal.com/2016->

public debate about the CIA's RDI program must be informed by the government's own records relating to the program.

Release of these documents is critical to ensure meaningful public access to and debate about the government interrogation and detention practices after 9/11. These records will contribute to the American public's understanding of governmental policy and current and future public discussion about the legality and wisdom of the CIA's practices, as well as the resulting harm to individuals' human rights, our nation's values, and our national security.

## **II. Requested Records**

The ACLU seeks the release of the records listed in the attached table. For identification purposes, the list contains the date of the document's creation, its title, the page (if any) on which it is mentioned in the SSCI Report, a link to a public version of the document if it has previously been released in redacted form, and additional identifying information (for example, text that appears in the document). The ACLU is not seeking production of any documents that have been previously released in full, unredacted form.

With respect to the form of production, *see* 5 U.S.C. § 552(a)(3)(B), the ACLU requests that responsive electronic records be provided electronically in their native file format, if possible. Alternatively, the ACLU requests that the records be provided electronically in a text-searchable, static-image format (PDF), in the best image quality in the agency's possession, and that the records be provided in separate, Bates-stamped files.

## **III. Application for Expedited Processing**

The ACLU requests expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E) and 32 C.F.R. § 1900.34(c); 28 C.F.R. § 16.5(e); 32 C.F.R. § 286.4(d)(3); 22 C.F.R. § 171.12(b). There is a "compelling need" for these records, as defined in the statute and regulations, because the information requested is urgently needed by an organization primarily engaged in disseminating information in order to inform the public about actual or alleged

elections/another-2016-gop-fault-line-torture-20150616; David Welna, *'Torture Report' Reshapes Conversation in Guantanamo Courtroom*, NPR (Feb. 25, 2015), <http://n.pr/1DkmzCz>; Associated Press, *CIA Torture Report by Senate Revives Legal Debate on Harsh Interrogation Methods*, Times-Picayune, Dec. 14, 2014, <http://s.nola.com/Ioq87pe>; Michael Muskal, *Q&A: Senate Torture Report Opens Political Wounds*, L.A. Times, Dec. 11, 2014, <http://fw.to/elphFhD>; Evan Perez, *Senate Torture Report Restarts Debate on Bush Terrorism Policies*, CNN, Dec. 9, 2014, <http://www.cnn.com/2014/12/05/politics/senate-torture-report-restarts-debate-on-bush-terrorism-policies/index.html>; Paul Shinkman, *Troubling Details of CIA Torture Report Prompt Intense Debate*, U.S. News, Dec. 9, 2014, <http://t.usnews.com/Z4pg2k>.

government activity. 5 U.S.C. § 552(a)(6)(E)(v); *see also* 32 C.F.R. § 1900.34(c)(2); 28 C.F.R. § 16.5(e)(1)(ii); 32 C.F.R. § 286.4(d)(3)(ii); 22 C.F.R. § 171.12(b)(2). In addition, the records sought relate to a “breaking news story of general public interest.” 22 C.F.R. § 171.12(b)(2)(i); *see also* 32 C.F.R. § 1900.34(c)(2) (providing for expedited processing when “the information is relevant to a subject of public urgency concerning an actual or alleged Federal government activity”); 32 C.F.R. § 286.4(d)(3)(ii)(A).

A. *The ACLU is an organization primarily engaged in disseminating information in order to inform the public about actual or alleged government activity.*

The ACLU is “primarily engaged in disseminating information” within the meaning of the statute and regulations. *See id.* Obtaining information about government activity, analyzing that information, and widely publishing and disseminating that information to the press and public are critical and substantial components of the ACLU’s work and are among its primary activities. *See ACLU v. Dep’t of Justice*, 321 F. Supp. 2d 24, 29 n.5 (D.D.C. 2004) (finding non-profit public interest group that “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience” to be “primarily engaged in disseminating information” (internal citation and quotation marks omitted)).<sup>6</sup>

The ACLU regularly publishes a newsletter that reports on and analyzes civil liberties-related current events. The newsletter is disseminated to approximately 450,000 people. The ACLU also publishes a bi-weekly electronic newsletter, which is distributed to subscribers (both ACLU members and non-members) by e-mail. The electronic newsletter is disseminated to approximately 300,000 people. Both of these newsletters often include descriptions and analysis of information obtained through FOIA requests.

The ACLU also regularly issues press releases to call attention to documents obtained through FOIA requests, as well as other breaking news,<sup>7</sup>

<sup>6</sup> Courts have found that other organizations with missions similar to the ACLU and that engage in information dissemination activities similar to the ACLU are “primarily engaged in disseminating information.” *See, e.g., Leadership Conference on Civil Rights v. Gonzales*, 404 F. Supp. 2d 246, 260 (D.D.C. 2005) (Leadership Conference on Civil Rights); *ACLU v. Dep’t of Justice*, 321 F. Supp. 2d at 29 n.5; *Elec. Privacy Info. Ctr. v. Dep’t of Defense*, 241 F. Supp. 2d 5, 11 (D.D.C. 2003).

<sup>7</sup> *See, e.g.,* Press Release, American Civil Liberties Union, U.S. Releases Targeted Killing Memo in Response to Long-Running ACLU Lawsuit (June 23, 2014), <https://www.aclu.org/national-security/us-releases-targeted-killing-memo-response-long-running-aclu-lawsuit>; Press Release, American Civil Liberties Union, Justice Department White Paper Details Rationale for Targeted Killing of Americans (Feb. 4, 2013), <https://www.aclu.org/national-security/justice-department-white-paper-details-rationale->

and ACLU attorneys are interviewed frequently for news stories about documents released through ACLU FOIA requests.<sup>8</sup>

Similarly, the ACLU publishes reports about government conduct and civil liberties issues based on its analysis of information derived from various sources, including information obtained from the government through FOIA requests. This material is broadly circulated to the public and widely available to everyone for no cost or, sometimes, for a small fee. Since 2011 alone, ACLU national projects have published and disseminated dozens of reports, many of which include a description and analysis of government documents obtained through FOIA requests.<sup>9</sup> The ACLU also regularly publishes books,

targeted-killing-americans; Press Release, American Civil Liberties Union, Documents Show FBI Monitored Bay Area Occupy Movement (Sept. 14, 2012); Press Release, American Civil Liberties Union, FOIA Documents Show FBI Using “Mosque Outreach” for Intelligence Gathering (Mar. 27, 2012), <http://www.aclu.org/national-security/foia-documents-show-fbi-using-mosque-outreach-intelligence-gathering>; Press Release, American Civil Liberties Union, FOIA Documents Show FBI Illegally Collecting Intelligence Under Guise of “Community Outreach” (Dec. 1, 2011), <https://www.aclu.org/news/foia-documents-show-fbi-illegally-collecting-intelligence-under-guise-community-outreach>; Press Release, American Civil Liberties Union, FOIA Documents from FBI Show Unconstitutional Racial Profiling (Oct. 20, 2011), <http://www.aclu.org/national-security/foia-documents-fbi-show-unconstitutional-racial-profiling>; Press Release, American Civil Liberties Union, Documents Obtained by ACLU Show Sexual Abuse of Immigration Detainees is Widespread National Problem (Oct. 19, 2011), <http://www.aclu.org/immigrants-rights-prisoners-rights-prisoners-rights/documents-obtained-aclu-show-sexual-abuse>; Press Release, American Civil Liberties Union, ACLU Lawsuit Seeks Information from FBI on Nationwide System for Collecting “Suspicious Activity” Information (Aug. 25, 2011), <https://www.aclu.org/national-security/aclu-lawsuit-seeks-information-fbi-nationwide-system-collecting-suspicious>; Press Release, American Civil Liberties Union, New Evidence of Abuse at Bagram Underscores Need for Full Disclosure About Prison, Says ACLU (June 24, 2009), <http://www.aclu.org/national-security/new-evidence-abuse-bagram-underscores-need-full-disclosure-about-prison-says-aclu>

AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION

<sup>8</sup> See, e.g., Brad Knickerbocker, *ACLU: FBI Guilty of “Industrial Scale” Racial Profiling*, The Christian Science Monitor, Oct. 21, 2011, <http://bit.ly/1MwkjPx>; Joshua E.S. Phillips, *Inside the Detainee Abuse Task Force*, The Nation, May 13, 2011, <http://bit.ly/skUHDI> (quoting ACLU staff attorney Alexander Abdo); Scott Shane & Benjamin Weiser, *Dossier Shows Push for More Attacks After 9/11*, N.Y. Times, Apr. 25, 2011, <http://nyti.ms/ty47ZA> (quoting ACLU project director Hina Shamsi); Eric Lichtblau, *Court Revives Lawsuit Over Government Surveillance*, N.Y. Times, Mar. 21, 2011, <http://nyti.ms/tgFpkd> (quoting ACLU deputy legal director Jameel Jaffer).

<sup>9</sup> See, e.g., ACLU, *ACLU Eye on the FBI: Documents Reveal Lack of Privacy Safeguards and Guidance in Government’s “Suspicious Activity Report” Systems* (Oct. 29, 2013), available at <https://www.aclu.org/aclu-eye-fbi-documents-reveal-lack-privacy-safeguards-and-guidance-governments-suspicious-activity-0>; ACLU, *Unleashed and Unaccountable: The FBI’s Unchecked Abuse of Authority* (Sept. 2013), available at <https://www.aclu.org/unleashed-and-unaccountable-fbis-unchecked-abuse-authority>; Yale Law School and ACLU, *Victims of Complacency: The Ongoing Trafficking and Abuse of Third Country Nationals by U.S. Government Contractors* (June 2012), available at [https://www.aclu.org/sites/default/files/field\\_document/hrp\\_traffickingreport\\_web\\_0.pdf](https://www.aclu.org/sites/default/files/field_document/hrp_traffickingreport_web_0.pdf); Human Rights Watch and ACLU, *Deportation by Default: Mental Disability, Unfair Hearings, and Indefinite Detention in the US Immigration System* (July 2010), available at

“know your rights” materials, fact sheets, and educational brochures and pamphlets designed to educate the public about civil liberties issues and government policies that implicate civil rights and liberties.

The ACLU publishes a widely-read blog where original editorial content reporting on and analyzing civil rights and civil liberties news is posted daily. *See* <http://www.aclu.org/blog>. The ACLU creates and disseminates original editorial and educational content on civil rights and civil liberties news through multi-media projects, including videos, podcasts, and interactive features. *See* <http://www.aclu.org/multimedia/>. The ACLU also publishes, analyzes, and disseminates information through its heavily visited website, [www.aclu.org](http://www.aclu.org). The website addresses civil rights and civil liberties issues in depth, provides features on civil rights and civil liberties issues in the news, and contains many thousands of documents relating to the issues on which the ACLU is focused. The ACLU’s website also serves as a clearinghouse for news about ACLU cases, as well as analysis about case developments, and an archive of case-related documents. Through these pages, and with respect to each specific civil liberties issue, the ACLU provides the public with educational material, recent news, analyses of relevant Congressional or executive branch action, government documents obtained through FOIA, and further in-depth analytic and educational multi-media features.

AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION

In the national security arena alone, the ACLU website includes many features on information obtained through the FOIA.<sup>10</sup> For example, the ACLU’s “Predator Drones FOIA” webpage, <https://www.aclu.org/national->

[https://www.aclu.org/files/assets/usdeportation0710\\_\\_0.pdf](https://www.aclu.org/files/assets/usdeportation0710__0.pdf); ACLU, Reclaiming Patriotism: A Call to Reconsider the Patriot Act (March 2009), *available at* [https://www.aclu.org/files/pdfs/safefree/patriot\\_report\\_20090310.pdf](https://www.aclu.org/files/pdfs/safefree/patriot_report_20090310.pdf); ACLU, The Excluded: Ideological Exclusion and the War on Ideas (Oct. 2007), *available at* [https://www.aclu.org/sites/default/files/field\\_document/the\\_excluded\\_report.pdf](https://www.aclu.org/sites/default/files/field_document/the_excluded_report.pdf); ACLU, History Repeated: The Dangers of Domestic Spying by Federal Law Enforcement (May 2007), *available at* [https://www.aclu.org/sites/default/files/field\\_document/asset\\_upload\\_file893\\_29902.pdf](https://www.aclu.org/sites/default/files/field_document/asset_upload_file893_29902.pdf); ACLU, No Real Threat: The Pentagon’s Secret Database on Peaceful Protest (Jan. 2007), *available at* <https://www.aclu.org/report/no-real-threat-pentagons-secret-database-peaceful-protest>; ACLU, Unpatriotic Acts: The FBI’s Power to Rifle Through Your Records and Personal Belongings Without Telling You (July 2003), *available at* [http://www.aclu.org/FilesPDFs/spies\\_report.pdf](http://www.aclu.org/FilesPDFs/spies_report.pdf).

<sup>10</sup> *See, e.g.*, <http://www.aclu.org/national-security/predator-drone-foia>; <http://www.aclu.org/national-security/anwar-al-awlaki-foia-request>; <https://www.aclu.org/cases/aclu-v-department-defense>; <https://www.aclu.org/feature/mapping-fbi>; <https://www.aclu.org/cases/bagram-foia>; <https://www.aclu.org/national-security/csrt-foia>; <https://www.aclu.org/issues/national-security/privacy-and-surveillance/nsa-surveillance>; <https://www.aclu.org/patriot-foia>; <http://www.aclu.org/spyfiles>; <https://www.aclu.org/national-security-letters>; <https://www.aclu.org/national-security/ideological-exclusion>.

security/predator-drones-foia, contains commentary about the ACLU's FOIA request, press releases, analysis of the FOIA documents, numerous blog posts on the issue, documents related to litigation over the FOIA request, frequently asked questions about targeted killing, and links to the documents themselves. Similarly, the ACLU maintains an online "Torture Database," a compilation of over 100,000 pages of FOIA documents that allows researchers and the public to conduct sophisticated searches of FOIA documents relating to government policies on rendition, detention, and interrogation.<sup>11</sup>

The ACLU has also published a number of charts and explanatory materials that collect, summarize, and analyze information it has obtained through FOIA. For example, through compilation and analysis of information gathered from various sources—including information obtained from the government through FOIA—the ACLU created an original chart that provides the public and news media with a comprehensive summary of index of Bush-era Office of Legal Counsel memos relating to interrogation, detention, rendition and surveillance.<sup>12</sup> Similarly, the ACLU produced a summary of documents released in response to a FOIA request related to the FISA Amendments Act,<sup>13</sup> and a chart of original statistics about the Defense Department's use of National Security Letters based on its own analysis of records obtained through FOIA.<sup>14</sup>

The ACLU plans to analyze, publish, and disseminate to the public the information gathered through this Request. The records requested are not sought for commercial use and the requesters plan to disseminate the information disclosed as a result of this Request to the public at no cost.

*B. The records sought are urgently needed to inform the public about actual or alleged government activity.*

These records are urgently needed to inform the public about actual or alleged government activity; moreover, the records sought relate to a breaking news story of general public interest. See 32 C.F.R. § 1900.34(c)(2); 28 C.F.R. § 16.5(e)(1)(ii); 32 C.F.R. § 286.4(d)(3)(ii)(A); 22 C.F.R. § 171.12(b)(2).

There is enormous current public interest and debate about the CIA's rendition, detention and interrogation program and its authorization of abusive techniques between 2002 and 2009. Notably, the CIA has claimed that the SSCI Report does not accurately characterize aspects of the RDI program; release of the records the ACLU requests will aid the American public in

<sup>11</sup> <http://www.torturedatabase.org>. See also <https://www.aclu.org/national-security/aclu-v-department-defense>.

<sup>12</sup> [https://www.aclu.org/sites/default/files/pdfs/safefree/olcmemos\\_2009\\_0305.pdf](https://www.aclu.org/sites/default/files/pdfs/safefree/olcmemos_2009_0305.pdf)

<sup>13</sup> <https://www.aclu.org/files/pdfs/natsec/faafoia20101129/20101129Summary.pdf>

<sup>14</sup> [https://www.aclu.org/sites/default/files/field\\_document/nsl\\_stats.pdf](https://www.aclu.org/sites/default/files/field_document/nsl_stats.pdf).

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drawing its own conclusions about the legitimacy and legality of the Program. This public interest and ongoing debate is reflected in extensive media coverage of the CIA's RDI program. *See e.g.*, Melissa Locker, *John Oliver Conscripts Helen Mirren to Read the Senate's Report on Torture*, Time, June 15, 2015, <http://ti.me/1BcNz9W>; David Rohde, *Exclusive: Detainee Alleges CIA Sexual Abuse, Torture Beyond Senate Findings*, Reuters, June 2, 2015, <http://reut.rs/1I9bvux>; *Secrets, Politics and Torture* (PBS Frontline documentary May 19, 2015); James Risen, *American Psychological Association Bolstered C.I.A. Torture Program, Report Says*, N.Y. Times, April 30, 2015, <http://nyti.ms/1P9mntA>; Mark Mazzetti, *C.I.A. Report Found Value of Brutal Interrogation Was Inflated*, N.Y. Times, Jan. 20, 2015, <http://nyti.ms/1E0eq8K>; Associated Press, *CIA Torture Report by Senate Revives Legal Debate on Harsh Interrogation Methods*, Times-Picayune, Dec. 14, 2014, <http://s.nola.com/1oq87pe>; Scott Shane, *Backing C.I.A., Cheney Revisits Torture Debate From Bush Era*, N.Y. Times, Dec. 14, 2014, <http://nyti.ms/1zRB6VE>; Ashley Killough, *Former CIA Chief Michael Hayden Slams Feinstein, Torture Report Response*, CNN, Dec. 12, 2014, <http://www.cnn.com/2014/12/10/politics/hayden-torture-report-response/index.html>; Michael Muskal, *Q&A: Senate Torture Report Opens Political Wounds*, L.A. Times, Dec. 11, 2014, <http://fw.to/elphFhD>; Taylor Wofford, *CIA Director Brennan Defends CIA After Torture Report*, Newsweek, Dec. 11, 2014, <http://www.newsweek.com/cia-director-brennan-defends-cia-after-torture-report-291218>; George Tenet, Porter Goss, Michael Hayden, John McLaughlin, Albert Calland, and Stephen Kappes, *Ex-CIA Directors: Interrogations Saved Lives*, Wall St. J., Dec. 10, 2014, <http://on.wsj.com/12nyOjQ>; Evan Perez, *Senate Torture Report Restarts Debate on Bush Terrorism Policies*, CNN, Dec. 9, 2014, <http://www.cnn.com/2014/12/05/politics/senate-torture-report-restarts-debate-on-bush-terrorism-policies/index.html>; Paul Shinkman, *Troubling Details of CIA Torture Report Prompt Intense Debate*, U.S. News, Dec. 9, 2014, <http://t.usnews.com/Z4pg2k>; Peter Baker, *Bush Team Approved C.I.A. Tactics, but Was Kept in Dark on Details, Report Says*, N.Y. Times, Dec. 9, 2014, <http://nyti.ms/1ugh803>; Mark Mazzetti, *Panel Faults C.I.A. Over Brutality and Deceit in Terrorism Interrogations*, N.Y. Times, Dec. 9, 2014, <http://nyti.ms/1zot2v4>; Rebecca Kaplan, *Senate Report: CIA Mised Lawmakers, Public on Enhanced Interrogation*, CBS News, Dec. 9, 2014, <http://www.cbsnews.com/news/senate-report-cia-mised-lawmakers-public-on-enhanced-interrogation>.

The media interest in the CIA's RDI program makes clear that there is an urgent need to inform the public and allow it to meaningfully participate in the ongoing debate about this federal government activity. This debate is particularly urgent as the American public's representatives debate the McCain-Feinstein Amendment to the National Defense Authorization Act,

which would “reaffirm the prohibition on torture.”<sup>15</sup> The records sought relate to a “matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity that affect public confidence.” 28 C.F.R. § 16.5(e)(1)(iv). Given the foregoing, expedited processing should be granted for this request.

#### **IV. Application for Waiver or Limitation of Fees**

We request a waiver of document search, review, and duplication fees on the grounds that disclosure of the requested records is in the public interest and because disclosure is “likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” *See* 5 U.S.C. § 552(a)(4)(A)(iii).<sup>16</sup>

As discussed above, news accounts underscore the substantial public interest in the records we seek. Given the ongoing and widespread media attention to this issue, the records sought in the instant Request will significantly contribute to public understanding of an issue to which the government is devoting increasing attention. Little information about the government’s CVE programs is publicly available, so the records sought are certain to contribute significantly to the public’s understanding of, *inter alia*, the policies that government agencies have adopted regarding CVE efforts, the specific measures that government agencies are taking to counter what they perceive as violent extremism, and the extent to which such programs are infringing on the civil rights and/or liberties of Americans.

Such disclosure is not in the ACLU’s commercial interest. As described above, any information disclosed by the ACLU as a result of this FOIA Request will be available to the public at no cost. Thus, a fee waiver would fulfill Congress’s legislative intent in amending FOIA. *See Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (“Congress amended FOIA to ensure that it be ‘liberally construed in favor of waivers for noncommercial requesters.’”) (citation omitted).

We also request a waiver of search fees on the grounds that the ACLU qualifies as a “representative[] of the news media” and the records are not sought for commercial use. *See* 6 C.F.R. § 5.11(d)(1). The ACLU meets the

<sup>15</sup> Emmarie Huettman, *Senate Votes to Turn Presidential Ban on Torture Into Law*, N.Y. Times, June 16, 2015, <http://nyti.ms/1GXRqKl>; Paul Lewis, *Senate Passes Torture Ban Despite Republican Opposition*, The Guardian, June 16, 2015, <http://gu.com/p/49pcq/stw>; Ted Barrett, *Senate Overwhelmingly Bans Torture Across U.S. Government*, CNN, June 16, 2015, <http://cnn.it/1Slq7M9>; Conor Friedersdorf, *Today’s Senate Vote on Torture Is a Moral Test*, The Atlantic, June 16, 2015, <http://www.theatlantic.com/politics/archive/2015/06/senate-vote-torture-moral-test/395954/>.

<sup>16</sup> *See also* 6 C.F.R. § 5.11(d); 28 C.F.R. § 16.11(d); 22 C.F.R. § 171.17; 32 C.F.R. § 1700.6(b); 45 C.F.R. § 5.45; 34 C.F.R. § 5.33.

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statutory and regulatory definitions of a “representative of the news media” because it is an “entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience.” 5 U.S.C. § 552(a)(4)(A)(ii); *see also Nat’l Sec. Archive v. Dep’t of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989) (finding that an organization that gathers information, exercises editorial discretion in selecting and organizing documents, “devises indices and finding aids,” and “distributes the resulting work to the public” is a “representative of the news media” for purposes of the FOIA); *Service Women’s Action Network v. Dep’t of Def.*, 888 F. Supp. 2d 282 (D. Conn. 2012) (requesters, including ACLU, were representatives of the news media and thus qualified for fee waivers for FOIA requests to the Department of Defense and Department of Veterans Affairs); *ACLU of Wash. v. U.S. Dep’t of Justice*, No. C09–0642RSL, 2011 WL 887731, at \*10 (W.D. Wash. Mar. 10, 2011) (finding that the ACLU of Washington is an entity that “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience”); *ACLU v. Dep’t of Justice*, 321 F. Supp. 2d at 30 n.5 (finding non-profit public interest group to be “primarily engaged in disseminating information”). The ACLU is therefore a “representative of the news media” for the same reasons it is “primarily engaged in the dissemination of information.”

Furthermore, courts have found other organizations whose mission, function, publishing, and public education activities are similar in kind to the ACLU’s to be “representatives of the news media” as well. *See, e.g., Elec. Privacy Info. Ctr. v. Dep’t of Defense*, 241 F. Supp. 2d 5, 10-15 (D.D.C. 2003) (finding non-profit public interest group that disseminated an electronic newsletter and published books was a “representative of the news media” for purposes of the FOIA); *Nat’l Sec. Archive*, 880 F.2d at 1387; *Judicial Watch, Inc. v. Dep’t of Justice*, 133 F. Supp. 2d 52, 53-54 (D.D.C. 2000) (finding Judicial Watch, self-described as a “public interest law firm,” a news media requester).<sup>17</sup>

On account of these factors, fees associated with responding to FOIA requests are regularly waived for the ACLU as a “representative of the news media.”<sup>18</sup> As was true in those instances, the ACLU meets the requirements for a fee waiver here.

<sup>17</sup> Courts have found these organizations to be “representatives of the news media” even though they engage in litigation and lobbying activities beyond their dissemination of information/public education activities. *See, e.g., Elec. Privacy Info. Ctr.*, 241 F. Supp. 2d 5; *Nat’l Sec. Archive*, 880 F.2d at 1387; *see also Leadership Conference on Civil Rights*, 404 F. Supp. 2d at 260; *Judicial Watch, Inc.*, 133 F. Supp. 2d at 53-54.

<sup>18</sup> In April 2013, the National Security Division of the Department of Justice (“DOJ”) granted a fee waiver request with respect to a request for documents relating to the FISA Amendments Act. Also in April 2013, the DOJ granted a fee waiver request regarding a

\* \* \*

Pursuant to applicable statutes and regulations, the ACLU expects a determination regarding expedited processing within 10 days. See 5 U.S.C. § 552(a)(6)(E)(ii)(I); 32 C.F.R. § 1900.21(d); 28 C.F.R. § 16.5(e)(4); 32 C.F.R. § 286.4(d)(3); 22 C.F.R. § 171.12(b).

If the Request is denied in whole or in part, the ACLU asks that you justify all deletions by reference to specific exemptions to FOIA. The ACLU expects the release of all segregable portions of otherwise exempt material. The ACLU reserves the right to appeal a decision to withhold any information or deny a waiver of fees.

Thank you for your prompt attention to this matter. Please furnish the applicable records to:

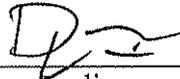
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FOIA request for documents related to national security letters issued under the Electronic Communications Privacy Act. In August 2013, the FBI granted the fee waiver request related to the same FOIA request issued to the DOJ. In June 2011, the DOJ National Security Division granted a fee waiver to the ACLU with respect to a request for documents relating to the interpretation and implementation of a section of the PATRIOT Act. In October 2010, the Department of the Navy granted a fee waiver to the ACLU with respect to a request for documents regarding the deaths of detainees in U.S. custody. In January 2009, the CIA granted a fee waiver with respect to the same request. In March 2009, the State Department granted a fee waiver to the ACLU with regard to a FOIA request for documents relating to the detention, interrogation, treatment, or prosecution of suspected terrorists. Likewise, in December 2008, the Department of Justice granted the ACLU a fee waiver with respect to the same request. In November 2006, the Department of Health and Human Services granted a fee waiver to the ACLU with regard to a FOIA request submitted in November of 2006. In May 2005, the U.S. Department of Commerce granted a fee waiver to the ACLU with respect to its request for information regarding the radio-frequency identification chips in United States passports. In March 2005, the Department of State granted a fee waiver to the ACLU on a request regarding the use of immigration laws to exclude prominent non-citizen scholars and intellectuals from the country because of their political views, statements, or associations. In addition, the Department of Defense did not charge the ACLU fees associated with FOIA requests submitted by the ACLU in April 2007, June 2006, February 2006, and October 2003. The DOJ did not charge the ACLU fees associated with FOIA requests submitted by the ACLU in November 2007, December 2005, and December 2004. Finally, three separate agencies—the Federal Bureau of Investigation, the Office of Intelligence Policy and Review, and the DOJ Office of Information and Privacy—did not charge the ACLU fees associated with a FOIA request submitted by the ACLU in August 2002.

I affirm that the information provided supporting the request for expedited processing is true and correct to the best of my knowledge and belief. *See* 5 U.S.C. § 552(a)(6)(E)(vi).

Respectfully,



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Dror Ladin  
American Civil Liberties Union Foundation

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	Date of document	Document	Page of SSCI Study or other source	Additional information to identify document
1	9/17/01	Memorandum of Notification	SSCI Study 11 n.7	
2	11/7/01	Draft of Legal Appendix, "Handling Interrogation."	SSCI Study 12 n.14	Includes the following language: "permissible so long as they generally comport with commonly accepted practices deemed lawful by U.S. courts."
3	11/26/01	Draft of Legal Appendix, "Hostile Interrogations: Legal Considerations for CIA Officers."	SSCI Study 19 n.51	Includes the following language: "CIA could argue that the torture was necessary to prevent imminent, significant, physical harm to persons, where there is no other available means to prevent the harm," and that "states may be very unwilling to call the U.S. to task for torture when it resulted in saving thousands of lives."
4	2/1/02, 01:02:12 PM	Email from: [REDACTED]; to [REDACTED]; subject: POW's and Questioning	SSCI Study 20 n.54	Includes the following language: "then the optic becomes how legally defensible is a particular act that probably violates the convention, but ultimately saves lives."
5	7/8/02, 4:15:15 PM	Email from: [REDACTED]; to: [REDACTED]; subject: Description of Physical Pressures	SSCI Study 32 n.136	
6	7/8/02	Email from: [REDACTED]; to [REDACTED]; subject: EYES ONLY - DRAFT	SSCI Study 33 n.140	Includes the following language: "a formal declination of prosecution, in advance, for any employees of the United States, as well as any other personnel acting on behalf of the United States, who may employ methods in the interrogation of Abu Zubaydah that otherwise might subject those individuals to prosecution."
7	7/02	Cable: [REDACTED]10536 (151006Z JUL 02)	SSCI Study 35 n.153	Includes the following language: "regardless which

				[disposition] option we follow however, and especially in light of the planned psychological pressure techniques to be implemented, we need to get reasonable assurances that [Abu Zubaydah] will remain in isolation and incommunicado for the remainder of his life.”
8	7/02	Cable: ALEC [REDACTED] (182321Z JUL 02)	SSCI Study 35 n.155	Includes the following language: “There is a fairly unanimous sentiment within HQS that [Abu Zubaydah] will never be placed in a situation where he has any significant contact with others and/or has the opportunity to be released.”
9	7/02	Cable: [REDACTED]10568 (261101Z JUL 02)	SSCI Study 36 n.159	Includes the following language: “absolutely convincing technique”
10	7/26/02	Email from: [REDACTED]; to: Jose Rodriguez, [REDACTED]; subject: EYES ONLY – Where we stand re: Abu Zubaydah	SSCI Study 37 n.162	
11	8/1/02	Memorandum for John Rizzo from Jay S. Bybee, Standards of Conduct for Interrogation under 18 USC 2340-2340A		
12	8/1/02	OLC Memo: Memorandum for John Rizzo from Jay S. Bybee, Interrogation of al Qaeda Operative (DTS #2009-1810).	SSCI Study 111 and throughout. Previously released with redactions: <a href="https://www.thetorturedatabase.org/files/foia_subsite/pdfs/DOJOLC000780.pdf">https://www.thetorturedatabase.org/files/foia_subsite/pdfs/DOJOLC000780.pdf</a>	
13	8/12/02	Email from: Jose Rodriguez; to: [REDACTED]; subject: [DETENTION SITE GREEN]; with attachment of earlier email from: [REDACTED]; to: [REDACTED].	SSCI Study 43 n.199	Includes the following language: “Strongly urge that any speculative language as to the legality of given activities or, more precisely, judgment calls as to their

				legality vis-à-vis operational guidelines for this activity agreed upon and vetted at the most senior levels of the agency, be refrained from in written traffic (email or cable traffic). Such language is not helpful.”
14	8/15/02, 06:54 AM	Email from: [REDACTED]; to: [REDACTED]; subject: 15 Aug Clinical	SSCI Study 111 n.649	Includes the following language: “We are currently providing absolute minimum wound care (as evidenced by the steady deterioration of the wound)”
15	8/26/02	Cable: [REDACTED]10644 (201235Z AUG 02)	SSCI Study 46 n.217	Includes the following language: “should be used as a template for future interrogation of high value captives”
16	11/02	Memorandum for: [REDACTED], Subject: Legal Analysis of [REDACTED] Personnel Participating in Interrogation at the CIA Detention Facility in [REDACTED] (aka “[DETENTION SITE COBALT]”)	SSCI Study 53 n.263	Includes the following language: “isolation in total darkness; lowering the quality of his food; keeping him at an uncomfortable temperature (cold)”
17	1/9/03	Draft memorandum for Scott Mueller [sic], General Counsel of the Central Intelligence Agency, from John C. Yoo, re: Application of the President's February 7, 2002 Memorandum on the Geneva Convention (III) of 1949 to the Release of an al Qaeda Detainee to the Custody of the CIA.	SSCI Study 115-16 n.686	
18	1/22/03	Email from: [REDACTED], [REDACTED], [REDACTED]; subject: CONCERNS OVER REVISED INTERROGATION PLAN FOR NASHIRI	SSCI Study 71 n.360	Includes the following language: “we have serious reservations with the continued use of enhanced techniques”
19	1/22/03	Email from: [REDACTED]; to	SSCI Study 71	Includes the following

		[REDACTED]; cc: [REDACTED]; subject: Re: date: January 22, 2003	n.359	language: "I intend to get the hell off the train before it happens."
20	1/28/03	Memorandum for Deputy Director of Operations, Subject: Death Investigation – Gul RAHMAN	SSCI Study 56 n.278; SSCI Study 190 n.1122	Includes the following language: "rough takedowns"
21	1/28/03	Guidelines on Interrogations Conducted Pursuant to the Presidential Memorandum of Notification of 17 September 2001, signed by George Tenet	SSCI Study 62 n.306; Previously released with redactions: <a href="https://www.aclu.org/files/torturefoia/released/082409/olcremand/2004olc12.pdf">https://www.aclu.org/files/torturefoia/released/082409/olcremand/2004olc12.pdf</a>	
22	3/7/03	Memorandum for DDCIA from Scott Muller, Subject: Proposed Response to Human Rights Watch Letter	SSCI Study 115 n.685	
23	6/16/03, 4:54:32 PM	Email from: [REDACTED]; to: [REDACTED], [REDACTED]; subject: [REDACTED] RDG Tasking for IC Psychologists DUNBAR and SWIGERT	SSCI Study 66 n.328	Includes the following language: "from detainees with whom they previously interacted as interrogators will always be suspect"
24	6/20/03, 2:19:53 PM	OMS email to management of the Renditions Group, subject includes: "RDG tasking for IC Psychologists"	SSCI Study 66 n.329	Includes the following language: "no professional in the field would credit"
25	6/30/03	Memorandum for the Record from [REDACTED], Subject: White House Meeting on Enhanced Techniques (DTS #2009-2659)	SSCI Study 116 n.690	Memorandum from the CIA's CTC Legal
26	10/29/03	CIA Office of Inspector General, Report of Investigation: Unauthorized Interrogation Techniques at [DETENTION SITE BLUE], (2003-7123-IG)	SSCI Study 70 n.352	
27	1/04	Draft CIA Inspector General, Special Review, Counterterrorism Detention and Interrogation Program (2003-7123-IG).	Responses to the draft are mentioned throughout the SSCI report	
28	Likely early 2004	Memorandum for Inspector General, Attention: Assistant IG for Investigations,	SSCI Study 66 n.331	Includes the following language: "were nowhere more graphic than in the

		[REDACTED], from [REDACTED], M.D., [REDACTED] Medical Services [REDACTED] re Draft Special Review-Counterterrorism Detention and Interrogation Program (2003-7123-IG)		setting in which the same individuals applied an EIT which only they were approved to employ, judged both its effectiveness and detainee resilience, and implicitly proposed continued use of the technique – at a daily compensation reported to be \$1800/day, or four times that of interrogators who could not use the technique.”
29	2/04	Email from: Scott Muller; to: James Pavitt; cc: George Tenet, John McLaughlin; subject: CIA Detainees at GITMO	SSCI Study 141 n.853	
30	2/24/04	Memorandum for: Inspector General; from: James Pavitt, Deputy Director for Operations; subject: re (S) Comments to Draft IG Special Review, "Counterterrorism Detention and Interrogation Program" (2003-7123-IG); date: February 27, 2004; attachment: February 24, 2004, Memorandum re Successes of CIA's Counterterrorism Detention and Interrogation Activities.	SSCI Study 193 n.1138	Includes the following language: "make it clear as well that the EITs (including the waterboard) have been indispensable to our successes."
31	3/2/04	Letter from Scott Muller, CIA, to Jack Goldsmith, OLC, re: legal principles applicable to the CIA interrogation program	Previously released with redactions: <a href="https://www.thetorturedatabase.org/files/foia_subsite/pdfs/DOJOLC001058.pdf">https://www.thetorturedatabase.org/files/foia_subsite/pdfs/DOJOLC001058.pdf</a>	
32	5/7/04	CIA Office of Inspector General Special Review: Counterterrorism Detention and Interrogation Activities	Referenced throughout SSCI report and previously released with redactions: <a href="https://www.thetorturedatabase.org/files/foia_subsite/pdfs/CIA000349.pdf">https://www.thetorturedatabase.org/files/foia_subsite/pdfs/CIA000349.pdf</a>	

33	5/12/04	Memorandum for Deputy Director for Operations from [REDACTED], Chief, Information Operations Center, and Henry Crumpton, Chief, National Resources Division, via Associate Deputy Director for Operations re Operational Review of CIA Detainee Program.	SSCI Study 125 n.738	Includes the following language: "The Directorate of Operations (DO) should not be in the business of running prisons or 'temporary detention facilities.' The DO should focus on its core mission: clandestine intelligence operations."
34	5/27/04	Letter from Assistant Attorney General Goldsmith to General Counsel Muller	SSCI Study 135 n.801	
35	8/11/04	Letter from [REDACTED], Assistant General Counsel, to Dan Levin	SSCI Study 138 n.830	Includes the following language: "providing these preliminary biographies in preparation for a future request for a legal opinion on their subsequent interrogation in CIA control."
36	8/11/04	Letter from [REDACTED], Assistant General Counsel, to Dan Levin, Acting Assistant Attorney General, Office of Legal Counsel	SSCI Study 416 n.2333	
37	8/27/04	Memorandum for the Record from [REDACTED] Re: Meeting with Department of Justice Attorneys on 13 August, 2004, Regarding Specific Interrogation Techniques, Including the Waterboard.	SSCI Study 416 n.2333	
38	9/6/04	Letter to John A. Rizzo, Acting General Counsel, CIA; from Daniel Levin, September 6, 2004 (DTS #2009-1810, Tab 7)	SSCI Study 418 n. 2352; previously released with redactions: <a href="https://www.thetorturedatabase.org/files/foia_subsite/pdfs/DOJOLC001104.pdf">https://www.thetorturedatabase.org/files/foia_subsite/pdfs/DOJOLC001104.pdf</a>	
39	9/20/04	Letter to John A. Rizzo, Acting	SSCI Study 418 n.	

		General Counsel, CIA; from Daniel Levin, September 20, 2004 (DTS #2009-1810, Tab 8)	2352; previously released with redactions: <a href="https://www.thetorturedatabase.org/files/foia_subsite/pdfs/DOJOLC001100.pdf">https://www.thetorturedatabase.org/files/foia_subsite/pdfs/DOJOLC001100.pdf</a>	
40	12/04	CIA Memorandum to "National Security Advisor," from "Director of Central Intelligence," Subject: "Effectiveness of the CIA Counterterrorist Interrogation Techniques."	SSCI Study 127 n.744	Includes the following language: "This memorandum responds to your request for an independent study of the foreign intelligence efficacy of using enhanced interrogation techniques. There is no way to conduct such a study."
41	Various dates, including 5/17/04 and 12/04 12/04	CIA Memo: OMS GUIDELINES ON MEDICAL AND PSYCHOLOGICAL SUPPORT TO DETAINEE RENDITION, INTERROGATION, AND DETENTION	5/17/04 version identified at SSCI Study 415 n.2328; 12/04 version, which was attached to CIA fax sent 1/15/05, previously released with redactions: <a href="https://www.thetorturedatabase.org/files/foia_subsite/pdfs/DOJOLC001145.pdf">https://www.thetorturedatabase.org/files/foia_subsite/pdfs/DOJOLC001145.pdf</a>	
42	3/2/05	Memorandum for Steve Bradbury from [REDACTED], [REDACTED] Legal Group, DCI Counterterrorist Center re: Effectiveness of the CIA Counterterrorist Interrogation Techniques.	SSCI Study 211 n.1216	
43	4/11/05, 10:12 AM	Email from [REDACTED]; to [REDACTED]; subject, 8 April Draft Opinion from DOJ - OMS Concerns	SSCI Study 420 n.2361	Includes the following language: "OMS is not in the business of saying what is acceptable in causing discomfort to other human beings, and will not take on that burden"

44	4/20/05, 5:58:47 PM	Email from: [REDACTED] to [REDACTED], subject: Re: Interrogation Program--Going Public Draft Talking Points--Comments Due to [REDACTED]me by COB TODAY. Thanks.	SSCI Study 405 n.2276	CIA email includes the following language: "Glomar figleaf is getting pretty thin."
45	4/21/05, 07:24 AM	Email from: [REDACTED]to [REDACTED], subject: Re: Interrogation Program--Going Public Draft Talking Points--Comments Due to [REDACTED]me by COB TODAY. Thanks.	SSCI Study, 405 n.2277	CIA email includes the following language: "declaration I just wrote about the secrecy of the interrogation program a work of fiction"
46	4/25/05, 11:41:07 AM	Email from [REDACTED]to [REDACTED], subject: Re: Interrogation Program--Going Public Draft Talking Points--Comments Due to [REDACTED]me by COB TODAY. Thanks."	SSCI Study, 405 n.2278	CTC Legal email includes the following language: "confront the inconsistency"
47	4/27/05	CIA Inspector General, Report of Investigation, Death of a Detainee [REDACTED] (2003-7402-IG)	SSCI Study 63 n.314	
48	5/4/05	Letter from [REDACTED], Associate General Counsel, CIA, to Steve Bradbury, Acting Assistant Attorney General, Office of Legal Counsel	SSCI Study 420 n.2358	Includes the following language: "all pain is subjective, not objective"
49	5/10/05	OLC Memo: Memorandum for John Rizzo from Steve Bradbury, Re: Application of 18 §§ USC 2340-2340A to the Combined Use of Certain Techniques in the Interrogation of a High Value al Qaeda Detainees	Previously released with redactions: <a href="https://www.thetorturedatabase.org/files/foia_subsite/pdfs/DOJOLC000683.pdf">https://www.thetorturedatabase.org/files/foia_subsite/pdfs/DOJOLC000683.pdf</a>	
50	5/26/05	Memorandum for Director, CIA, from John Helgerson, IG, re: Recommendation for Additional Approach to DOJ Concerning Legal Guidance on Interrogation Techniques.	SSCI Study 145 n.876	Includes the following language: "a strong case can be made that the Agency's authorized interrogation techniques are the kinds of actions that Article 16 undertakes to prevent"
51	5/30/05	OLC Memo: Memorandum for	Previously released	

52	9/2/05	John Rizzo from Steve Bradbury Re: Application of United States Obligations Under Article 16 of the Convention Against Torture to Certain Techniques that May Be Used in the Interrogation of High Value al Qaeda Detainees Memorandum from [REDACTED] to Director Porter Goss, CIA re Assessment of EIT's Effectiveness.	with redactions: <a href="https://www.thetorturedatabase.org/files/foia_subsite/pdfs/DOJOLC000864.pdf">https://www.thetorturedatabase.org/files/foia_subsite/pdfs/DOJOLC000864.pdf</a>  SSCI Study 128 n.748	
53	9/23/05	Memorandum from [REDACTED] to the Honorable Porter Goss, Director, Central Intelligence Agency re Response to Request from Director for Assessment of EIT Effectiveness.	SSCI Study 128 n.749	
54	6/06	CIA memorandum from the CIA's Office of General Counsel, "Hamdan v. Rumsfeld"	SSCI Study 159 n.969	Includes the following language: "opinion 'calls into real question' whether CIA could continue its CT interrogation program involving enhanced interrogation techniques"
55	6/7/06	Email from: Grayson SWIGERT; to: [REDACTED], subject: Dr. SWIGERT's 7 June meeting with DCI	SSCI Study 40 n.180	Includes the following language: "image of a detainee, chained to the ceiling, clothed in a diaper, and forced to go to the bathroom on himself."
56	6/14/06	Report of Audit, CIA-controlled Detention Facilities Operated Under the 17 September 2001 Memorandum of Notification, Report No. 2005-0017-AS	SSCI Study 144 n.873	
57	8/31/06	Memorandum for John Rizzo, Acting General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Acting Assistant Attorney General, Office of Legal Counsel, August 31, 2006, Re: Application of the Detainee Treatment Act to Conditions of Confinement at Central	SSCI Study 429 n.2411; previously released with redactions: <a href="https://www.thetorturedatabase.org/files/foia_subsite/pdfs/DOJOLC000997.pdf">https://www.thetorturedatabase.org/files/foia_subsite/pdfs/DOJOLC000997.pdf</a> f	

		Intelligence Agency Detention Facilities (DTS #2009-1810, Tab 13).		
58	9/1/06	Memorandum of Agreement Between the Department of Defense (DOD) and the Central Intelligence Agency (CIA) Concerning the Detention by DOD of Certain Terrorists at a Facility at Guantanamo Bay Naval Station.	SSCI Study 140 n.848	
59	9/2/06	Fax from [REDACTED], DD/CTC, to Steve Bradbury, John Bellinger III, Steve Cambone, forwarding September 1, 2006 Memorandum, "Anticipated Foreign Reactions to the Public Announcement of the US Secret Terrorist Detention Center."	SSCI Study 153 n.924	
60	11/9/06, 12:25 PM	Email from: John A. Rizzo; to: Michael V. Hayden, Stephen. R. Knappes, Michael J. Morell; subject: Fw: 8 November 2006 Meeting with ICRC Reps	SSCI Study 160 n.979	Includes the following language: "what the detainees allege actually does not sound that far removed from the reality"
61	12/6/06	CIA OIG Disposition Memo, "Alleged Use of Unauthorized Interrogation Techniques." 2004-77717-16.	SSCI Study 108 n.626	
62	12/6/06	CIA OIG Disposition Memorandum, "Alleged Use of Unauthorized Interrogation Techniques" OIG Case 2004-7604-IG	SSCI Study 106 n.621	
63	2/9/07	Letter from John B. Bellinger III, Legal Adviser, Department of State, to Steven G. Bradbury, Acting Assistant Attorney General, Office of Legal Counsel, Department of Justice.	SSCI Study 162 n.993	
64	7/16/07	CIA Office of Inspector General, Report of Investigation, The Rendition and Detention of German Citizen Khalid al-Masri (2004-7601-IG)	SSCI Study 129 n.755	
65	7/20/07	OLC Memo: Memorandum for	Previously released	

66	Undated, but updated through 2007	John A. Rizzo, Re: Application of the War Crimes Act, the Detainee Treatment Act, and Common Article 3 of the Geneva Conventions to Certain Techniques that May Be Used by the CIA in the Interrogation of High Value al Qaeda Detainees CIA document entitled, Summary and Reflections of Chief of Medical Services on OMS Participation in the RDI Program.	with redactions: <a href="https://www.thetorturedatabase.org/files/foia_subsite/pdfs/DOJOLC000904.pdf">https://www.thetorturedatabase.org/files/foia_subsite/pdfs/DOJOLC000904.pdf</a> f  SSCI Study 154, n.932	
67	2007	The six Combatant Status Review Tribunal transcripts of the "high value detainees" and three documents submitted to the Tribunals.  The transcripts relate to the following detainees: <ol style="list-style-type: none"> <li>1. Mustafa Al Hawsawi</li> <li>2. Abd al-Rahim Al Nashiri</li> <li>3. Abu Zubaydah</li> <li>4. Ammar Al Baluchi</li> <li>5. Majid Khan</li> <li>6. Khalid Sheikh Muhammad</li> </ol> The three submitted documents are: <ol style="list-style-type: none"> <li>a. A two-page written statement of Khalid Sheikh Muhammad;</li> <li>b. A seven-page written statement of Hambali;</li> <li>c. A one-page written statement of Bashir Bin Lap responding to particular items of evidence.</li> </ol>	Redacted versions of the six Combatant Status Review Tribunal transcripts were released to the ACLU in ACLU v. DOD, Case 1:08-cv-00437 (D.D.C. 2009) and are described here: <a href="https://www.aclu.org/sites/default/files/images/torture/asset_upload_file53_40875.pdf">https://www.aclu.org/sites/default/files/images/torture/asset_upload_file53_40875.pdf</a>	
68	7/29/09	Department of Justice Office of Professional Responsibility Report, Investigation into the Office of Legal Counsel's	Previously released with redactions: <a href="https://www.thetorturedatabase.org/file">https://www.thetorturedatabase.org/file</a>	

		<p>Memoranda Concerning Issues Relating to the Central Intelligence Agency's Use of Enhanced Interrogation Techniques on Suspected Terrorists</p> <p>Memorandum for the Attorney General from David Margolis, Associate Deputy Attorney General, subject: Memorandum of Decision Regarding the Objections to the Findings of Professional Misconduct in the Office of Professional Responsibility's Report of Investigation into the Office of Legal Counsel's Memoranda Concerning Issues Relating to the Central Intelligence Agency's Use of Enhanced Interrogation Techniques on Suspected Terrorists</p>	<p>s/foia_subsite/20090729_opr_final_report_with_20100719_declassifications_0.pdf</p> <p>Previously released with redactions: <a href="https://www.aclu.org/files/pdfs/natsec/opr20100219/20100105_DAG_Margolis_Memo.pdf">https://www.aclu.org/files/pdfs/natsec/opr20100219/20100105_DAG_Margolis_Memo.pdf</a></p>	
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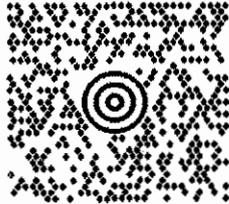
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