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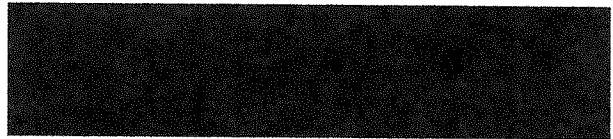
IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

_____)	
AMERICAN CIVIL LIBERTIES)	
UNION and THE AMERICAN CIVIL)	
LIBERTIES FOUNDATION,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 15-cv-9317 (AKH)
)	
DEPARTMENT OF DEFENSE,)	Filed <u>In Camera</u> and <u>Ex Parte</u>
)	
et. al.)	Filed <u>UNDER SEAL</u>
)	
Defendants.)	
_____)	

AMENDED SUPPLEMENTAL CLASSIFIED DECLARATION OF
ANTOINETTE B. SHINER
INFORMATION REVIEW OFFICER
FOR THE LITIGATION INFORMATION REVIEW OFFICE
CENTRAL INTELLIGENCE AGENCY

I, ANTOINETTE B. SHINER, hereby declare and state:

1. (U) I am the Chief of the Litigation Information Review Office of the Central Intelligence Agency ("CIA" or "Agency"). Through the exercise of my official duties, I am familiar with this civil action and the underlying Freedom of Information Act ("FOIA") request. I make the following statements based upon my personal knowledge and information made available to me in my official capacity.



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2. (U) The purpose of this declaration is to provide additional detail about the classified and statutorily protected information contained in "Document 66" in the CIA's initial Vaughn index entitled "Summary and Reflections of Chief of Medical Services on OMS Participation in the RDI Program," to assist the Court in reconsidering its decision to order release of the document in full, with the exception of certain specific categories of information.¹ Two indices are attached as Exhibits A and B, respectively, to aid the Court in reviewing the information that the CIA asserts is currently and properly classified and protected from disclosure by statute.

I. (U) CLASSIFICATION AND CONTROL MARKINGS

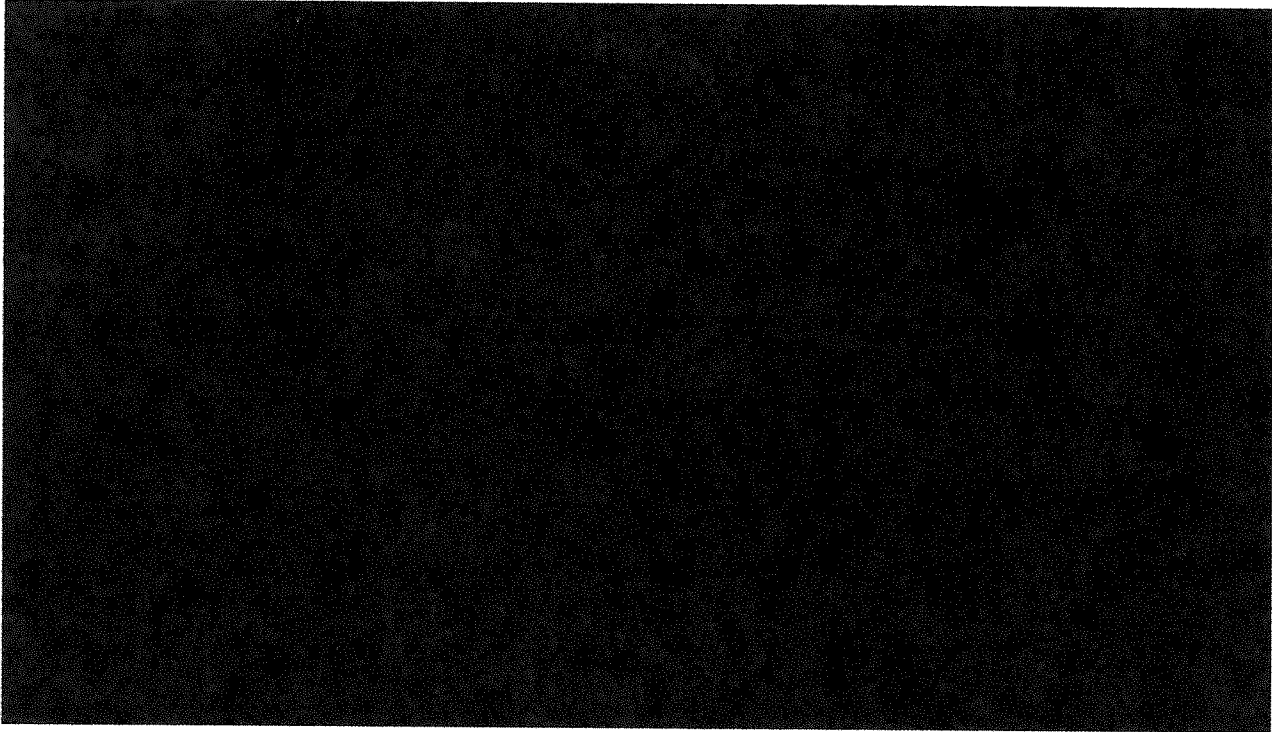
3. (U) The classification level of this declaration as a whole is the same as the highest classification level of information contained in any of its paragraphs. The overall classification of this declaration, without the attached exhibits, is S//NF. Each individual paragraph in the declaration is portion-marked to indicate the classification level of that paragraph: "(U)" for UNCLASSIFIED or "(S)" for SECRET. The dissemination

¹ (U) In the 27 September 2017 Order, the Court denied the Government's application of Exemptions 1 and 3, except "to the extent the document reflects information concerning "foreign liaison services," "locations of covert CIA installations and former detention centers," "classified code words and pseudonyms," or "classification and dissemination control markings." In footnote 4 of the opinion, the Court also noted that during the March 29 in camera hearing, the Court ruled that the names of CIA personnel, locations of facilities, and agency code words could be redacted.

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marking "NOFORN" and "NF" means that information cannot be released to foreign nationals.



5. (U) Because this declaration and exhibits contain classified information, I am submitting them *in camera* and *ex parte* solely for the eyes of the presiding Article III judge reviewing this case. They must be stored in accordance with government-approved security procedures, and in a Sensitive Compartmented Information Facility, or "SCIF," when not in the personal possession of the presiding judge.

II. INFORMATION AT ISSUE

6. (U) The first index, attached as Exhibit A, describes the classified and statutorily protected information in Document 66 that I have interpreted as falling within the categories of

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classified and statutorily protected information that the Court expressly noted in the 27 September 2017 Order could be withheld: foreign liaison services, locations of covert CIA installations and former detention centers, code words and pseudonyms, names of CIA personnel, and classification and control markings.

7. (U) The second index, attached as Exhibit B, describes the additional classified and statutorily protected information contained in Document 66 that does not fall within the specific categories that the Court has exempted from release, and therefore would be disclosed as a result of the 27 September 2017 Order. These additional withholdings include classified and statutorily protected information concerning operations unrelated to the former detention and interrogation program, as well as certain details about the former detention and interrogation program that remain classified and statutorily protected notwithstanding the declassification and release of other information about that program.

8. (U) In each index, I have identified the specific classified and statutorily protected information at issue and described the harm(s) that could reasonably be expected to result if the information were to be publicly released.

9. (U) Also attached, as Exhibit C, is a version of Document 66 that identifies (via shaded text) the particular classified and statutorily protected information in the document that the CIA has withheld pursuant to Exemptions 1 and 3. The shaded text in


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Exhibit C corresponds to the classified and statutorily protected information as described in Exhibits A and B, respectively: (A) the information I have interpreted as falling within the categories of classified and statutorily protected information that the Court noted in its 27 September 2017 Order may be withheld, and (B) the additional classified and statutorily protected information that does not fall within those specific categories. Exhibit C also identifies (via water marks and exemption codes) the privileged information that has been withheld pursuant to Exemption 5.

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

Executed this 5th day of December, 2017.



ANTOINETTE B. SHINER
Information Review Officer
Litigation Information Review Office
Central Intelligence Agency

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