

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

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AMERICAN CIVIL LIBERTIES UNION,)	
and AMERICAN CIVIL LIBERTIES)	
UNION FOUNDATION,)	
)	
Plaintiffs,)	Civil Action No. 1:13-cv-01870 (JEB)
)	
v.)	
)	
CENTRAL INTELLIGENCE AGENCY, et)	
al.)	
)	
Defendants.)	
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DEFENDANTS’ THIRD MOTION FOR EXTENSION OF TIME

In this case, brought under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, plaintiffs seek the release from the Central Intelligence Agency (“CIA”), the Department of Defense (“DOD”), the Department of Justice (“DOJ”), and the Department of State (“DOS”) of the updated version of the Senate Select Committee on Intelligence (“SSCI”) report concerning the CIA’s former rendition, detention and interrogation (“RDI”) program (“SSCI Report”). Plaintiffs also seek from the CIA two additional records: 1) the CIA’s Response to the SSCI Report (“CIA Response”); and 2) what plaintiffs refer to as the “Panetta Report,” an alleged report by the CIA concerning its former detention and interrogation program commissioned by former CIA Director Leon Panetta, which was referred to by Senator Mark Udall on December 17, 2013, during the confirmation hearing for CIA General Counsel nominee Caroline Diane Krass. Pursuant to Fed. R. Civ. P. (6)(b)(1), the government, by and through undersigned counsel, respectfully moves this Court for an additional one month enlargement of time, until October 29, 2014, to complete the ongoing discussions over declassification of the executive

summary, findings, and conclusions of the SSCI report, to allow for the subsequent release of the updated version of the executive summary, findings, and conclusions of the SSCI Report by SSCI, and to complete processing of the CIA Response and what plaintiffs refer to as the “Panetta Report” for release of any non-exempt information. In compliance with LCvR 7(m), undersigned counsel has discussed the relief requested with counsel for the ACLU. The ACLU consents to an extension of up to one week but will not consent to a longer extension without more information about when the declassification review, and any associated negotiations, will be complete. In support of this motion, defendants state as follows:

1. Based on the August 12, 2014, letter from Senator Dianne Feinstein to The Honorable Eric H. Holder, Jr., (attached as Exhibit 1 to the Defendants’ Second Motion for Extension of Time) (Docket # 32-1), the defendants expected that the discussions with SSCI over the declassification of the executive summary, findings, and conclusions of the SSCI Report would be complete by September 29, 2014; accordingly, the government sought a one month extension, until September 29, 2014, to complete the discussions over declassification of the executive summary, findings, and conclusions of the SSCI report, and to complete processing of the CIA Response and what plaintiffs refer to as the “Panetta Report” for release of any non-exempt information.

2. Consistent with Senator Feinstein’s letter and as previously explained by the government, much of the classified information in the CIA Response corresponds to information contained in the SSCI Report itself. Likewise, much of the classified information in the so-called Panetta Report pertains to the same historical events that are addressed in the SSCI Report. Treatment of these documents will thus necessarily depend in part upon the results of the ongoing discussions between the SSCI and Executive Branch regarding declassification of

the SSCI Report's executive summary, findings, and conclusions. Once the declassification process for the SSCI Report's executive summary, findings, and conclusions is complete, the CIA will need to conform the redactions in these related records to the newly-declassified information accordingly, separate and apart from the issue of whether any of these records can be withheld in full or on other non-classification grounds.

3. Because the discussions over declassification are not yet complete, Senator Feinstein has again requested that the government move for an additional extension of time in order to allow the completion of the discussions over the declassification of the executive summary, findings, and conclusions of the SSCI Report. Accordingly, the government is hereby seeking an additional extension of one month, until October 29, 2014, to complete the ongoing discussions and allow for the subsequent release of the updated version of the executive summary, findings, and conclusions of the SSCI Report by SSCI, as well as to complete processing of the CIA Response and what plaintiffs refer to as the "Panetta Report" for release of any non-exempt information.

Dated: September 25, 2014

Respectfully submitted,

JOYCE BRANDA
Acting Assistant Attorney General

RONALD C. MACHEN, Jr.
United States Attorney

ELIZABETH J. SHAPIRO
Deputy Branch Director
Civil Division

/s/ Vesper Mei
VESPER MEI (D.C. Bar 455778)
Senior Counsel

United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Ave, NW
Washington, D.C. 20530
Telephone: (202) 514-4686
E-mail: vesper.mei@usdoj.gov

Counsel for the Defendants