

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELECTRONIC PRIVACY INFORMATION)
CENTER,)

Plaintiff,)

v.)

DEPARTMENT OF JUSTICE,)

Defendant.)

Civil No. 06-00096 (HHK)

AMERICAN CIVIL LIBERTIES UNION, et al.,)

Plaintiffs,)

v.)

DEPARTMENT OF JUSTICE,)

Defendant.)

Civil No. 06-00214 (HHK)

REDACTED DECLARATION OF JAMES A. BAKER

I, James A. Baker, declare as follows:

1. (U) I am the Counsel for Intelligence Policy, Office of Intelligence Policy and Review (“OIPR” or “Office”) of the United States Department of Justice (“DOJ” or “Department”). In this capacity, I supervise all operations within the Office, including Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, administration. I am the final decision-making authority in OIPR regarding access requests made under FOIA.

2. (U) I make the statements herein on the basis of personal knowledge, as well as on information acquired by me in the course of performing my official duties and on the advice of counsel.

3. (U) OIPR provides legal advice to the Attorney General and the United States intelligence agencies regarding questions of law and procedure that relate to United States intelligence activities. OIPR performs review functions of certain intelligence activities, and prepares and presents applications for electronic surveillance, physical search, authorizing the installation and use of pen registers and trap and trace devices, and access to certain tangible things, to the United States Foreign Intelligence Surveillance Court ("FISC").

4. (U) As the Department of Justice's Counsel for Intelligence Policy, I hold original classification authority at the TOP SECRET level by delegation from the Attorney General and therefore am authorized to make determinations regarding classification of national security information and to conduct classification reviews.

(U) CLASSIFICATION OF DECLARATION

5. **REDACTED**

6. **REDACTED**

7. **REDACTED**

8. **REDACTED**

(U) EPIC'S FOIA REQUEST AND OIPR'S SEARCH AND RESPONSE

9. (U) By letter dated December 16, 2005, the Electronic Privacy Information Center ("EPIC") requested access under FOIA to certain records concerning the Terrorist Surveillance Program, a controlled access signals intelligence program authorized by the

President in the aftermath of the terrorist attacks of September 11, 2001. OIPR received EPIC's request on December 27, 2005.

10. (U) Upon receiving the EPIC FOIA request, OIPR initiated a search for potentially responsive documents. OIPR maintains three general categories of records: operational records relating to proceedings before the FISC under the Foreign Intelligence Surveillance Act ("FISA"), including applications for authority to conduct electronic surveillance, physical searches, other authorities under FISA as referenced above, and other operational matters; litigation records; and policy records including congressional inquiries and reports. In response to EPIC's request, a search was conducted of OIPR's litigation and policy records, as well as of the electronic communications and offices of those persons within OIPR (a limited number) who have been cleared for access to information concerning the TSP.

11. (U) On May 8, 2006, OIPR provided a response to EPIC's FOIA request. Ex. A. In that response, OIPR advised that it had located 136 documents that may be responsive to the request. Two documents, totaling 54 pages, were released to EPIC in their entirety. Fifteen documents were withheld in their entirety pursuant to FOIA provisions, 5 U.S.C. § 552(b)(1), (b)(3), (b)(5), (b)(6), (b)(7)(A), and (b)(7)(C). These provisions set forth exemptions from disclosure which protect: records that are currently and properly classified, 5 U.S.C. § 552(b)(1) ("Exemption One"); records that are protected from disclosure by some other statute, *id.* § 552(b)(3) ("Exemption Three"); records that pertain to certain inter- and intra-agency communications protected by the deliberative process, attorney-client, attorney work product, or presidential communications privileges, *id.* § 552(b)(5) ("Exemption Five"); and records where disclosure would cause an unwarranted invasion of personal privacy, *id.* §§ 552(b)(6) ("Exemption Six").

12. (U) OIPR's May 8, 2006, letter also advised EPIC that twenty-four documents required further consultation with other components and agencies holding equities in the documents, and that ninety-five documents were referred to other agencies and components for review. Ex. A.¹

13. (U) Finally, in its May 8, 2006, letter, OIPR also explained that OIPR's operational files were not searched because the existence or nonexistence of records in these files concerning the matters set forth in EPIC's request is properly classified, and, thus, OIPR could not confirm or deny the existence of records in those files without compromising the interests to be protected by FOIA Exemption One. Ex. A.

(U) THE TERRORIST SURVEILLANCE PROGRAM

14. (U) The subject of EPIC's request, the Terrorist Surveillance Program ("TSP"), is an intelligence gathering program operated by the National Security Agency ("NSA") which involves the targeted interception of communications, in which one party is outside the United States, and where there are reasonable grounds to believe that at least one party to the communications is a member or agent of al Qaeda or an al Qaeda affiliated terrorist organization. Although the existence of the TSP has been acknowledged by the President, some details regarding the operation of the TSP remain highly classified, as their disclosure could be reasonably expected to cause exceptionally grave damage to the national security of the United States.

15. **REDACTED**

(U) DOCUMENTS WITHHELD BY OIPR

16. (U) I provide this declaration to address OIPR's responses to EPIC's FOIA request for documents relating to the TSP and to provide the justifications for OIPR's determination that

¹ (U) As described in paragraph 17, *infra*, ultimately, OIPR consulted on 34 records or categories of records and referred 85.

certain responsive documents must be withheld as exempt from disclosure under FOIA. In making its withholding determinations, OIPR and those acting on its behalf have consulted with the National Security Agency (“NSA”), the Office of the Director of National Intelligence (“ODNI”), and other federal agencies and officials regarding the harm to national security that would result from disclosure of the documents identified in this declaration. In particular, I have reviewed the Declaration of John D. Negroponte, Director of National Intelligence (“DNI Decl.”), provided in support of withholdings in all TSP-related FOIA matters, and have relied upon his expert assessment of the harm to the national intelligence program that would result from disclosure of documents related to the TSP. I understand that a copy of DNI Negroponte’s declaration is attached as an exhibit to the Declaration of Steven G. Bradbury filed in this case.

17. (U) In particular, this declaration addresses OIPR’s justifications under FOIA Exemptions One, Three, Five, and Six, for withholding the 15 documents identified in OIPR’s May 18, 2006, letter as withheld in full, as well OIPR’s subsequent determination to withhold 22 of the 24 documents identified therein as to which OIPR needed to complete consultations. Those consultations have now been largely completed,² and, as a result, two of the 24 documents were determined to be subject to disclosure in part and they were provided to plaintiff by letter dated September 6, 2006, with redactions pursuant to FOIA Exemptions Five, Six and Seven. Ex. B; see also ¶ 41, infra. This declaration also addresses ten documents originally referred to other entities that were determined, after consultation, to contain substantial equities of OIPR. Also addressed in this declaration are 14 documents referred to OIPR by the Department’s Office of Legal Counsel (“OLC”), five documents referred to OIPR by the Office of the Deputy Attorney General

² (U) Two documents, OIPR 4 and OIPR 64 remain the subject of consultation and are not further addressed herein.

(“ODAG”), and one document referred to OIPR by the Federal Bureau of Investigation (“FBI”).³

All of the documents addressed in this declaration are collectively referred to as documents withheld by OIPR.

18. (U) For the convenience of the Court, a chart, attached as Ex. C, is provided which lists the documents described in this declaration in numerical order and identifies the paragraphs of this declaration in which the justification for their withholding is explained or indicates if the record is one for which a different agency or component will respond.

19. (U) The vast majority of documents withheld by OIPR concern its dealings with the Foreign Intelligence Surveillance Court (“FISC”). Judges on the FISC have been briefed on the TSP, certain aspects of its operation, and some of its results.

20. **REDACTED**

21. (U) The Foreign Intelligence Surveillance Act (“FISA”) specifies that the record of proceedings before the FISC “including applications made and orders granted, shall be maintained under security measures established by the Chief Justice in consultation with the Attorney General and the Director of Central Intelligence.” 50 U.S.C. § 1803(c). It further provides that persons rendering assistance under the Act do so “in such a manner as will protect its secrecy.” 50 U.S.C. § 1802(a)(3). In enacting FISA, therefore, Congress recognized that proceedings before the FISC were to be conducted in the strictest secrecy if the confidentiality of United States intelligence sources and methods was to be maintained.

22. **REDACTED**

³ (U) The referring components determined these documents to be responsive to both the EPIC request and to a separate request, dated December 20, 2005, by the American Civil Liberties Union (“ACLU”), which was processed concurrently with EPIC’s. OIPR did not independently receive a request from the ACLU and did not conduct a search with respect to that request; as a result, this Declaration does not address that request. In addition, as a matter of convenience and security, OIPR permits OLC to process classified information on OIPR computer systems. OIPR did not conduct a search of such OLC electronic records.

23. (U) Moreover, all of the documents identified in the preceding paragraph are drafts and thus are subject to the deliberative process and attorney work product privileges. To disclose these documents would substantially compromise the deliberative process by which attorneys prepare substantive papers for filing with the Court, as well as the process by which they seek review and comment by others with interest and expertise, by preventing the full and frank exchange of suggestions and opinions. Disclosure of drafts would also risk revealing mental impressions of attorneys and preliminary views about how to approach any particular litigation issue, and thus, would compromise attorney work product. These documents, accordingly, are properly exempt from disclosure under Exemption Five.

24. **REDACTED**

25. **REDACTED**

26. **REDACTED**

27. **REDACTED**

28. **REDACTED**

29. **REDACTED**

30. **REDACTED**

31. **REDACTED**

32. (U) OIPR also withheld OIPR 12 and OLC 128, which are several copies of a four-page memorandum authored by me that seeks legal advice from others at the Department. This memorandum cannot be disclosed without compromising my expectation of confidentiality in communications with attorneys who provide advice to me and to OIPR, and without compromising the full and frank exchange of information that is necessary to both the attorney-client relationship and the Government's deliberative process. Accordingly, this memorandum is properly withheld under Exemption Five.

33. **REDACTED**

34. (U) OIPR also withheld certain draft documents that were provided to OIPR for review and comment and that reflect OIPR's suggestions and edits, as well as information provided to OIPR that informs its comments and edits. Disclosure of these documents, OIPR 32, 34, 63, 72, and 73, and OLC 138, totaling 207 pages, would interfere with the ordinary intra-Departmental process by which documents are reviewed and cleared by personnel with expertise in particular subject matters areas and would undermine the informal give-and-take necessary to final agency decision-making. Moreover, where these documents contain information provided by client agencies, disclosure would also interfere with an attorney-client communication. These documents, accordingly, are properly exempt from disclosure under FOIA Exemption Five. OIPR 63, in particular, is a draft of the Attorney General's remarks to be delivered at Georgetown University Law Center, on which OIPR comments were sought. I understand that a final version of the Attorney General's prepared remarks has been publicly released; the draft, however, which contains OIPR's internal suggestions and notes, must remain protected.

35. **REDACTED**

36. (U) As described in OIPR's May 8, 2006, letter to EPIC, OIPR's operational files were excluded from the scope of the search conducted for responsive documents because OIPR can neither admit nor deny the existence of records pertaining to FISA activities without disclosing classified information. In particular, OIPR cannot admit or deny the existence of records pertaining to EPIC's specific request for "communications concerning the use of information obtained through [the TSP] as the basis for DOJ surveillance applications to the FISC." As a general matter, OIPR cannot confirm or deny whether any particular method of surveillance is used to support FISA applications without disclosing the use or exploitation of particular intelligence sources and

methods, which falls explicitly within the categories of properly classified information set forth in Executive Order 12958, as amended, § 1.4(c); see also DNI Decl. ¶ 35.

37. **REDACTED**

38. **REDACTED**

39. (U) I am personally familiar with each of the documents described in this declaration which OIPR has determined must be withheld in full, and I have also relied on the advice of counsel with respect to the determinations set forth herein. Given the varying degrees of harm that would be reasonably expected to be done to national security if United States intelligence sources and methods are compromised as a result of the disclosure of any properly classified detail concerning the TSP without proper authorization, I have concluded that no portion of any of the documents withheld in full by OIPR which is responsive to the FOIA requests at issue in this litigation may be disclosed without compromising the exemptions discussed at length herein and the interests described in the Declaration of DNI Negroponte.

40. (U) In addition to the substantive exemptions described above, some of the documents withheld by OIPR contain information that must be withheld to protect personal privacy. This information includes the names of third-party individuals (non-government employees) as well as government employees, and their personal information (such as addresses (including email addresses), home telephone numbers, or cellular phone numbers) that occasionally appear in the documents. There is no legitimate public interest in the release of this information, as its disclosure would shed no light on the activities of the Department of Justice but could subject these individuals to unwanted public attention, harassment, or embarrassment. Thus, information of this type that appears in these documents is withheld by OIPR under FOIA Exemption Six, 5 U.S.C. § 552(b)(6).

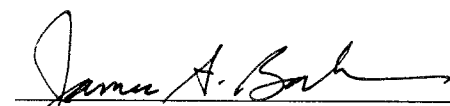
41. (U) Two documents released by letter to EPIC dated September 6, 2006, were redacted pursuant to FOIA Exemptions Five, Six, and Seven. The first, OIPR 66, is a memorandum

from H. Marshall Jarrett, Counsel, Office of Professional Responsibility, dated January 12, 2006, which was redacted to eliminate the names and telephone numbers of Department staff involved in an investigation then being conducted by that office, see 5 U.S.C. §§ 552(b)(6),(b)(7)(C). As the memorandum was created in the course of an internal investigation and the disclosure of personal information relating to Department staff with a role in the investigation would shed no light on the inner workings of the Department, these redactions were proper under FOIA. Deliberative information relating to the process of the investigation was also redacted from this document under Exemption Five. Release of this information would injure the quality of agency decisions and impede the effectiveness of law enforcement investigations, and thus, such a redaction is proper. The second document, OIPR 67, a letter from Barry M. Sabin, Acting Deputy Assistant Attorney General, Criminal Division, dated January 9, 2006, was released in full with only the telephone number of a law enforcement officer redacted pursuant to Exemptions Six and Seven. The redaction of this personal information which sheds no light on the inner workings of the Department is also proper for the reasons given.

42. (U) Finally, OIPR maintains a collection, OIPR 56, which includes copies of the following responsive documents that I understand are duplicative of documents already identified and processed in response to EPIC's FOIA request by other components of the Department: OLC 16, 41, 51, 54, 56, 55, 57, 63, 64, 85, 113, 114, 126, 127, 128, 130, 131, 132, and 133; and ODAG 2, 5, 7, 38, and 51. OIPR did not process these documents. In addition, OIPR 56 contains documents that I understand others have determined are not within the scope of the EPIC request.

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

Dated this 8th day of September, 2006.



JAMES A. BAKER
Counsel for Intelligence Policy
Office of Intelligence and Policy Review



COPY

U.S. Department of Justice

Office of Intelligence Policy and Review

Washington, D.C. 20530

May 8, 2006

EXHIBIT A
Baker Decl.

Marcia Hofmann, Director
Open Government Project
EPIC, Suite 200
1718 Connecticut Avenue, NW
Washington, DC 20009

Re: FOIA/PA # 06-08

Dear Ms. Hofmann:

This response to your December 15, 2005 Freedom of Information Act (FOIA) request for access to "agency records from September 11, 2001 to the present concerning a presidential order or directive authorizing the National Security Agency, or any other component of the intelligence community, to conduct domestic surveillance without the prior authorization of the Foreign Intelligence Surveillance Court" and other enumerated items. You also requested expedited processing of your FOIA request and the Office of Public Affairs granted your request for expedited treatment. Accordingly, your request was reviewed ahead of others routinely processed on a first-in, first-out basis.

The Office of Intelligence Policy and Review (OIPR) provides legal advice to the Attorney General and the United States intelligence agencies regarding questions of law and policy that relate to United States intelligence activities; performs review functions of certain intelligence activities; and prepares and presents applications to the United States Foreign Intelligence Surveillance Court (FISC). OIPR maintains copies of all Foreign Intelligence Surveillance Act applications, as well as requests for approval of various foreign intelligence and counterintelligence collection activities within its operations files. We did not search these operations files because the existence or nonexistence of records in these files concerning the matters set forth in your request is properly classified under Executive Order 12958, as amended. Accordingly, we can neither confirm nor deny the existence of operational records responsive to your request pursuant to 5 U.S.C. § 552(b)(1).

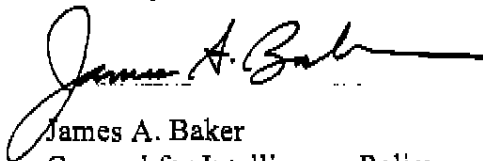
We have conducted a search of our policy files as well as the electronic communications (e-mail) and office files of senior management and located 136 documents that may be responsive to your request. Two documents are being released to you in their entirety. Fifteen documents have been withheld in their entirety pursuant to Exemptions 1, 5, 6, 7(A) and 7(C) of the FOIA, 5 U.S.C. § 552 (b)(1), (b)(5), (b)(6), (b)(7)(A), and (b)(7)(C).

Exemption 1 pertains to national security information which is properly classified pursuant to Executive Order 12958, as amended. The information protected by this exemption is currently classified because its disclosure could reasonably be expected to cause damage to the national security. Exemption 5 pertains to certain inter- and intra-agency communications protected by the deliberative process and attorney-client privileges. Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties. Exemption 7(A) pertains to information compiled for law enforcement purposes the disclosure of which could reasonably be expected to interfere with enforcement proceedings. Exemption 7(C) pertains to records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties. Since the release of this properly classified information would injure the quality of agency decisions and impede the effectiveness of law enforcement activities, none of the information being withheld is appropriate for discretionary disclosure.

Twenty-four (24) OIPR originated documents contain equities of other Department of Justice (DOJ) components. We are consulting with those components and will advise you as soon as the consults are complete. The remaining 95 documents originated with other government agencies and DOJ components. This material is being referred to those offices for review. Further, in connection with its review of responsive records, DOJ's Civil Division referred one document to this office for review and direct response to you (as referenced in its 4/13/06 correspondence to you). We have determined that the OIPR equities within this document are exempt from disclosure pursuant to the deliberative process privilege embodied in Exemption 5.

Although I am aware that your request is the subject of ongoing litigation and that appeals are not ordinarily acted on in such situations, I am required by statute and regulation to inform you that you have the right to file an administrative appeal.

Sincerely,



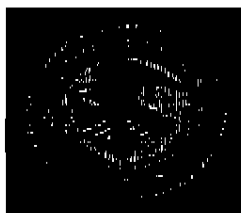
James A. Baker
Counsel for Intelligence Policy

Enclosures (2)

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 0218
DESTINATION TEL # 82024831248
DESTINATION ID
ST. TIME 05/08 04:47
TIME USE 00'31
PAGES SENT 3
RESULT OK



United States Department of Justice
Office of Intelligence Policy and Review
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
Suite 6150
(202) 514-5600

FACSIMILE COVER SHEET

Date: MAY - 8 2006	Number of Pages Including Cover Sheet <u>3</u>
--------------------	--

Transmitted To:

Name: Marcia Hofmann	
Organization: EPIC	
Phone #: 202-483-1140	Fax #: 202-483-1248

Transmitted From:

Name: Theresa Crosland	
Organization: OIPR/DOJ	
Phone #: 202-514-5600	

Comments:

Original memo and attachments have been mailed. If you have any questions, please



U.S. Department of Justice

Office of Intelligence Policy and Review

Washington, D.C. 20530

SEP 6 2006

EXHIBIT B
Baker Decl.

Marcia Hofmann, Director
Open Government Project
EPIC, Suite 200
1718 Connecticut Avenue, NW
Washington DC 20009

Case 1:06-cv-00096-HHK Document 29 Filed 09/15/2006 Page 14 of 25

COPY

Re: FOIA/PA # 06-08

Dear Ms. Hofmann:

This is in further response to your December 15, 2005 Freedom of Information Act (FOIA) request for access to "agency records from September 11, 2001 to the present concerning a presidential order or directive authorizing the National Security Agency, or any other component of the intelligence community, to conduct domestic surveillance without the prior authorization of the Foreign Intelligence Surveillance Court" and other enumerated items.

We have completed consults with respect to two unclassified documents and determined that they can be released with redactions pursuant to Exemptions 5, 6, and 7(C) of the FOIA, 5 U.S.C. 552 (b)(5), (b)(6), and (b)(7)(C). Exemption 5 pertains to certain inter- and intra-agency communications protected by the deliberative process and attorney-client privileges. Since the release of this information would injure the quality of agency decisions and impede the effectiveness of law enforcement activities, none of the information being withheld is appropriate for discretionary disclosure. Exemptions 6 and 7(C) pertain to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties. In this instance, the names and telephone numbers of Department of Justice staff have been withheld.

Although I am aware that your request is the subject of ongoing litigation and that appeals are not ordinarily acted on in such situations, I am required by statute and regulation to inform you that you have the right to file an administrative appeal.

Sincerely,

James A. Baker
Counsel for Intelligence Policy

Enclosures (2)

**INDEX OF RECORDS OR CATEGORIES OF RECORDS WITHHELD BY THE OFFICE OF
INTELLIGENCE POLICY AND REVIEW ("OIPR")**

NO.	DOCUMENT TYPE	FOR JUSTIFICATION OF EXEMPTION, SEE DECLARATION OF JAMES A. BAKER	SEE ALSO DECLARATION BY OTHER AGENCY OR COMPONENT*	APPLICABLE EXEMPTION(S)	DUPLICATE DOCUMENT
OIPR 1			OLC		
OIPR 2			OLC		
OIPR 3	<i>INTENTIONALLY LEFT BLANK</i>				
OIPR 4	Letter	¶ 17 n.2			
OIPR 5	Letter	¶ 27		(b)(1) (b)(3)	SAME as ODAG 9
OIPR 6	Letter Notes	¶ 27		(b)(1) (b)(3) (b)(5)	
OIPR 7	Notes			(b)(1) (b)(3) (b)(5) (b)(6)	
OIPR 8			NSA		
OIPR 9			OLC		
OIPR 10	Notes	¶¶ 30-31		(b)(1) (b)(3) (b)(5) (b)(6)	
OIPR 11	Notes	¶¶ 30-31		(b)(1) (b)(3) (b)(5) (b)(6)	
OIPR 12	Memo	¶¶ 32-33		(b)(1) (b)(3) (b)(5)	SAME as OLC 128
OIPR 13			OLC		
OIPR 14	Notes	¶¶ 30-31		(b)(1) (b)(3) (b)(5) (b)(6)	
OIPR 15	Notes	¶¶ 30-31		(b)(1) (b)(3) (b)(5) (b)(6)	
OIPR 16			NSA		

* Because certain documents implicate the equities of more than one component or agency, the withholding of certain documents may be discussed in more than one declaration.

NO.	DOCUMENT TYPE	FOR JUSTIFICATION OF EXEMPTION, SEE DECLARATION OF JAMES A. BAKER	SEE ALSO DECLARATION BY OTHER AGENCY OR COMPONENT*	APPLICABLE EXEMPTION(S)	DUPLICATE DOCUMENT
OIPR 17	Notes	¶¶ 30-31		(b)(1) (b)(3) (b)(5) (b)(6)	
OIPR 18	Memo	¶¶ 25-26		(b)(1) (b)(3) (b)(5)	
OIPR 19	Draft Talking Points	¶¶ 25-26		(b)(1) (b)(3) (b)(5)	
OIPR 20	Talking Points	¶¶ 25-26		(b)(1) (b)(3) (b)(5)	
OIPR 21	Draft Talking Points	¶¶ 25-26		(b)(1) (b)(3) (b)(5)	
OIPR 22	Notes	¶¶ 25-26		(b)(1) (b)(3) (b)(5) (b)(6)	
OIPR 23	Notes	¶¶ 25-26		(b)(1) (b)(3) (b)(5) (b)(6)	
OIPR 24	Draft Talking Points	¶¶ 25-26		(b)(1) (b)(3) (b)(5)	
OIPR 25			OLC		
OIPR 26	<i>INTENTIONALLY LEFT BLANK</i>				
OIPR 27			OLC		
OIPR 28			OLC		
OIPR 29			OLC		
OIPR 30			OLC		
OIPR 31			OLC		
OIPR 32	Draft Notes	¶¶ 34-35	OLC	(b)(1) (b)(3) (b)(5)	
OIPR 33			OLC		
OIPR 34	Draft Notes	¶¶ 34-35	OLC	(b)(1) (b)(3) (b)(5)	
OIPR 35			OLC		
OIPR 36			OLC		

NO.	DOCUMENT TYPE	FOR JUSTIFICATION OF EXEMPTION, <u>SEE</u> DECLARATION OF JAMES A. BAKER	<u>SEE ALSO</u> DECLARATION BY OTHER AGENCY OR COMPONENT*	APPLICABLE EXEMPTION(S)	DUPLICATE DOCUMENT
OIPR 37			OLC		
OIPR 38			OLC		
OIPR 39	<i>INTENTIONALLY LEFT BLANK</i>				
OIPR 40	Notes	¶¶ 25-26		(b)(1) (b)(3) (b)(5) (b)(6)	
OIPR 41			OLC		
OIPR 42			FBI		
OIPR 43			OLC		
OIPR 44			OLC		
OIPR 45			OLC		
OIPR 46			OLC		
OIPR 47			OLC		
OIPR 48			ODAG		
OIPR 49			OLC		
OIPR 50			OLC		
OIPR 51			OLC		
OIPR 52			OLC		
OIPR 53			ODAG		
OIPR 54			ODAG		
OIPR 55			OLC		
OIPR 56	Collection	¶ 42			Contains OLC 113, OLC 51, OLC 85, OLC 54, OLC 41, OLC 55, OLC 57, OLC 114, OLC 63, OLC 64, ODAG 41, OLC 126, OLC 127, OLC 128, OLC 56, OLC 16 (ODAG 38); OLC 130 (ODAG 7); OLC 131 (ODAG 2); OLC 132 (ODAG 5); OLC 133 (ODAG 51)
OIPR 57			NSA		
OIPR 58	Letter Notes	¶ 27		(b)(1) (b)(3) (b)(5)	

NO.	DOCUMENT TYPE	FOR JUSTIFICATION OF EXEMPTION, <u>SEE</u> DECLARATION OF JAMES A. BAKER	<u>SEE ALSO</u> DECLARATION BY OTHER AGENCY OR COMPONENT*	APPLICABLE EXEMPTION(S)	DUPLICATE DOCUMENT
OIPR 59	Letter Notes	¶ 27		(b)(1) (b)(3) (b)(5)	
OIPR 60			OLC		
OIPR 61	RELEASED			NOT EXEMPT	
OIPR 62	RELEASED			NOT EXEMPT	
OIPR 63	Draft Notes	¶¶ 34-35		(b)(5) (b)(6)	
OIPR 64	Letter	¶ 17 n.2			
OIPR 65	Draft Talking Points	¶¶ 25-26	FBI	(b)(1) (b)(3) (b)(5)	
OIPR 66	RELEASED, with redaction	¶ 41	CRIMINAL	(b)(6) (b)(7)(C)	
OIPR 67	RELEASED, with redaction	¶ 41	OPR	(b)(6) (b)(7)(C)	
OIPR 68	Notes	¶¶ 25-26		(b)(1) (b)(3) (b)(5) (b)(6)	
OIPR 69	Draft	¶ 27		(b)(1) (b)(3) (b)(5)	
OIPR 70			NSA		
OIPR 71			OLC		
OIPR 72	Draft	¶¶ 34-35		(b)(5)	
OIPR 73	Talking Points	¶¶ 34-35		(b)(1) (b)(3) (b)(5)	
OIPR 74	Notes	¶¶ 30-31		(b)(1) (b)(3) (b)(5) (b)(6)	
OIPR 75			OLC		
OIPR 76			NSA		
OIPR 77	Letter	¶ 27		(b)(1) (b)(3)	
OIPR 78	Letter	¶ 27		(b)(1) (b)(3) (b)(6)	
OIPR 79	Letter	¶ 27		(b)(1) (b)(3)	
OIPR 80			ODAG		

NO.	DOCUMENT TYPE	FOR JUSTIFICATION OF EXEMPTION, SEE DECLARATION OF JAMES A. BAKER	SEE ALSO DECLARATION BY OTHER AGENCY OR COMPONENT*	APPLICABLE EXEMPTION(S)	DUPLICATE DOCUMENT
OIPR 81			ODAG		
OIPR 82			OLC		
OIPR 83			FBI		
OIPR 84	<i>INTENTIONALLY LEFT BLANK</i>				
OIPR 85			OLC		
OIPR 86			OLC		
OIPR 87			OLC		
OIPR 88			OLC		
OIPR 89			OLC		
OIPR 90			OLC		
OIPR 91			OLC		
OIPR 92			OLC		
OIPR 93			OLC		
OIPR 94			OLC		
OIPR 95			OLC		
OIPR 96	<i>INTENTIONALLY LEFT BLANK</i>				
OIPR 97			OLC		
OIPR 98			OLC		
OIPR 99			OLC		
OIPR 100			OLC		
OIPR 101			OLC		
OIPR 102			OLC		
OIPR 103			OLC		
OIPR 104			OLC		
OIPR 105			OLC		
OIPR 106			OLC		
OIPR 107	Calendar Entry	¶¶ 30-31		(b)(5)	
OIPR 108	Calendar Entry	¶¶ 30-31		(b)(5)	
OIPR 109	Calendar Entry	¶¶ 30-31		(b)(5)	
OIPR 110	Calendar Entry	¶¶ 30-31		(b)(5)	
OIPR 111	Calendar Entry	¶¶ 30-31		(b)(5)	
OIPR 112	Calendar Entry	¶¶ 30-31		(b)(5)	
OIPR 113			OLC		
OIPR 114			FBI		
OIPR 115	Client Communication	¶¶ 28-29	NSA	(b)(1) (b)(3) (b)(5) (b)(6)	
OIPR 116	Client Communication	¶¶ 28-29	NSA	(b)(1) (b)(3) (b)(5) (b)(6)	

NO.	DOCUMENT TYPE	FOR JUSTIFICATION OF EXEMPTION, SEE DECLARATION OF JAMES A. BAKER	SEE ALSO DECLARATION BY OTHER AGENCY OR COMPONENT*	APPLICABLE EXEMPTION(S)	DUPLICATE DOCUMENT
OIPR 117	Client Communication	¶¶ 28-29	NSA	(b)(1) (b)(3) (b)(5) (b)(6)	
OIPR 118	Client Communication	¶¶ 28-29	NSA, OLC	(b)(1) (b)(3) (b)(5) (b)(6)	SAME as OLC 94
OIPR 119	Client Communication	¶¶ 28-29	NSA	(b)(1) (b)(3) (b)(5) (b)(6)	
OIPR 120	Client Communication	¶¶ 28-29	NSA	(b)(1) (b)(3) (b)(5) (b)(6)	
OIPR 121	Client Communication	¶¶ 28-29	NSA	(b)(1) (b)(3) (b)(5) (b)(6)	
OIPR 122	Internal email	¶¶ 28-29		(b)(1) (b)(3) (b)(5) (b)(6)	
OIPR 123	Internal email	¶¶ 28-29		(b)(1) (b)(3) (b)(5) (b)(6)	
OIPR 124	Internal email	¶¶ 28-29		(b)(1) (b)(3) (b)(5) (b)(6)	
OIPR 125	Internal email Draft	¶ 27		(b)(1) (b)(3) (b)(5) (b)(6)	
OIPR 126	Client Communication	¶¶ 28-29	NSA	(b)(1) (b)(3) (b)(5) (b)(6)	
OIPR 127	Client Communication	¶¶ 28-29	NSA	(b)(1) (b)(3) (b)(5) (b)(6)	

NO.	DOCUMENT TYPE	FOR JUSTIFICATION OF EXEMPTION, <u>SEE</u> DECLARATION OF JAMES A. BAKER	<u>SEE ALSO</u> DECLARATION BY OTHER AGENCY OR COMPONENT*	APPLICABLE EXEMPTION(S)	DUPLICATE DOCUMENT
OIPR 128	Client Communication	¶¶ 28-29	NSA	(b)(1) (b)(3) (b)(5) (b)(6)	
OIPR 129			OLC		
OIPR 130	Draft	¶¶ 28-29		(b)(1) (b)(3) (b)(5)	
OIPR 131	Memo	¶¶ 28-29		(b)(1) (b)(3) (b)(5)	
OIPR 132	Memo	¶¶ 28-29		(b)(1) (b)(3) (b)(5)	
OIPR 133	Memo	¶¶ 28-29		(b)(1) (b)(3) (b)(5)	
OIPR 134	Draft	¶¶ 28-29		(b)(1) (b)(3) (b)(5)	
OIPR 135	Draft	¶¶ 28-29		(b)(1) (b)(3) (b)(5)	
OIPR 136	Draft	¶ 27		(b)(1) (b)(3) (b)(5)	
OIPR 137			OLC		
OIPR 138			OLC		
OIPR 139			OLC		
OIPR 140			OLC		
OIPR 141			OLC		
OIPR 142			OLC		
DOCUMENTS REFERRED BY OLC					
OLC 1	Draft	¶¶ 22-23		(b)(1) (b)(3) (b)(5)	
OLC 2	Draft	¶¶ 22-23		(b)(1) (b)(3) (b)(5)	

NO.	DOCUMENT TYPE	FOR JUSTIFICATION OF EXEMPTION, <u>SEE</u> DECLARATION OF JAMES A. BAKER	<u>SEE ALSO</u> DECLARATION BY OTHER AGENCY OR COMPONENT*	APPLICABLE EXEMPTION(S)	DUPLICATE DOCUMENT
OLC 3	Draft	¶¶ 22-23		(b)(1) (b)(3) (b)(5)	
OLC 12	Order	¶ 24		(b)(1) (b)(3)	SAME as ODAG 32
OLC 13	Order	¶ 24		(b)(1) (b)(3)	SAME as ODAG 29
OLC 14	Client Communication Draft	¶ 27		(b)(1) (b)(3) (b)(5) (b)(6)	
OLC 20	Draft	¶ 27		(b)(1) (b)(3) (b)(5)	
OLC 21	Letter	¶ 27		(b)(1) (b)(3)	SAME as OIPR 79
OLC 91	Letter	¶ 17 n.2			SAME as OIPR 4
OLC 92	Draft	¶¶ 22-23		(b)(1) (b)(3) (b)(5)	
OLC 94	Client Communication	¶¶ 28-29		(b)(1) (b)(3) (b)(5) (b)(6)	SAME as OIPR 118
OLC 110	Draft Notes	¶¶ 22-23		(b)(1) (b)(3) (b)(5)	
OLC 128	Memo	¶¶ 32-33		(b)(1) (b)(3) (b)(5)	SAME AS OIPR 12
OLC 138	Client Communication	¶¶ 34-35		(b)(1) (b)(3) (b)(5) (b)(6)	
DOCUMENTS REFERRED BY ODAG					
ODAG 9	Letter	¶ 27		(b)(1) (b)(3)	SAME as OIPR 5
ODAG 28	Draft	¶ 27		(b)(1) (b)(3) (b)(5)	SAME as OLC 1 Also referred to OLC

NO.	DOCUMENT TYPE	FOR JUSTIFICATION OF EXEMPTION, <u>SEE</u> DECLARATION OF JAMES A. BAKER	<u>SEE ALSO</u> DECLARATION BY OTHER AGENCY OR COMPONENT*	APPLICABLE EXEMPTION(S)	DUPLICATE DOCUMENT
ODAG 29	Order	¶ 24		(b)(1) (b)(3)	SAME as OLC 13
ODAG 30	Draft	¶ 27		(b)(1) (b)(3) (b)(5)	SAME as OLC 1 Also referred to OLC
ODAG 32	Order	¶ 24		(b)(1) (b)(3)	SAME as OLC 12
DOCUMENTS REFERRED BY FBI					
FBI 14	Memo	¶¶ 28-29		(b)(1) (b)(3) (b)(5)	