



U.S. Department of Justice

Civil Division
Federal Programs Branch
20 Massachusetts Avenue N.W. Rm. 7132
Washington, DC 20530

Marcia Berman
Senior Trial Counsel

Tel: (202) 514-2205
Fax: (202) 616-8470

May 18, 2012

VIA HAND-DELIVERY

Chris Fedeli
Judicial Watch, Inc.
425 Third Street, SW
Suite 800
Washington, DC 20024
(202) 646-5172
Email: Cfedeli@judicialwatch.org

Re: *Judicial Watch, Inc. v. DoD, et al*, Case No. 1:12-cv-00049-RC (D.D.C.)

Dear Chris:

Enclosed please find a disk containing DoD and CIA's production of responsive, non-exempt records, pursuant to our scheduling order.

CIA Production

The CIA has conducted a search in response to your FOIA request and has identified 94 responsive documents from the requested time period of January 1, 2011 to August 9, 2011. Enclosed please find 67 responsive documents that are being released in part by the CIA. The CIA has made redactions to these documents pursuant to FOIA exemptions (b)(1), (b)(3), (b)(5), and (b)(6). Please note that exemptions are noted on the first page of the document only, and that "NR" means "Not Responsive."

Exemption (b)(1) has been claimed to protect the identities of CIA officers and other classified information relating to intelligence activities, sources, and methods. Exemption (b)(3) has been claimed to protect information exempt from disclosure pursuant to Section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C. § 403-1(i)(1) (the "National Security Act") and Section 6 of the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C. § 403g (the "CIA Act"). The National Security Act protects information concerning intelligence sources and methods from unauthorized disclosure, and the CIA Act exempts the names of CIA officers from disclosure, as well as information concerning the internal organization and functions of the CIA. Exemption (b)(5) has been claimed to protect deliberative, pre-decisional communications among CIA employees. Finally,

Page 2

exemption (b)(6) has been claimed to protect individuals from an unwarranted invasion of personal privacy; it has been used to redact primarily Social Security numbers, phone numbers, and email addresses.

The CIA is withholding in full an additional 24 responsive documents on the basis of FOIA exemptions (b)(5), primarily on the grounds of the attorney-client privilege. These communications are among CIA employees, including attorneys from the CIA's Office of General Counsel. The communications also contain a small amount of material that is being withheld pursuant to the deliberative process privilege only. Information has also been withheld from these documents pursuant to exemptions (b)(1), (b)(3), and (b)(6) for the same reasons identified above.

DoD Production

DoD's production consists of 153 responsive pages. These documents have been determined to be partially releasable. Information has been withheld pursuant to FOIA exemptions (b)(3) (statutes 10 U.S.C. § 130(b) and 50 U.S.C. § 403g), as well as exemptions (b)(5) and (b)(6).

Sincerely yours,



Marcia Berman
Senior Trial Counsel
Federal Programs Branch
Civil Division

Enclosure