

# ACLU v. CIA, et al. (09-cv-5413)

Document Number: 1

Date of Document: February 7, 2002

Document Type: Memo

Classification: Unclassified

From/To: The White House to Senior Executive Branch Officials

Subject: Summary of Legal Conclusions

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 three-page document consists of a one-page internal CIA routing slip and a two-page memorandum from the President. The memorandum has been released in full and the internal routing slip has been released in part.

Exemption (b)(3): Portions of this document are withheld because they contain information protected from disclosure by Section 6 of the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), including the organization, functions, names, official titles, and similar information of personnel employed by the CIA, which is exempt from disclosure pursuant to Exemption (b)(3).

Case Number: 09-cv-5413

Judge's Initials: AKH

## ACLU v. CIA, et al. (09-cv-5413)

Document Number: 2

Date of Document: June 25, 2005

Document Type: Memo

Classification: Confidential

From/To: Executive Secretary of the NSC to Senior Presidential Advisors and Executive Branch Officials

Subject: Agenda for a Meeting

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 four-page document consists of a one-page CIA internal routing slip, two one-page White House Situation Room cover sheets, and a one-page National Security Council memorandum. The memorandum is dated June 25, 2005 and is addressed to senior Presidential advisors and Executive Branch officials, including the Counsel to the President, an Assistant to the President, and the Executive Secretaries of a number of Departments.

Exemptions (b)(2) and (b)(3): The routing slip and cover sheets are withheld in full pursuant to Exemptions (b)(2) and (b)(3), as they represent documents solely created pursuant to internal administrative practices and contain administrative and organizational information.

Exemption (b)(3): Portions of this document are withheld because they contain information protected from disclosure by Section 6 of the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), including the organization, functions, names, official titles, and similar information of personnel employed by the CIA, which is exempt from disclosure pursuant to Exemption (b)(3).

Exemption (b)(5): This document is withheld in full pursuant to the presidential communications privilege. The document contains information or recommendations authored or solicited and received by the President's senior advisors in connection with a decision, or potential decision, to be made by the

President.

\* Exemption (b)(1) is not asserted at this time. While this document is classified, it is undergoing a declassification review by the National Security Council. The National Security Council reserves the right to assert Exemption (b)(1) if the document remains classified upon conclusion of that review.

There is no meaningful, reasonably segregable portion of the document that can be released.

Case Number: 09-cv-5413  
Judge's Initials: AKH

## ACLU v. CIA, et al. (09-cv-5413)

**Document Number:** 3  
**Date of Document:** June 25, 2005  
**Document Type:** Memo  
**Classification:** Confidential  
**From/To:** Executive Secretary of the NSC to Senior Presidential Advisors and Executive Branch Officials  
**Subject:** Agenda, Discussion Paper, and Summary of a Meeting  
**Document Pages:** 9

**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 nine-page document consists of a one-page CIA internal routing slip, two one-page White House Situation Room cover sheets, a four-page National Security Council memorandum, and a two-page summary from the National Security Council setting forth policy discussions and reflecting prior and ongoing deliberations of the Deputies Committee of the National Security Council. The memorandum is dated June 25, 2005 and is addressed to senior Presidential advisors and Executive Branch officials, including the Counsel to the President, an Assistant to the President, and the Executive Secretaries of a number of Departments.

Exemptions (b)(2) and (b)(3): The routing slip and cover sheets are withheld in full because they contain internal administrative and organizational information that is exempt from disclosure pursuant to Exemptions (b)(2) and (b)(3).

Exemption (b)(3): Portions of this document are withheld because they contain information protected from disclosure by Section 6 of the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), including the organization, functions, names, official titles, and similar information of personnel employed by the CIA, which is exempt from disclosure pursuant to Exemption (b)(3).

Exemption (b)(5): This document is withheld in full pursuant to the presidential communications

privilege. The document reflects information or recommendations authored or solicited and received by the President's senior advisors in connection with a decision, or potential decision, to be made by the President. Additionally, the document concerns policy issues under consideration within the Executive Branch, and includes analyses and/or recommendations by multiple agencies. It therefore reveals internal deliberations of government officials, which are properly withheld under the deliberative process privilege.

\* Exemption (b)(1) is not asserted at this time. While this document is classified, it is undergoing a declassification review by the National Security Council. The National Security Council reserves the right to assert Exemption (b)(1) if the document remains classified upon conclusion of that review.

There is no meaningful, reasonably segregable portion of the document that can be released.

Case Number: 09-cv-5413  
Judge's Initials: AKH

# ACLU v. CIA, et al. (09-cv-5413)

Document Number: 4

Date of Document: May 31, 2005

Document Type: Memo

Classification: Confidential

From/To: Executive Secretary of the NSC to Senior Presidential Advisors and Executive Branch Officials

Subject: Agenda, Draft Presentation, and Summary of a Meeting

Document Pages: 14

## 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 fourteen-page document consists of a one-page CIA internal routing slip, two one-page White House Situation Room cover sheets, a three-page National Security Council memorandum, a seven-page draft proposal, marked as such, and a two-page summary from the National Security Council setting forth policy discussions and reflecting prior and ongoing deliberations of the Deputies Committee of the National Security Council. The memorandum is dated May 31, 2005 and is addressed to senior Presidential advisors and Executive Branch officials, including the Counsel to the President, Assistants to the President, and the Executive Secretaries of a number of Departments.

Exemptions (b)(2) and (b)(3): The routing slip and cover sheets are withheld in full because they contain internal administrative and organizational information that is exempt from disclosure pursuant to Exemptions (b)(2) and (b)(3).

Exemption (b)(3): Portions of this document are withheld because they contain information protected from disclosure by Section 6 of the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), including the organization, functions, names, official titles, and similar information of personnel employed by the CIA, which is exempt from disclosure pursuant to Exemption (b)(3).

Exemption (b)(5): This document is withheld in full pursuant to the presidential communications

privilege. The document reflects information or recommendations authored or solicited and received by the President's senior advisors in connection with a decision, or potential decision, to be made by the President. The draft proposal is subtitled, "PCC Proposal"; every page, excluding the cover page, is marked "DRAFT"; the draft proposal discusses policy issues under consideration within the Executive Branch, and contains analyses and/or recommendations. The memorandum reflects deliberations of government officials, including work on a "proposed change," deliberations on "whether [a Department] supports the change proposed," and preparation of "recommended changes." The documents therefore reveal internal deliberations of government officials, which are properly withheld under the deliberative process privilege.

\* Exemption (b)(1) is not asserted at this time. While portions of this document are classified, it is undergoing a declassification review by the National Security Council. The National Security Council reserves the right to assert Exemption (b)(1) if portions of the document remain classified upon conclusion of that review.

There is no meaningful, reasonably segregable portion of the document that can be released.

Case Number: 09-cv-5413  
Judge's Initials: AKH

# ACLU v. CIA, et al. (09-cv-5413)

Document Number: 5

Date of Document: April 13, 2005

Document Type: Memo

Classification: Confidential

From/To: Executive Secretary of the NSC to Senior Presidential Advisors and Executive Branch Officials

Subject: Summary of a Meeting

Document Pages: 5

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

This five-page document consists of a one-page CIA internal routing slip, a one-page White House Situation Room cover sheet, and a three-page summary from the National Security Council setting forth policy discussions and reflecting prior and ongoing deliberations of the Deputies Committee of the National Security Council. The memorandum is dated April 13, 2005 and is addressed to senior Presidential advisors and Executive Branch officials, including the Counselor to the President, an Assistant to the President, and the Executive Secretaries of a number of Departments.

Exemptions (b)(2) and (b)(3): The routing slip and cover sheet are withheld in full because they contain internal administrative and organizational information that is exempt from disclosure pursuant to Exemptions (b)(2) and (b)(3).

Exemption (b)(3): Portions of this document are withheld because they contain information protected from disclosure by Section 6 of the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), including the organization, functions, names, official titles, and similar information of personnel employed by the CIA, which is exempt from disclosure pursuant to Exemption (b)(3).

Exemption (b)(5): This document is withheld in full pursuant to the presidential communications privilege. The document reflects information or recommendations authored or solicited and received by



the President's senior advisors in connection with a decision, or potential decision, to be made by the President. Additionally, the memorandum discusses policy issues under consideration within the executive branch, and includes analyses and/or recommendations by multiple agencies. It therefore reveals internal deliberations of government officials, which are properly withheld under the deliberative process privilege.

\* Exemption (b)(1) is not asserted at this time. While this document is classified, it is undergoing a declassification review by the National Security Council. The National Security Council reserves the right to assert Exemption (b)(1) if the document remains classified upon conclusion of that review.

There is no meaningful, reasonably segregable portion of the document that can be released.

Case Number: 09-cv-5413  
Judge's Initials: AKH

# ACLU v. CIA, et al. (09-cv-5413)

Document Number: 6

Date of Document: May 17, 2005

Document Type: Memo

Classification: Confidential

From/To: Executive Secretary of the NSC to Senior President Advisors and Executive Branch Officials

Subject: Agenda, Draft Discussion Papers, and Summary of a Meeting

Document Pages: 20

## 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 twenty-page document consists of a one-page CIA internal routing slip, a one-page White House situation room cover sheet, a three-page National Security Council memorandum, a one-page proposal summary, a nine-page draft discussion paper, marked as such, and a five-page summary from the National Security Council setting forth policy discussions and reflecting prior and ongoing deliberations of the Deputies Committee of the National Security Council. The memorandum is dated May 17, 2005 and is addressed to senior Presidential advisors and Executive Branch officials, including the Deputy Counsel to the President, an Assistant to the President, and the Executive Secretaries of a number of Departments.

Exemptions (b)(2) and (b)(3): The routing slip and cover sheet are withheld in full because they contain internal administrative and organizational information that is exempt from disclosure pursuant to Exemptions (b)(2) and (b)(3).

Exemption (b)(3): Portions of this document are withheld because they contain information protected from disclosure by Section 6 of the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), including the organization, functions, names, official titles, and similar information of personnel employed by the CIA, which is exempt from disclosure pursuant to Exemption (b)(3).

Exemption (b)(5): This document is withheld in full pursuant to the presidential communications privilege. The document reflects information or recommendations authored or solicited and received by the President's senior advisors in connection with a decision, or potential decision, to be made by the President. Additionally, the document concerns policy issues under consideration within the Executive Branch, and includes analyses and/or recommendations by multiple agencies. It therefore reveals internal deliberations of government officials, which are properly withheld under the deliberative process privilege.

\* Exemption (b)(1) is not asserted at this time. While portions of this document are classified, it is undergoing a declassification review by the National Security Council. The National Security Council reserves the right to assert Exemption (b)(1) if portions of the document remain classified upon conclusion of that review.

There is no meaningful, reasonably segregable portion of the document that can be released.

Case Number: 09-cv-5413  
Judge's Initials: AKH

## ACLU v. CIA, et al. (09-cv-5413)

Document Number: 7

Date of Document: May 24, 2005

Document Type: Memo

Classification: Confidential

From/To: Executive Secretary of the NSC to Senior Presidential Advisors and Executive Branch Officials

Subject: Summary of a Meeting

Document Pages: 7

### 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 seven-page document consists of a one-page CIA routing slip, two one-page White House Situation Room cover sheets, a two-page memorandum from the National Security Council, and a two-page summary from the National Security Council setting forth policy discussions and reflecting prior and ongoing deliberations of the Deputies Committee of the National Security Council. The memorandum is dated May 24, 2005 and is addressed to senior Presidential advisors and Executive Branch officials, including the Counsel to the President, Assistants to the President, and the Executive Secretaries of a number of Departments.

Exemptions (b)(2) and (b)(3): The routing slip and cover sheets are withheld in full because they contain internal administrative and organizational information that is exempt from disclosure pursuant to Exemptions (b)(2) and (b)(3).

Exemption (b)(3): Portions of this document are withheld because they contain information protected from disclosure by Section 6 of the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), including the organization, functions, names, official titles, and similar information of personnel employed by the CIA, which is exempt from disclosure pursuant to Exemption (b)(3).

Exemption (b)(5): This document is withheld in full pursuant to the presidential communications

privilege. The document reflects information or recommendations authored or solicited and received by the President's senior advisors in connection with a decision, or potential decision, to be made by the President. Additionally, the document concerns policy issues under consideration within the Executive Branch, and includes analyses and/or recommendations by multiple agencies. It therefore reveals internal deliberations of government officials, which are properly withheld under the deliberative process privilege.

\* Exemption (b)(1) is not asserted at this time. While this document is classified, it is undergoing a declassification review by the National Security Council. The National Security Council reserves the right to assert Exemption (b)(1) if the document remains classified upon conclusion of that review.

There is no meaningful, reasonably segregable portion of the document that can be released.

Case Number: 09-cv-5413  
Judge's Initials: AKH

# ACLU v. CIA, et al. (09-cv-5413)

Document Number: 8

Date of Document: October 3, 2005

Document Type: Memo

Classification: Secret

From/To: Executive Secretary of the NSC to Senior President Advisors and Executive Branch Officials

Subject: Summary of a Meeting

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 six-page document consists of a one-page CIA internal routing slip, two one-page White House Situation Room cover sheets, a one-page memorandum from the National Security Council, and a two-page summary from the National Security Council setting forth policy discussions and reflecting prior and ongoing deliberations of the Deputies Committee of the National Security Council. The memorandum is dated October 3, 2005 and is addressed to senior Presidential advisors and Executive Branch officials, including the Counsel to the President, an Assistant to the President, and the Executive Secretaries of a number of Departments.

Exemptions (b)(2) and (b)(3): The routing slip and cover sheets are withheld in full because they contain internal administrative and organizational information that is exempt from disclosure pursuant to Exemptions (b)(2) and (b)(3).

Exemption (b)(3): Portions of this document are withheld because they contain information protected from disclosure by Section 6 of the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), including the organization, functions, names, official titles, and similar information of personnel employed by the CIA, which is exempt from disclosure pursuant to Exemption (b)(3).

Exemption (b)(5): This document is withheld in full pursuant to the presidential communications

privilege. The document reflects information or recommendations authored or solicited and received by the President's senior advisors in connection with a decision, or potential decision, to be made by the President. Additionally, the document concerns policy issues under consideration within the Executive Branch, and includes analyses and/or recommendations by multiple agencies. It therefore reveals internal deliberations of government officials, which are properly withheld under the deliberative process privilege.

\* Exemption (b)(1) is not asserted at this time. While this document is classified, it is undergoing a declassification review by the National Security Council. The National Security Council reserves the right to assert Exemption (b)(1) if the document remains classified upon conclusion of that review.

There is no meaningful, reasonably segregable portion of the document that can be released.

Case Number: 09-cv-5413  
Judge's Initials: AKH

## ACLU v. CIA, et al. (09-cv-5413)

Document Number: 9

Date of Document: December 17, 2005

Document Type: Memo

Classification: Secret

From/To: Executive Secretary of the NSC to Senior Presidential Advisors and Executive Branch Officials

Subject: Agenda and Presentation for a Meeting

Document Pages: 12

### 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 twelve-page document consists of a one-page CIA internal routing slip, two one-page White House Situation Room cover sheets, a two-page National Security Council memorandum, and a seven-page slide presentation setting forth policy discussions and reflecting ongoing deliberations of the Deputies Committee of the National Security Council. The memorandum is dated December 17, 2005 and is addressed to senior Presidential advisors and Executive Branch officials, including the Counsel to the President, an Assistant to the President, and the Executive Secretaries of a number of Departments. The document bears the classification SECRET on every page, with the exception of the two-page memorandum, which bears the classification CONFIDENTIAL.

Exemptions (b)(2) and (b)(3): The routing slip and cover sheets are withheld in full because they contain internal administrative and organizational information that is exempt from disclosure pursuant to Exemptions (b)(2) and (b)(3).

Exemption (b)(3): Portions of this document are withheld because they contain information protected from disclosure by Section 6 of the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), including the organization, functions, names, official titles, and similar information of personnel employed by the CIA, which is exempt from disclosure pursuant to Exemption (b)(3).



Exemption (b)(5): This document is withheld in full pursuant to the presidential communications privilege. The document reflects information or recommendations authored or solicited and received by the President's senior advisors in connection with a decision, or potential decision, to be made by the President. Additionally, the document concerns policy issues under consideration within the Executive Branch, and includes analyses and/or recommendations by multiple agencies. It therefore reveals internal deliberations of government officials, which are properly withheld under the deliberative process privilege.

\* Exemption (b)(1) is not asserted at this time. While this document is classified, it is undergoing a declassification review by the National Security Council. The National Security Council reserves the right to assert Exemption (b)(1) if the document remains classified upon conclusion of that review.

There is no meaningful, reasonably segregable portion of the document that can be released.

Case Number: 09-cv-5413

Judge's Initials: AKH

# ACLU v. CIA, et al. (09-cv-5413)

Document Number: 10

Date of Document: September 11, 2004

Document Type: Memo

Classification: Secret

From/To: Executive Secretary of the NSC to Senior Presidential Advisors and Executive Branch Officials

Subject: Agenda and Summaries of Meetings

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 eight-page document consists of two one-page White House Situation Room cover sheets, a two-page National Security Council memorandum, and two separate two-page National Security Council summaries setting forth policy discussions and reflecting prior and ongoing deliberations of the Principals Committee of the National Security Council. The memorandum is dated September 11, 2004 and is addressed to senior Presidential advisors and Executive Branch Officials, including the Counsel to the President, the Chief of Staff to the President, and the Executive Secretaries of a number of Departments. The two-page National Security Council memorandum bears the classification CONFIDENTIAL and the National Security Council summaries reflecting prior bear the classification SECRET.

Exemptions (b)(2): The cover sheets are withheld in full because they contain internal administrative and organizational information that is exempt from disclosure pursuant to Exemption (b)(2).

Exemption (b)(5): This document is withheld in full pursuant to the presidential communications privilege. The document reflects information or recommendations authored or solicited and received by the President's senior advisors in connection with a decision, or potential decision, to be made by the President. Additionally, the document concerns policy issues under consideration within the Executive Branch, and includes analyses and/or recommendations by multiple agencies. It therefore reveals internal deliberations of government officials, which are properly withheld under the deliberative process privilege.

\* Exemption (b)(1) is not asserted at this time. While this document is classified, it is undergoing a declassification review by the National Security Council. The National Security Council reserves the right to assert Exemption (b)(1) if the document remains classified upon conclusion of that review.

There is no meaningful, reasonably segregable portion of the document that can be released.

Case Number: 09-cv-5413  
Judge's Initials: AKH

# ACLU v. CIA, et al. (09-cv-5413)

Document Number: 11

Date of Document: April 19, 2005

Document Type: Memo

Classification: SCI, Top Secret

From/To: An Assistant to the President to Members of the Cabinet and other Executive Branch Officials

Subject: National Security Designations

Document Pages: 23

## 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 twenty-three page document consists of a one-page CIA internal routing slip, a one-page National Security Council cover sheet indicating the classification of the attached memorandum, and a twenty-one page memorandum (including attachments; one marked "DRAFT"), to certain members of the President's Cabinet and other Executive Branch officials, which includes policy discussions and reflects prior and ongoing deliberations of the Principals and Deputies Committees of the National Security Council. The memorandum is dated April 19, 2005 and proposes national security designations according to written orders signed by the President.

Exemption (b)(1): This document is withheld in full pursuant to Exemption (b)(1) because it contains information that has been properly classified in accordance with Sections 1.4(c) and (d) of Executive Order 12958, as amended, and is protected from disclosure by exemption (b)(1) because it would reveal intelligence activities, sources and methods, as well as foreign activities of the United States government, the disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security.

Exemptions (b)(2) and (b)(3): The routing slip and cover sheet are withheld in full because they contain internal administrative and organizational information that is exempt from disclosure pursuant to Exemptions (b)(2) and (b)(3).

Exemption (b)(3): This document is withheld in full pursuant to Exemption (b)(3) because it contains information relating to intelligence sources and methods that is specifically exempted from disclosure pursuant to Section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. section 403-1(i)(1) (West Supp. 2009) and Section 6 of the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C.A. section 403g (West Supp. 2009). Additionally, portions of this document are withheld because they contain information protected from disclosure by Section 6 of the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), including the organization, functions, names, official titles, and similar information of personnel employed by the CIA, which is exempt from disclosure pursuant to Exemption (b)(3).

Exemption (b)(5): This document is withheld in full pursuant to the presidential communications privilege. The document reflects information or recommendations authored or solicited and received by the President's senior advisors in connection with a decision, or potential decision, to be made by the President. Additionally, the document concerns policy issues under consideration within the Executive Branch, and includes analyses and/or recommendations by multiple agencies. It therefore reveals internal deliberations of government officials, which are properly withheld under the deliberative process privilege.

There is no meaningful, reasonably segregable portion of the document that can be released.

Case Number: 09-cv-5413  
Judge's Initials: AKH

# ACLU v. CIA, et al. (09-cv-5413)

Document Number: 12

Date of Document: September 11, 2004

Document Type: Memo

Classification: Secret

From/To: Executive Secretary of the NSC to Senior Presidential Advisors and Executive Branch Officials

Subject: Agenda for a Meeting

Document Pages: 9

**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 nine-page document consists of a one page CIA internal routing slip, two one-page White House Situation Room cover sheets, a two-page National Security Council memorandum, and two separate two-page National Security Council summaries setting forth policy discussions and reflecting prior and ongoing deliberations of the Principals Committee of the National Security Council. The memorandum is dated September 11, 2004 and is addressed to senior Presidential advisors and Executive Branch Officials, including the Counsel to the President, the Chief of Staff to the President, and the Executive Secretaries of a number of Departments. The two-page National Security Council memorandum bears the classification CONFIDENTIAL and the National Security Council summaries reflecting prior bear the classification SECRET.

Exemptions (b)(2) and (b)(3): The routing slip and cover sheets are withheld in full because they contain internal administrative and organizational information that is exempt from disclosure pursuant to Exemptions (b)(2) and (b)(3).

Exemption (b)(3): Portions of this document are withheld because they contain information protected from disclosure by Section 6 of the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), including the organization, functions, names, official titles, and similar information of personnel employed by the CIA, which is exempt from disclosure pursuant to Exemption (b)(3).

Exemption (b)(5): This document is withheld in full pursuant to the presidential communications privilege. The document reflects information or recommendations authored or solicited and received by the President's senior advisors in connection with a decision, or potential decision, to be made by the President. Additionally, the document concerns policy issues under consideration within the Executive Branch, and includes analyses and/or recommendations by multiple agencies. It therefore reveals internal deliberations of government officials, which are properly withheld under the deliberative process privilege.

\* Exemption (b)(1) is not asserted at this time. While this document is classified, it is undergoing a declassification review by the National Security Council. The National Security Council reserves the right to assert Exemption (b)(1) if the document remains classified upon conclusion of that review.

There is no meaningful, reasonably segregable portion of the document that can be released.

Case Number: 09-cv-5413  
Judge's Initials: AKH

# ACLU v. CIA, et al. (09-cv-5413)

Document Number: 13

Date of Document: November 1, 2003

Document Type: Memo

Classification: Unclassified

From/To: An Assistant to the President for National Security Affairs to Senior Presidential Advisors and Executive Branch Officials

Subject: Legal Discussions

Document Pages: 5

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

This five-page document consists a one-page CIA internal routing slip, a one-page White House Situation Room cover sheet, and a one-page memorandum from an Assistant to the President for National Security Affairs attaching a two-page draft paper prepared by the Department of Justice, Office of Legal Counsel. The one-page memorandum is dated November 1, 2003 and is addressed to other senior Presidential advisors, including the Counsel to the President, the Chief of Staff to the President, and the heads of a number of Departments. According to the memorandum, the two-page draft paper represents a preliminary analysis by the Office of Legal Counsel in interpreting legal provisions, rather than that office's "definitive conclusion."

Exemptions (b)(2) and (b)(3): The routing slip and cover sheet are withheld in full because they contain internal administrative and organizational information that is exempt from disclosure pursuant to Exemptions (b)(2) and (b)(3).

Exemption (b)(3): Portions of this document are withheld because they contain information protected from disclosure by Section 6 of the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), including the organization, functions, names, official titles, and similar information of personnel employed by the CIA, which is exempt from disclosure pursuant to Exemption (b)(3).



Exemption (b)(5): This document is withheld in full pursuant to the presidential communications privilege. The document reflects information or recommendations authored or solicited and received by the President's senior advisors in connection with a decision, or potential decision, to be made by the President. Additionally, this document contains confidential legal advice that was requested and prepared in the course of internal governmental deliberations, and for the purpose of providing advice to decisionmakers with respect to a particular policy issue. It therefore reveals internal deliberations of government officials, which are properly withheld under the deliberative process privilege. The document also contains the handwritten notes of a CIA employee. Those notes reflect the internal thoughts, impressions, and analysis of Agency personnel and are properly withheld under the deliberative process privilege.

There is no meaningful, reasonably segregable portion of the document that can be released.

Case Number: 09-cv-5413

Judge's Initials: AKH

## ACLU v. CIA, et al. (09-cv-5413)

Document Number: 14

Date of Document: August 18, 2006

Document Type: MFR

Classification: SCI, Top Secret

From/To: An Assistant to the President to Executive Branch Officials

Subject: Memorandum for the Record regarding a Meeting

Document Pages: 11

**FOIA Exemptions:**

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

**Privacy Act Exemptions:**

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

**Disposition:**

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

**Document Description:**

This eleven-page document consists of a one-page CIA internal routing slip, a one-page National Security Council fax cover sheet, a one-page National Security Council cover sheet indicating the classification of the attached document, and an eight-page memorandum for the record. The memorandum for the record is dated August 18, 2006 and is addressed to Executive Branch officials and sets forth policy discussions and reflects prior and ongoing deliberations of the Principals Committee of the National Security Council.

Exemption (b)(1): This document is withheld in full pursuant to Exemption (b)(1) because it contains information that has been properly classified in accordance with Sections 1.4(c) and (d) of Executive Order 12958, as amended, and is protected from disclosure by exemption (b)(1) because it would reveal intelligence activities, sources and methods, as well as foreign activities of the United States government, the disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security.

Exemptions (b)(2) and (b)(3): The routing slip and cover sheets are withheld in full because they contain internal administrative and organizational information that is exempt from disclosure pursuant to Exemptions (b)(2) and (b)(3).

Exemption (b)(3): This document is withheld in full pursuant to Exemption (b)(3) because it contains information relating to intelligence sources and methods that is specifically exempted from

disclosure pursuant to Section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. section 403-1(i)(1) (West Supp. 2009) and Section 6 of the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C.A. section 403g (West Supp. 2009). Additionally, portions of this document are withheld because they contain information protected from disclosure by Section 6 of the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), including the organization, functions, names, official titles, and similar information of personnel employed by the CIA, which is exempt from disclosure pursuant to Exemption (b)(3).

Exemption (b)(5): This document is withheld in full pursuant to the presidential communications privilege. The document reflects information or recommendations authored or solicited and received by the President's senior advisors in connection with a decision, or potential decision, to be made by the President. Additionally, the document concerns policy issues under consideration within the Executive Branch, and includes analyses and/or recommendations by multiple agencies. It therefore reveals internal deliberations of government officials, which are properly withheld under the deliberative process privilege.

There is no meaningful, reasonably segregable portion of the document that can be released.

Case Number: 09-cv-5413  
Judge's Initials: AKH

# ACLU v. CIA, et al. (09-cv-5413)

Document Number: 15

Date of Document: July 18, 2003

Document Type: Memo

Classification: Confidential

From/To: Executive Secretary of the NSC to Senior Presidential Advisors and Executive Branch Officials

Subject: Summary of a Meeting

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 six-page document consists of a one-page CIA internal routing slip, two one-page White House Situation Room cover sheets, a one-page National Security Council memorandum, and a two-page summary from the National Security Council setting forth policy discussions and reflecting prior and ongoing deliberations of the Principals Committee of the National Security Council. The memorandum is dated July 18, 2003 and is addressed to senior Presidential advisors and Executive Branch officials, including the Counsel to the President, the Chief of Staff to the President, and the Executive Secretaries of a number of Departments.

Exemption (b)(1): Portions of this document are withheld pursuant to Exemption (b)(1) because they contain information that has been properly classified in accordance with Sections 1.4(c) and (d) of Executive Order 12958, as amended, and is protected from disclosure by Exemption (b)(1) because it would reveal intelligence activities, sources and methods, as well as foreign activities of the United States government, the disclosure of which reasonably could be expected to cause serious grave damage to the national security.

Exemptions (b)(2) and (b)(3): The routing slip and cover sheets are withheld in full because they contain internal administrative and organizational information that is exempt from disclosure pursuant to Exemptions (b)(2) and (b)(3).

Exemption (b)(3): Portions of this document are withheld pursuant to Exemption (b)(3) because they contain information relating to intelligence sources and methods that is specifically exempted from disclosure pursuant to Section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. section 403-1(i)(1) (West Supp. 2009) and Section 6 of the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C.A. section 403g (West Supp. 2009). Additionally, portions of this document are withheld because they contain information protected from disclosure by Section 6 of the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), including the organization, functions, names, official titles, and similar information of personnel employed by the CIA, which is exempt from disclosure pursuant to Exemption (b)(3).

Exemption (b)(5): This document is withheld in full pursuant to the presidential communications privilege. The document reflects information or recommendations authored or solicited and received by the President's senior advisors in connection with a decision, or potential decision, to be made by the President. Additionally, the document concerns policy issues under consideration within the Executive Branch, and includes analyses and/or recommendations by multiple agencies. It therefore reveals internal deliberations of government officials, which are properly withheld under the deliberative process privilege.

There is no meaningful, reasonably segregable portion of the document that can be released.

Case Number: 09-cv-5413

Judge's Initials: AKH

# ACLU v. CIA, et al. (09-cv-5413)

Document Number: 16

Date of Document: November 25, 2003

Document Type: Memo

Classification: Secret

From/To: Executive Secretary of the NSC to Senior Presidential Advisors and Executive Branch Officials

Subject: Agenda, Discussion Paper, and Summary of a Meeting

Document Pages: 16

**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 sixteen-page document consists of a one-page CIA routing slip, two one-page White House cover sheets, and a thirteen-page memorandum (including attachments; one marked "DRAFT"), which includes policy discussions and reflects prior and ongoing deliberations of the Principals Committee of the National Security Council. The memorandum is dated November 25, 2003 and is addressed to senior Presidential advisors and Executive Branch officials, including the Counsel to the President, the Chief of Staff to the President, and the Executive Secretaries of a number of Departments.

Exemption (b)(1): Portions of this document are withheld pursuant to Exemption (b)(1) because they contain information that has been properly classified in accordance with Sections 1.4(c) and (d) of Executive Order 12958, as amended, and is protected from disclosure by Exemption (b)(1) because it would reveal intelligence activities, sources and methods, as well as foreign activities of the United States government, the disclosure of which reasonably could be expected to cause serious grave damage to the national security.

Exemptions (b)(2) and (b)(3): The routing slip and cover sheets are withheld in full because they contain internal administrative and organizational information that is exempt from disclosure pursuant to Exemptions (b)(2) and (b)(3).

Exemption (b)(3): Portions of this document are withheld pursuant to Exemption (b)(3) because

they contain information relating to intelligence sources and methods that is specifically exempted from disclosure pursuant to Section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. section 403-1(i)(1) (West Supp. 2009) and Section 6 of the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C.A. section 403g (West Supp. 2009). Additionally, portions of this document are withheld because they contain information protected from disclosure by section 6 of the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), including the organization, functions, names, official titles, and similar information of personnel employed by the CIA, which is exempt from disclosure pursuant to Exemption (b)(3).

Exemption (b)(5): This document is withheld in full pursuant to the presidential communications privilege. The document reflects information or recommendations authored or solicited and received by the President's senior advisors in connection with a decision, or potential decision, to be made by the President. Additionally, the document concerns policy issues under consideration within the Executive Branch, and includes analyses and/or recommendations by multiple agencies. It therefore reveals internal deliberations of government officials, which are properly withheld under the deliberative process privilege.

There is no meaningful, reasonably segregable portion of the document that can be released.

Case Number : 09-cv-5413  
Judge's Initials : AKH

# ACLU v. CIA, et al. (09-cv-5413)

Document Number: 17

Date of Document: June 11, 2004

Document Type: Memo

Classification: SCI, Top Secret

From/To: Assistant to the President for National Security Affairs to the Director of Central Intelligence

Subject: Review of Interrogation Program

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 three-page document consists of a one-page CIA internal routing slip, a one-page National Security Council cover sheet, and a one-page memorandum from the Assistant to the President for National Security Affairs to the Director of Central Intelligence. This document reflects a discretionary release in part by the National Security Council.

Exemption (b)(1): Portions of this document are withheld pursuant to Exemption (b)(1) because they contain information that has been properly classified in accordance with Section 1.4(c) of Executive Order 12958, as amended, and is protected from disclosure by Exemption (b)(1) because it would reveal intelligence activities, sources and methods of the United States government, the disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security.

Exemption (b)(3): Portions of this document are withheld pursuant to Exemption (b)(3) because they contain information relating to intelligence sources and methods that is specifically exempted from disclosure pursuant to Section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. section 403-1(i)(1) (West Supp. 2009) and Section 6 of the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C.A. section 403g (West Supp. 2009). Additionally, portions of this document are withheld because they contain information protected from disclosure by Section 6 of the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), including the organization, functions, names, official titles, and similar information of personnel employed by the CIA,



which is exempt from disclosure pursuant to Exemption (b)(3).

Case Number: 09-cv-5413  
Judge's Initials: AKH

# ACLU v. CIA, et al. (09-cv-5413)

Document Number: 18

Date of Document: May 25, 2007

Document Type: Memo

Classification: Unclassified

From/To: Assistant to the President for National Security Affairs to Executive Branch Officials

Subject: Draft Executive Order

Document Pages: 7

## 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 seven-page document consists of a one-page CIA internal routing slip, two one-page White House Situation Room cover sheets, a one-page memorandum from the Assistant to the President for National Security Affairs, and a two-page memorandum from the Assistant to the President for National Security Affairs. This document reflects a discretionary release in part by the National Security Council.

Exemption (b)(3): Portions of this document are withheld because they contain information protected from disclosure by Section 6 of the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), including the organization, functions, names, official titles, and similar information of personnel employed by the CIA, which is exempt from disclosure pursuant to Exemption (b)(3).

Exemption (b)(5): Portions of this document are withheld pursuant to the deliberative process privilege. Portions of the document concern policy issues under consideration within the Executive Branch, and therefore reveals internal deliberations of government officials, which are properly withheld under the deliberative process privilege.

\* Pursuant to the government's agreement with plaintiffs to exclude drafts from the scope of this FOIA request provided that a final version of the document was created, the draft Executive Order attached to this document was excluded as non-responsive given that the Executive Order at issue was

finalized and is publicly available.

Case Number: 09-cv-5413  
Judge's Initials: AKH