



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street
New York, New York 10007*

June 15, 2010

By Electronic Mail

Alexander Abdo, Esq.
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004

Re: ACLU v. Central Intelligence Agency, et al., No. 09 Civ. 5413 (AKH)

Dear Mr. Abdo:

On behalf of the Department of State ("State") and the Central Intelligence Agency ("CIA"), we write to provide updates regarding the status of the ACLU's Freedom of Information Act ("FOIA") request at issue in the above-referenced litigation.

State has completed initial searches for responsive records, which encompassed the following Department of State record systems: the Office of the Secretary, the Office of the Executive Secretariat, the Office of the Deputy Secretaries, the Office of the Counselor, the Office of the Under Secretary for Political Affairs, the Office of the Special Envoy for Closure of the Guantanamo Detention Facility, the Office of the Coordinator for Counterterrorism, the Bureau of Intelligence and Research, the Bureau of Political-Military Affairs, the Office of the War Crimes Issues, the Office of the Legal Adviser, and retired records from the Offices of the Secretary, the Deputy Secretary, and the Counselor.

State is presently reviewing and processing the documents that were retrieved in those searches. Thus far, State has completed processing sixty-two documents responsive to the FOIA request. Of these documents, twenty-nine are being withheld in full pursuant to 5 U.S.C. § 552(b)(1) and (b)(5). Specifically, information is withheld pursuant to the deliberative process, attorney-client, and Presidential Communications privileges. In addition, State is consulting within the Executive Branch regarding thirty-two documents that contain information that originated outside State. Finally, one document is released in full and enclosed herein. State is working diligently to complete its review and processing of hundreds of remaining documents. State will provide an update on the processing of the remaining documents on or before July 16, 2010.

The CIA expects to complete its search for responsive emails shortly, absent unforeseen

circumstances. Please note, however, that the CIA may determine that additional searches are warranted based upon its search results. Furthermore, the emails retrieved from the CIA's search must be referred within the Executive Branch for review and consultation. The CIA anticipates providing an initial response on the results of its email searches on or before July 16, 2010.

Please feel free to contact us if you have any questions regarding this matter.

Very truly yours,

PREET BHARARA
United States Attorney

By:



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Encl.