

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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AMERICAN CIVIL LIBERTIES UNION and  
THE AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION,

Plaintiffs,

v.

15 Civ. 9317 (AKH)

DEPARTMENT OF DEFENSE,  
DEPARTMENT OF JUSTICE, including its  
components the OFFICE OF LEGAL COUNSEL  
and OFFICE OF INFORMATION POLICY,  
DEPARTMENT OF STATE, and CENTRAL  
INTELLIGENCE AGENCY,

Defendants.

.....X

**DECLARATION OF TARA M. La MORTE**

Tara M. La Morte, pursuant to the provisions of 28 U.S.C. § 1746, declares, under penalty of perjury, as follows:

1. I am an Assistant United States Attorney in the office of Preet Bharara, United States Attorney for the Southern District of New York, attorney for the Defendants in this case. I am an attorney assigned to the defense of this matter.
2. I submit this declaration in support of Defendants’ motion for summary judgment.
3. This lawsuit concerns a Freedom of Information Act (“FOIA”) request by Plaintiffs dated August 14, 2015, which was submitted to the CIA, the Department of Defense (“DOD”), the State Department, and the Department of Justice’s Office of Legal Counsel (“OLC”) and Office of Information Policy (“OIP”). *See* ECF No. 1, ¶¶ 19, 23-28 & Exh. A thereto. The FOIA request purported to seek 69 records or categories of records cited in the publicly released executive summary of the Senate Select Committee on

Intelligence's *Committee Study of the CIA's Detention and Interrogation Program*. *Id.* ¶ 19 & Exh. A thereto.

4. In response to Plaintiffs' FOIA request, Defendants located and processed all of the requested records, and released segregable, non-exempt records to Plaintiffs in a series of productions in June and September of this year.
5. These productions included the following documents, attached hereto as follows:
  - a. Exhibit A: Exhibit A is a report prepared by the CIA Office of the Inspector General. The report is dated May 7, 2004, and entitled "Special Review—Counterterrorism Detention and Interrogation Activities (September 2001-October 2003)." This document is approximately 161 pages, with appendices.
  - b. Exhibit B: Exhibit B is an internal email exchange between CIA employees dated June 16, 2003, with the subject "RDG Tasking for IC Psychologists Jessen and Mitchell."
  - c. Exhibit C: Exhibit C is an internal email exchange between CIA employees dated June 20, 2003, with the subject "RDG Tasking for IC Psychologists Jessen and Mitchell."
  - d. Exhibit D: Exhibit D is a 34-page memorandum dated December 2004 and entitled "OMS Guidelines on Medical and Psychological Support to Detainee Rendition, Interrogation, and Detention."
  - e. Exhibit E: Exhibit E is a Report of Investigation prepared by the CIA Office of the Inspector General, concerning the death of detainee Gul Rahman. The report is dated April 27, 2005, and is approximately 68 pages long.
  - f. Exhibit F: Exhibit F is an internal CIA report prepared for the Agency's Deputy Director for Operations by the Associate Deputy Director. The report concerns the death of detainee Gul Rahman, and is approximately 36 pages long.
  - g. Exhibit G: Exhibit G consists of transcripts of the Combatant Status Review Tribunals conducted for six "high value detainees."
  - h. Exhibit H: Exhibit H is 7-page memorandum dated November 2002, containing legal analysis of the participation of DoD personnel in interrogations at a CIA detention facility.

- i. Exhibit I: Exhibit I consists of six legal advice memoranda prepared by OLC pertaining to interrogation techniques and/or conditions of confinement. These memoranda span the years 2002 through 2007, and range from 18 pages to 79 pages in length.
  - j. Exhibit J: Exhibit J consists of three letters prepared by OLC concerning interrogation techniques and/or conditions of confinement. Each of the letters was prepared in 2004.
  - k. Exhibit K: Exhibit K is an 11-page letter from the State Department Legal Advisor to OLC's Acting Assistant Attorney General dated February 9, 2007. The letter provides comments on a draft OLC legal opinion concerning interrogation techniques.
  - l. Exhibit L: Exhibit L is an approximately 267-page report of the DOJ Office of Professional Responsibility concerning its investigation into OLC's memoranda concerning issues relating to the CIA's use of enhanced interrogation techniques on suspected terrorists. The report is dated July 29, 2009.
  - m. Exhibit M: Exhibit M is a 69-page memorandum of decision from the Associate Deputy Attorney General regarding objections to OPR's findings of professional misconduct in its July 29, 2009, report.
6. Defendants and Plaintiffs have met and conferred on multiple occasions in an effort to narrow the documents and issues in dispute.
  7. In the course of the parties' discussions, Plaintiffs stated that they were not challenging any of the redactions made to the documents listed in paragraph 5 of this Declaration and attached hereto.

8. Plaintiffs have informed Defendants that they continue to challenge the withholdings from 24 documents, 3 of which are withheld in full and 21 of which are withheld in part. Those 24 documents are identified in the index attached to the Declaration of Antoinette Shiner dated October 14, 2016. Plaintiffs have also informed Defendants that they do not intend to challenge the withholding pursuant to FOIA Exemptions 1, 3, and/or 6 of identifying information such as names, titles, and past positions.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
October 14, 2016

/s/ Tara M. La Morte  
TARA M. La MORTE  
Assistant United States Attorney