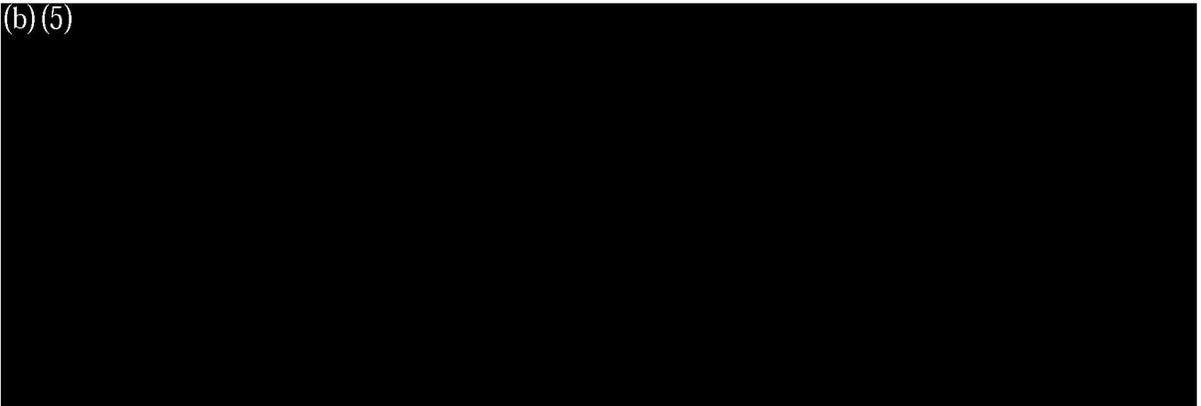


Cheung, Denise (OAG)

From: Cheung, Denise (OAG)
Sent: Tuesday, December 9, 2014 4:53 PM
To: Fallon, Brian (OPA); Richardson, Margaret (OAG)
Cc: Lewis, Kevin S. (OPA); Kadzik, Peter J (OLA)
Subject: RE: TPs for AG for Joy Reid interview

One proposed edit from Jim Walsh, along with his comment:

(b) (5)

A large black rectangular redaction box covers the majority of the page content below the first email header.

From: Fallon, Brian (OPA)
Sent: Tuesday, December 09, 2014 3:44 PM
To: Cheung, Denise (OAG); Richardson, Margaret (OAG)
Cc: Lewis, Kevin S. (OPA); Kadzik, Peter J (OLA)
Subject: RE: TPs for AG for Joy Reid interview

Adding Peter for awareness.

From: Cheung, Denise (OAG)
Sent: Tuesday, December 09, 2014 3:34 PM
To: Fallon, Brian (OPA); Richardson, Margaret (OAG)
Cc: Lewis, Kevin S. (OPA)
Subject: RE: TPs for AG for Joy Reid interview

(b) (5)

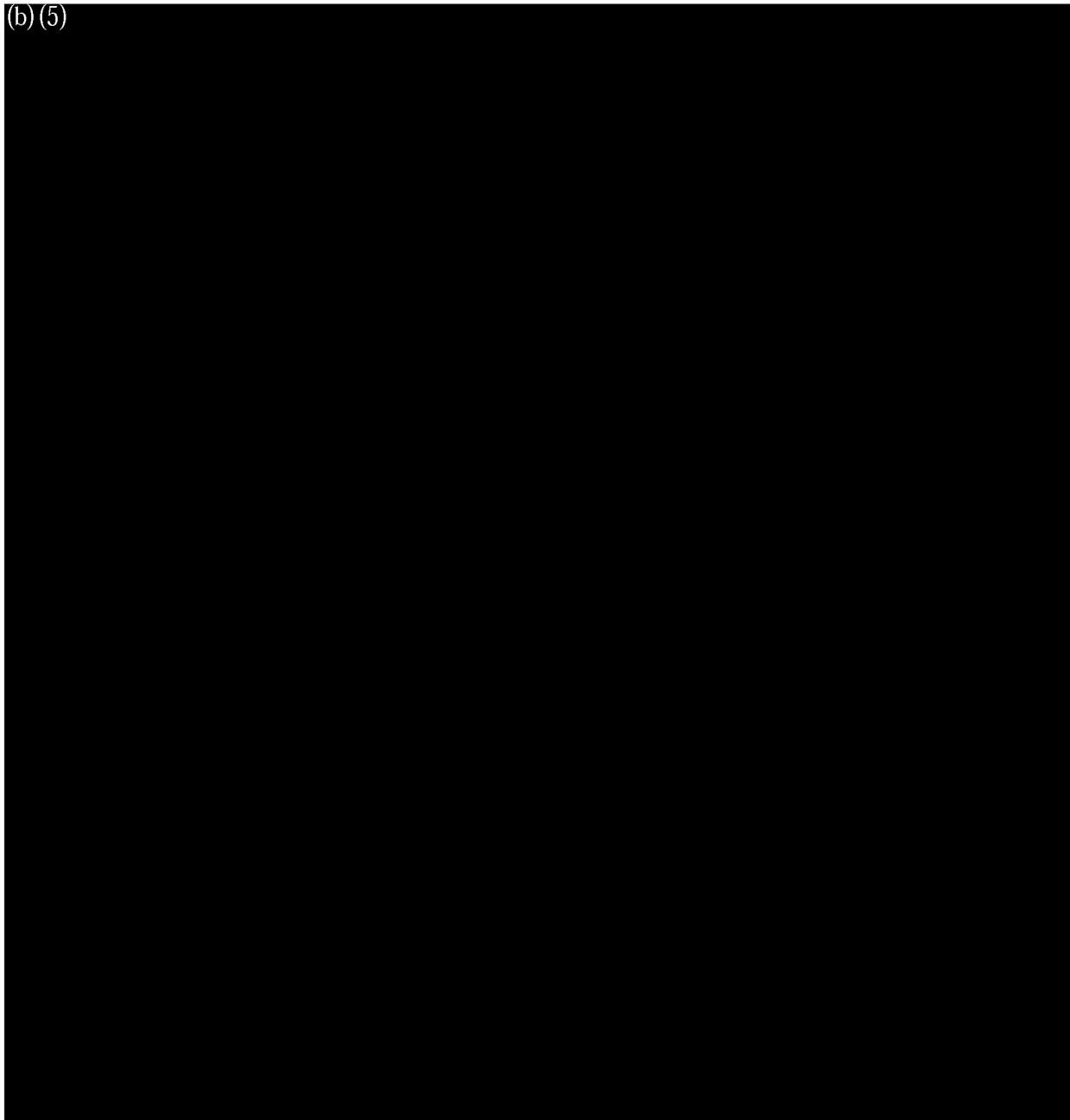
A large black rectangular redaction box covers the bottom portion of the page content.

(b) (5)

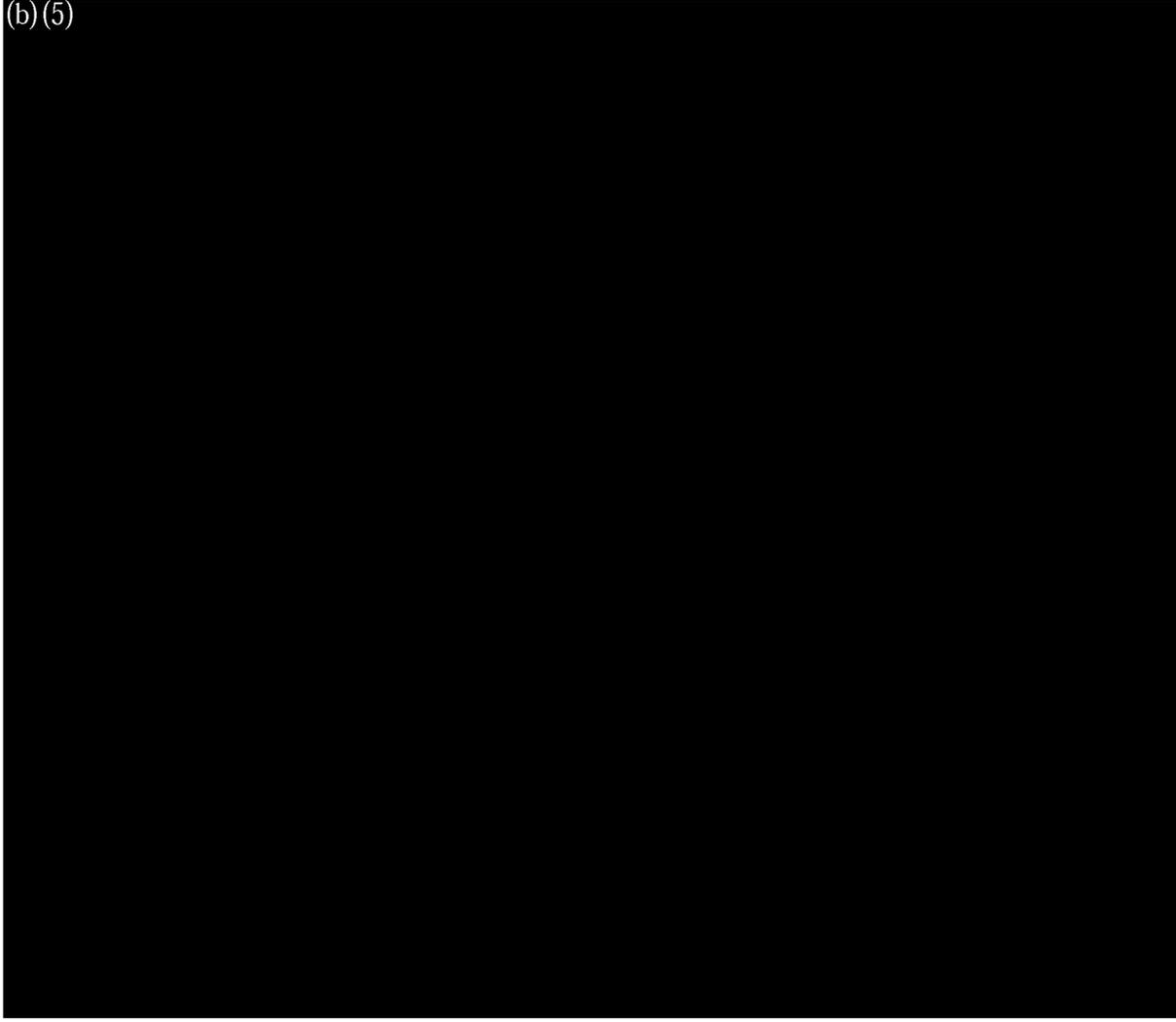
A thick black horizontal bar redacting a line of text.

From: Fallon, Brian (OPA)
Sent: Tuesday, December 09, 2014 3:03 PM
To: Cheung, Denise (OAG); Richardson, Margaret (OAG)
Cc: Lewis, Kevin S. (OPA)
Subject: TPs for AG for Joy Reid interview

(b) (5)

A large black rectangular redaction box covering the majority of the page content.

(b) (5)



Hayden, Paul A. (OLA)

From: Hayden, Paul A. (OLA)
Sent: Tuesday, December 9, 2014 10:57 AM
To: Walsh, James (ODAG); Kadzik, Peter J (OLA); Cheung, Denise (OAG)
Cc: May, M. Benjamin (OLA)
Subject: SSCI Report

All,

I am told that the materials, along with the report, are on embargo until roughly 11:15 when Sen. Feinstein begins her Floor remarks. The report will be available at <http://www.intelligence.senate.gov/>.

Paul

Paul A. Hayden

Attorney Advisor

Office of Legislative Affairs

U.S. Department of Justice

(202) 305-8313

Fisher, Janet C. (OLA)

From: Fisher, Janet C. (OLA)
Sent: Tuesday, December 9, 2014 10:50 AM
To: Hayden, Paul A. (OLA); May, M. Benjamin (OLA)
Subject: FW: Fwd:
Attachments: faq final.docx; key dates final.docx; release final.docx; timeline final.docx

Fyi – Paul, per our discussion, (b)(5)

From: "Grannis, D (Intelligence)" (b)(6)

Date: December 9, 2014 at 7:51:58 AM EST

To: "Grannis, D (Intelligence)" (b)(6)

Subject: documents

Good morning. Please find attached some background documents related to the SSCI's Study of CIA Detention and Interrogation. The materials, along with the report, are on embargo until roughly 11:15 when Sen. Feinstein begins her Floor remarks. The report will be available at <http://www.intelligence.senate.gov/>.

Best,

David

For Immediate Release
December 9, 2014

Contact: Tom Mentzer
(202) 224-9629

Senate Intelligence Committee Releases Report on CIA Detention, Interrogation Program

Washington Senate Intelligence Committee Chairman Dianne Feinstein (D-Calif.) today released the executive summary of the committee’s five-year review of the CIA’s detention and interrogation program. The release includes redacted versions of the committee’s executive summary and findings and conclusions, as well as additional and minority views authored by members of the committee.

“This document examines the CIA’s secret overseas detention of at least 119 individuals and the use of coercive interrogation techniques—in some cases amounting to torture,” Feinstein said.

Study process

The committee voted to initiate the review on March 5, 2009, with a bipartisan 14-1 vote. Over the following three and a half years, committee staff reviewed more than 6.3 million pages of CIA records, a painstaking process that culminated in the committee’s 9-6 bipartisan vote to approve the study on December 13, 2012.

Months of meetings with the CIA and work to update the study followed, and on April 3, 2014, the committee voted 11-3 to declassify and release the committee’s report. The committee has worked with the Executive Branch over the past eight months to prepare a redacted version designed to protect national security while allowing for the public release of this information.

Key findings

The study’s 20 findings and conclusions can be grouped into four central themes, each of which is supported extensively in the Executive Summary:

1. The CIA’s “enhanced interrogation techniques” were not effective.
2. The CIA provided extensive inaccurate information about the operation of the program and its effectiveness to policymakers and the public.

3. The CIA's management of the program was inadequate and deeply flawed.
4. The CIA program was far more brutal than the CIA represented to policymakers and the American public.

1. The CIA's coercive interrogation techniques were not effective.

- At no time did the CIA's coercive interrogation techniques lead to the collection of imminent threat intelligence, such as the hypothetical "ticking time bomb" information that many believe was the justification for the use of these techniques.
- The committee reviewed 20 of the most frequent and prominent examples of purported counterterrorism "successes" that the CIA has attributed to the use of its enhanced interrogation techniques. Each of those examples was found to be wrong in fundamental respects. In some cases, there was no relationship between the claimed counterterrorism "success" and any information provided by a CIA detainee during or after the use of the CIA's enhanced interrogation techniques. In the remaining cases, the CIA inaccurately represented that unique information was acquired from a CIA detainee as a result of the CIA's enhanced interrogation techniques, when in fact the information was either (a) acquired from the CIA detainee prior to the use of the CIA's enhanced interrogation techniques or (b) corroborative of information already available to the intelligence community from sources other than the CIA detainee, and therefore not unique or "otherwise unavailable," which was the standard for effectiveness the CIA presented to the Department of Justice and policymakers.
- The methods in question which were based on discredited coercive interrogation techniques such as those used by torturous regimes during the Cold War to elicit false confessions regularly resulted in fabricated information. During the brutal interrogations the CIA was often unaware the information was fabricated, leading CIA officers or contractors to falsely conclude that they were acquiring unique or actionable intelligence when they were not.
- Internally, CIA officers regularly called into question the effectiveness of the CIA's interrogation techniques, noting how the techniques failed to elicit detainee cooperation or produce accurate intelligence.
- The CIA acknowledges that it never adequately reviewed the effectiveness of its enhanced interrogation techniques, despite a recommendation by the CIA inspector general to do so and similar requests by National Security Advisor Condoleezza Rice and the leadership of the Senate Intelligence Committee. After the use of the CIA's enhanced interrogation techniques failed to elicit information on the last detainee in CIA custody in 2007, a CIA review team internally concluded that future CIA interrogations should incorporate more rapport-building techniques and that the CIA should conduct research on interrogation techniques used by other U.S. government agencies.

2. The CIA provided extensive inaccurate information about the operation of the program and its effectiveness to policymakers and the public.

- The study details how the CIA used inaccurate information to obtain legal and policy approval to use the CIA’s “enhanced interrogation techniques.” The CIA provided inaccurate information to the White House, Congress, the Justice Department, the CIA inspector general, the media, and the American public.
- The CIA said the use of enhanced interrogation techniques was necessary to obtain unique intelligence and that the intelligence acquired was “otherwise unavailable” to the nation. The CIA further represented that intelligence from these techniques “saved lives” and loss of the authority to use the interrogation techniques would result in the deaths of Americans.
- In an attempt to justify the use of the CIA’s enhanced interrogation techniques, the CIA provided examples of supposedly “thwarted” terrorist plots and the capture of specific terrorists that the CIA attributed to the use of its techniques. The CIA representations were inaccurate and contradicted by the CIA’s own records. The CIA’s internal Panetta Review also identified numerous inaccuracies in the CIA’s effectiveness representations including representations to the President.
- The full membership of the Senate Intelligence Committee was not briefed on the techniques until hours before the detention and interrogation program was publicly disclosed by President Bush in a speech on September 6, 2006. Briefings to the full committee contained numerous inaccuracies, including inaccurate descriptions of how interrogation techniques were applied and what information was produced from the program.
- After they were briefed, several senators objected to the program. Senator McCain informed the CIA that he believed waterboarding and sleep deprivation were torture, and other senators including Feinstein, Hagel, Wyden, and Feingold expressed concerns in writing. Nonetheless, the CIA informed the Justice Department’s Office of Legal Counsel in classified settings that no senators had objected to the enhanced interrogation techniques that the CIA then sought to use against detainees.
- The CIA provided incomplete and inaccurate information to the White House regarding the operation and effectiveness of the detention and interrogation program. In addition to inaccurate statements provided to other policymakers, there were instances in which specific questions from White House officials were not answered truthfully or completely.

3. The CIA’s management of the program was inadequate and deeply flawed.

- The CIA was unprepared to operate and manage the program more than six months after being granted covert detention authorities by President Bush, which included no reference to interrogations or coercive interrogation techniques.
- The CIA failed to review its previous use of coercive interrogations decades earlier, which resulted in the conclusion, as stated to Congress in 1989, that “inhumane physical or psychological techniques are counterproductive because they do not produce intelligence and will probably result in false answers.” The CIA also did not contact other parts of the U.S. government with interrogation expertise.
- One clear example of flawed CIA management was the poorly-managed second detention facility, which began operations in September 2002. This facility is referred to as “COBALT,” a fictitious name created just for the report. The facility kept few formal records of detainees housed there and untrained CIA officers conducted frequent, unauthorized, unsupervised interrogations using techniques that were not and never became part of the CIA’s formal interrogation program.
- The CIA placed a junior officer with no relevant experience in charge of COBALT. In November 2002 a detainee who had been held partially nude and chained to a concrete floor died from suspected hypothermia at the facility. In interviews conducted in 2003 by the Office of the Inspector General, CIA’s leadership acknowledged that they had little or no awareness of operations at COBALT, and some believed that the CIA’s enhanced interrogation techniques were not used there.
- The CIA did not employ adequately trained and vetted personnel. The CIA deployed individuals without relevant training or experience. CIA also deployed officers who had documented personal and professional problems of a serious nature including histories of violence and abusive treatment of others that should have called into question their employment, let alone their suitability to participate in the sensitive CIA program.
- The CIA used two outside contract psychologists to develop, operate, and assess its interrogation operations. The psychologists’ prior experience was at the Air Force Survival, Evasion, Resistance and Escape (SERE) school. Neither psychologist had any experience as an interrogator, nor did either have specialized knowledge of al-Qaeda, a background in counterterrorism, or any relevant cultural or linguistic expertise.
 - The contractors developed the list of enhanced interrogation techniques and personally conducted interrogations of some of the CIA’s most significant detainees using those techniques. The contractors also evaluated whether detainees’ psychological state allowed for the continued use of the techniques,

even for some detainees they themselves were interrogating or had interrogated.

- The contract psychologists also served as liaisons between the CIA and foreign intelligence services, and the CIA allowed them to assess the effectiveness of their own interrogation program. In 2005, the psychologists formed a company to expand their work with the CIA. Shortly thereafter, the CIA outsourced virtually all aspects of the program. The CIA paid the company more than \$80 million.
- Of the 119 known detainees that were in CIA custody during the life of the program, at least 26 were wrongfully held. Detainees often remained in custody for months after the CIA determined they should not have been detained. CIA records provide insufficient information to justify the detention of many other detainees. Due to poor CIA record keeping, a full accounting of how many specific CIA detainees were held and how they were specifically treated while in custody may never be known.
- On two occasions, when specific allegations were made against CIA employees associated with the program, attempts to hold individuals accountable were overruled. In 2005, an accountability board recommendation to hold an individual accountable was overruled by senior CIA leadership. In a second case in 2007, the CIA director intervened before an accountability board was even convened.

4. The CIA program was far more brutal than the CIA represented to policymakers and the American public.

- Beginning with the CIA's first detainee, Abu Zubaydah, and continuing with numerous others, the CIA applied its so-called enhanced interrogation techniques in near non-stop fashion for days or weeks at a time.
- Records do not support CIA representations that the CIA initially used an "an open, non-threatening approach," or that interrogations began with the "least coercive technique possible" and escalated to more coercive techniques only as necessary. Instead, in many cases the most aggressive techniques were used immediately, in combination and nonstop. Sleep deprivation involved keeping detainees awake for up to 180 hours, usually standing or in painful stress positions, at times with their hands shackled above their heads. The CIA led several detainees to believe they would never be allowed to leave CIA custody alive, suggesting to one detainee that he would only leave in a coffin-shaped box.
- The CIA represented that its interrogations were nothing like what was depicted in the Abu Ghraib photographs and testified to senators that the CIA's interrogation techniques were similar to "transparent law enforcement procedures [that] had developed to such a high level...that you could get pretty much what you wanted." This was not accurate. CIA detainees at one detention facility,

described as a “dungeon,” were kept in complete darkness and constantly shackled in isolated cells with loud noise or music and only a bucket to use for human waste.

- Lack of heat at the facility likely contributed to the death of a detainee. At times, detainees there were walked around naked and shackled with their hands above their head. At other times, naked detainees were hooded and dragged up and down corridors while being slapped and punched.
- Throughout the program, multiple CIA detainees who were subjected to the CIA’s techniques and extended isolation exhibited psychological and behavioral issues, including hallucinations, paranoia, insomnia, and attempts at self-harm and self-mutilation. Multiple psychologists identified the lack of human contact experienced by detainees as a cause of psychological problems.
- Contrary to CIA representations to the Department of Justice, the waterboarding technique was physically harmful, inducing convulsions and vomiting. During one session, Abu Zubaydah became “completely unresponsive with bubbles rising through his open full mouth.” Internal CIA records describe the waterboarding of Khalid Shaykh Mohammad as evolving into a “series of near drownings.” There are records to indicate that the CIA may have used the waterboard technique on more than the three detainees the CIA had previously identified. For example, the committee uncovered a photograph of a waterboard with buckets of water around it at a detention site where the CIA has claimed it never subjected a detainee to the waterboard. In meetings with the CIA in 2013, CIA was unable to explain the presence of the well-worn waterboard at the CIA detention site.
- Contrary to CIA representations to the Department of Justice, the CIA instructed personnel that the interrogation of Abu Zubaydah would take “precedence” over his medical care, resulting in the infection and deterioration of a bullet wound Abu Zubaydah incurred during his capture. At least five CIA detainees were subjected to “rectal feeding” or “rectal hydration” without documented medical need.

###

(b)(6) per NSD (NSD)

From: (b)(6) per NSD (NSD)
Sent: Wednesday, October 29, 2014 6:48 PM
To: Hayden, Paul A. (OLA)
Subject: Fw: AG - quote on SSCI Report

Hey Paul,

Just wanted to let you know that I have been very closely involved on this issue for the front office (b)(5)

[REDACTED]

Hope all is well.

[REDACTED]
(b)(6) per NSD
Senior Counsel
Office of the Assistant Attorney General
National Security Division
US Department of Justice

From: Fisher, Janet C. (OLA)
Sent: Wednesday, October 29, 2014 06:43 PM
To: (b)(6) per NSD (NSD)
Subject: Re: AG - quote on SSCI Report

Got it and will do. FYI - Hayden has been point-person on this one but happy to relay what info I can get.

Janet Fisher
U.S. Department of Justice
Office of Legislative Affairs
[202.514.2141](tel:202.514.2141) main
[202.514.6703](tel:202.514.6703) direct

On Oct 29, 2014, at 6:39 PM, "(b)(6) per NSD (NSD)" (b)(6) per NSD wrote:

FYI that I have been reviewing for NSD and am closely involved on our side. Please let me know if you hear anything else about status or timing of release.

Thanks!

(b)(6) per NSD

From: Evans, Stuart (NSD)
Sent: Wednesday, October 29, 2014 5:30 PM
To: (b)(6) per NSD (NSD)

... (b)(6) per NSD (1455)

Subject: FW: AG - quote on SSCI Report

From: Fisher, Janet C. (OLA)

Sent: Wednesday, October 29, 2014 5:22 PM

To: Kadzik, Peter J (OLA); Hayden, Paul A. (OLA); Evans, Stuart (NSD); Wiegmann, Brad (NSD); Walsh, James (ODAG)

Subject: AG - quote on SSCI Report

Hi, everyone,

I just spoke with David Grannis, who asked about this Tweet that he saw from the Aspen Institute, quoting AG Holder:

<https://twitter.com/AspenInstitute/status/527498063150350336>

“I think Senate Intel report on torture needs to be released ASAP & w/ as little redactions as possible.” - Eric Holder #IdeasForum

(Not being on Twitter, it was news on my end. Grannis is asking for a follow-up on what this means for the way forward.)

Thanks,

Janet

Janet Fisher

U.S. Department of Justice | Office of Legislative Affairs

202.514.2141 main | 202.514.6703 direct

Kadzik, Peter J (OLA)

From: Kadzik, Peter J (OLA)
Sent: Wednesday, October 29, 2014 6:23 PM
To: Fisher, Janet C. (OLA); Hayden, Paul A. (OLA); Evans, Stuart (NSD); Wiegmann, Brad (NSD); Walsh, James (ODAG)
Subject: RE: AG - quote on SSCI Report

You can tell Grannis that redactions remain a discussion between the Committee and the Agency.

Peter J. Kadzik

Assistant Attorney General

Office of Legislative Affairs

(202) 514-2141

peter.j.kadzik@usdoj.gov

From: Fisher, Janet C. (OLA)
Sent: Wednesday, October 29, 2014 5:22 PM
To: Kadzik, Peter J (OLA); Hayden, Paul A. (OLA); Evans, Stuart (NSD); Wiegmann, Brad (NSD); Walsh, James (ODAG)
Subject: AG - quote on SSCI Report

Hi, everyone,

I just spoke with David Grannis, who asked about this Tweet that he saw from the Aspen Institute, quoting AG Holder:

<https://twitter.com/AspenInstitute/status/527498063150350336>

"I think Senate Intel report on torture needs to be released ASAP & w/ as little redactions as possible." - Eric Holder [#IdeasForum](#)

(Not being on Twitter, it was news on my end. Grannis is asking for a follow-up on what this means for the way forward.)

Thanks,

Janet

Janet Fisher

U.S. Department of Justice | Office of Legislative Affairs

U.S. Department of Justice | Office of Legislative Affairs

202.514.2141 main | 202.514.6703 direct

Richardson, Margaret (OAG)

From: Richardson, Margaret (OAG)
Sent: Wednesday, October 29, 2014 6:19 PM
To: Kadzik, Peter J (OLA)
Cc: Fallon, Brian (OPA)
Subject: Re: AG - quote on SSCI Report

Yes I think that makes sense.

On Oct 29, 2014, at 6:17 PM, Kadzik, Peter J (OLA) <pkadzik@jmd.usdoj.gov> wrote:

Have the quote below. I suggest that I just tell SSCI that redactions remain a conversation between the Committee and the Agency.

Peter J. Kadzik

Assistant Attorney General
Office of Legislative Affairs
(202) 514-2141
peter.j.kadzik@usdoj.gov

From: Fisher, Janet C. (OLA)
Sent: Wednesday, October 29, 2014 5:46 PM
To: Kadzik, Peter J (OLA); Hayden, Paul A. (OLA); Evans, Stuart (NSD); Wiegmann, Brad (NSD); Walsh, James (ODAG)
Subject: RE: AG - quote on SSCI Report

Following up on the below, here is a more credible source of the AG's quote, with more context:

<http://www.cq.com/doc/newsmakertranscripts-4567692?6&search=H6QaAYZh>

CAPEHART:

And that is what do you make of this -- the critique of your tenure as being somewhat schizophrenic? On the one hand, you have a terrific record when it comes to civil rights. But when it comes to civil liberties, your critics say that you have fallen well short as the -- the protester just said, the Justice Department is going after folks who are leaking national security information -- national security information. You're going after journalists who have written stories that sort of reveal national security information. How do you explain -- explain that sort of -- the schizophrenic nature of your tenure?

«**HOLDER**»:

I'm not sure I would necessarily agree with the gentlemen who expressed himself there, or

with you. I think that, you know, one has to look at what we have done since we -- since President Obama took office. You know, we repudiated some OLC memoranda I think went counter to our -- our values as -- as a nation. We have tried to close Guantanamo, unsuccessfully. We have done I think a whole variety of things. You know, tried to work with doing our national security responsibilities consistent with the -- the rule of law, and, again, consistent with our values.

I -- I think, for instance, that the torture -- the -- the report that is to be released by the «Senate»«Intelligence» Committee needs to be released as soon as possible, with as few redactions as is -- as is possible. There have been a whole variety of things. I mean when it comes to this whole question of -- of whistleblowers, you know, we have gone after people who have gone -- who have said things or revealed things, contrary to the oath that they -- that they have taken.

And when it comes to reporters, what I have said, you know, we made changes in the processes that we have in place about how we interact with members of the -- the media after the -- the controversies erupted, I guess, a couple of years or so ago. But, beyond that, what I have said, and what is a -- is a guiding force for this administration is that any reporter who is doing his or her job gathering news is not going to go to jail as a result of that kind of activity.

Janet Fisher
U.S. Department of Justice | Office of Legislative Affairs
202.514.2141 main | 202.514.6703 direct

From: Fisher, Janet C. (OLA)
Sent: Wednesday, October 29, 2014 5:22 PM
To: Kadzik, Peter J (OLA); Hayden, Paul A. (OLA); Evans, Stuart (NSD); Wiegmann, Brad (NSD) (bwiegmann@jmd.usdoj.gov); Walsh, James (ODAG)
Subject: AG - quote on SSCI Report

Hi, everyone,

I just spoke with David Grannis, who asked about this Tweet that he saw from the Aspen Institute, quoting AG Holder:

<https://twitter.com/AspenInstitute/status/527498063150350336>

"I think Senate Intel report on torture needs to be released ASAP & w/ as little redactions as possible." - Eric Holder #IdeasForum

(Not being on Twitter, it was news on my end. Grannis is asking for a follow-up on what this means for the way forward.)

Thanks,
Janet

Janet Fisher
U.S. Department of Justice | Office of Legislative Affairs

202.514.2141 main | 202.514.6703 direct

Buchwald, Mike (Intelligence)

From: Buchwald, Mike (Intelligence)
Sent: Friday, September 26, 2014 4:29 PM
To: Fisher, Janet C. (OLA)
Cc: Hayden, Paul A. (OLA)
Subject: RE: SSCI CIA FOIA
Attachments: LEOPOLD, ACLU v. CIA, DOJ 9-4-14.pdf

Thanks for taking the time to discuss Janet.

David told me that last Friday he wrote to Mark Agrast about the attached transcript from a September 4 court appearance on the FOIA case we've been discussing. The government appears to be arguing that the Executive Branch does not have the full, 6,700 page classified version of our report. That is simply inaccurate. The document was provided in full to the White House on July 2 with follow-up to the ODNI and CIA the beginning of the following week.

Will DOJ please look into informing the Court that Ms. Mei misspoke and the Exec Branch does have the full report?

We are certain that if DOJ asks the White House, ODNI, and CIA whether they have the full, 6,700 page classified version of our report, they will agree they do.

Thanks,
Mike

(b)(6) (direct)

-----Original Message-----

From: Fisher, Janet C. (OLA) [mailto:Janet.C.Fisher@usdoj.gov]
Sent: Friday, September 26, 2014 4:03 PM
To: Buchwald, Mike (Intelligence); Hayden, Paul A. (OLA)
Subject: RE: SSCI CIA FOIA

Hey, Mike -- just call me -- 202.514.6703 -- thanks!

Janet Fisher
U.S. Department of Justice
Office of Legislative Affairs
202.514.2141 main | 202.514.6703 direct

-----Original Message-----

From: Buchwald, Mike (Intelligence) (b)(6)
Sent: Friday, September 26, 2014 4:02 PM
To: Hayden, Paul A. (OLA)
Cc: Fisher, Janet C. (OLA)

Subject: RE: SSCI CIA FOIA

Paul -- got your message. I'll just call Janet unless you want me to call your cell now? If so, please send me the number.

Thanks,
Mike

(b)(6) (direct)

-----Original Message-----

From: Buchwald, Mike (Intelligence)
Sent: Friday, September 26, 2014 1:51 PM
To: Hayden, Paul A. (OLA) (Paul.A.Hayden@usdoj.gov)
Cc: Janet.C.Fisher@usdoj.gov
Subject: RE: SSCI CIA FOIA

Paul,
Can we talk about this FOIA case at some point today?
Please let me know a good time to call and a good number for you.
Thanks very much,
Mike

Mike Buchwald
Counsel and Designee to Chairman Dianne Feinstein Senate Select Committee on Intelligence 211
Hart Office Building Washington D.C. 20510 (b)(6) (direct)

-----Original Message-----

From: Grannis, D (Intelligence)
Sent: Thursday, September 25, 2014 6:20 PM
Subject: Fw: SSCI CIA FOIA

there you go.

----- Original Message -----

From: Hayden, Paul A. (OLA) [mailto:Paul.A.Hayden@usdoj.gov]
Sent: Thursday, September 25, 2014 06:18 PM
To: Grannis, D (Intelligence)
Cc: Kadzik, Peter J (OLA) <Peter.J.Kadzik@usdoj.gov>
Subject: SSCI CIA FOIA

David,

The Department filed a motion for extension today until Oct. 29, 2014.

Please let us know if you have any questions.

Thanks

Thanks,

Paul

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

X

JASON LEOPOLD

Plaintiff

Civil Action Nos.:

13 1324, 14 1056 and 14 048

v.

CENTRAL INTELLIGENCE AGENCY,
DEPT. OF JUSTICE, et al.,

Defendants

X

AMERICAN CIVIL LIBERTIES UNION, et al.,

Plaintiffs,

v.

Civil Action No. 13 1870

CENTRAL INTELLIGENCE AGENCY, et al.,

Defendants

X

Washington, D.C.

Thursday, September 4, 2014

10:25 A.M.

TRANSCRIPT OF STATUS CONFERENCE
BEFORE THE HONORABLE JAMES E. BOASBERG
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For Plaintiff Leopold: Jeffrey Louis Light, Esq.

LAW OFFICES OF JEFFREY LIGHT
1712 Eye Street, NW, Suite 915
Washington, DC 20006
(202) 277 6213

For Plaintiff ACLU: Hina Shamsi, Esq.

AMERICAN CIVIL LIBERTIES UNION FOUNDATION
125 Broad Street, 18th floor
New York, NY 10004
(212) 284 7321

P R O C E E D I N G S

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THE DEPUTY CLERK: Your Honor, calling Civil Action Number 13 1324, Jason Leopold versus the Department of Justice, et al.; Case Number 13 1870, the American Civil Liberties Union, et al., v. The Central Intelligence Agency, et al.; case number 14 48, Jason Leopold versus the Central Intelligence Agency; and 14 1056, Jason Leopold, et al. v. the Central Intelligence Agency.

Would counsel for the plaintiff in Civil Action Number 13 1870 appearing telephonically, please identify yourself for the record and the party you represent.

MS. SHAMSI: Good morning. This is Hina Shamsi on behalf of the American Civil Liberties Union. And Your Honor, thank you for letting me participate by phone.

THE COURT: All right. Glad you are here. If you have any trouble hearing anything, just let me know, Ms. Shamsi.

MS. SHAMSI: I will, thank you.

THE COURT: Counsel for plaintiff in all other matters, and counsel for the defendants, please come to the lecturn and identify yourselves for the record and the parties you represent.

MR. LIGHT: Good morning, Your Honor. Jeffrey Light on behalf of plaintiffs, Jason Leopold and Ryan Noah Shapiro.

THE COURT: Good morning.

1 MS. MEI: Good morning, Your Honor. Vesper Mei from
2 the Department of Justice on behalf all defendants in all of
3 the cases. With me is also Elizabeth Shapiro also from the
4 Department of Justice.

5 THE COURT: Good morning to all of you. I'm glad
6 you folks are here. I just want to check in on the status of
7 a couple of these items. I know we've extended the date for
8 processing for a month until the end of this month. But
9 there is still some housekeeping that I wanted to take care
10 of, to make sure we're on top of.

11 So, let me start by asking you, Mr. Light, having
12 again spent a little time with the dockets of these cases.
13 And we'll do the 1056 is a little bit different. So we'll
14 deal with that later. But on 1324, you've amended your
15 complaint to ask for, quote, portions of the final report
16 unquote.

17 Now, the government I think believes that you are
18 looking for the executive summary but that's not so clear to
19 me based on how you've amended your complaint. So perhaps
20 you can make that clear.

21 MR. LIGHT: Thank you, Your Honor.

22 Our original FOIA request was for the executive
23 summary. Subsequent to that, we learned that the final
24 Senate report include some pages that are a summary of
25 findings. I'm not exactly sure what the right term is for

1 it, but essentially some bullet points that are separate from
2 the executive summary. So that is something that we had also
3 are included in our report. I'm not exactly sure
4 specifically how to refer to it but hopefully the defendants,
5 I'm conveying it adequately to them what it is I'm referring
6 to.

7 THE COURT: All right. I'll ask Ms. Mei, because I
8 can't say that I understand precisely what you've said. And
9 based on the defense's filings, they believe you are still
10 looking for the executive summary.

11 MS. MEI: Your Honor, our characterization of
12 Mr. Leopold's request is the copy of the executive summary
13 was based on his FOIA request to the CIA, which is where we
14 got that. I don't believe, although I may be wrong, that the
15 findings and conclusions are included within that FOIA
16 request.

17 THE COURT: Okay. Mr. Light.

18 MR. LIGHT: Your Honor, I'll need to review the FOIA
19 request. If for any reason that we had not included that in,
20 then that was an oversight. We'll submit a new FOIA request
21 to add that in. My recollection to the best of my memory was
22 that was something that was included in our second FOIA
23 request, the one to the CIA.

24 THE COURT: It won't make a whole lot of difference
25 because the ACLU's request asked for the full report. So,

1 I'm not sure it makes a difference. But I still am not sure
2 what else you are asking for beyond the executive summary,
3 even if it was included in your FOIA request.

4 MR. LIGHT: So, and I'm not exactly sure what the
5 terminology is but there is an executive summary and then a
6 findings and conclusion section. My understanding, the
7 findings and conclusion wasn't in the original draft, or at
8 least we didn't know about its existence at that point. We
9 were just asking for the executive summary. So now it is the
10 executive summary, plus findings and conclusions.

11 THE COURT: Isn't that what an executive summary is?
12 Unless there is something that is clearly stated in the FOIA
13 request that is still part of this case, I am going to limit
14 it to the executive summary which I think is what they
15 thought it is all along. Again, there are other cases that
16 we're going to get to that deal with other points but I think
17 this is just executive summary.

18 So let me now ask you, Ms. Mei, my question which
19 plays off of that which is, so the ACLU's suit, 1870 has
20 asked for three documents. The full SSCI report, not just
21 the executive summary, the CIA response to the report and
22 what everyone is referring to as the Panetta Report, which is
23 the independent report commissioned by Leon Panetta. And
24 again, for ease of reference, since everyone refers to it as
25 the Panetta report, I will too.

1 So my question is, when you talk about your
2 declassification review and production, I inferred that from
3 your pleadings that the processing of all three of these is
4 going to be complete by September 29. Is that right?

5 MS. MEI: Well, as we stated in our motion for
6 extension, the negotiations between SSCI and the executive
7 branch for the executive summary findings and conclusions
8 that were submitted for declassification review is still
9 ongoing.

10 We expect that those will be completed by August 29.
11 It is possible, if those discussions go up until September 29
12 or close to it, that the CIA may need another brief extension
13 for the remaining two documents, the CIA response and the
14 Panetta Report, in order to conform the writ actions in there
15 to the newly declassified information.

16 THE COURT: But I'm correct in inferring that your
17 intent is to produce in some form or fashion all three of
18 these documents?

19 MS. MEI: To the extent that there is non exempt
20 information to be released, yes. Although, I will also add
21 that none of the agencies have yet received the full updated
22 version of the SSCI report. All that they have at this point
23 is the executive summary with the findings and conclusions.

24 THE COURT: But the point is that everyone will
25 apply the declassifications in the executive summary to the

1 body of these reports.

2 MS. MEI: To the CIA response in what we've called
3 the Panetta Report.

4 THE COURT: How about the full SSCI report? I think
5 that's what the ACLU has asked for, not just the executive
6 summary.

7 MS. MEI: The ACLU has asked for the full updated
8 version of the SSCI report. None of the agencies have
9 received that yet. So there is no full updated version.

10 THE COURT: I'm sorry. It is not a document in your
11 possession.

12 MS. MEI: Correct.

13 THE COURT: So Ms. Shamsi, is this news to you or
14 not?

15 MS. SHAMSI: Sorry, Ms. Mei. Were you going to
16 speak first?

17 THE COURT: No, I'm waiting to hear from you.

18 MS. SHAMSI: Your Honor, this is something that
19 we've been going back and forth with the Department of
20 Justice about, if I may take a minute just to explain. As
21 you may recall from our papers, in April of this year,
22 Senator Feinstein said that she would transmit the full
23 report to the executive branch. We filed a FOIA for the full
24 report.

25 In response, the defendants never said that they

1 didn't have the full report. And we came to understand that
2 it would likely be the defendant's position that they didn't
3 have the full report in around June of this year and we asked
4 for clarification about whether that was the case or not.
5 And Ms. Mei, on behalf of her clients, clarified that, said
6 that defendant's position is that they do not have the full
7 report.

8 That doesn't sound very plausible to us given
9 Senator Feinstein's indication that she would transmit the
10 full report to the executive branch. Our legislative staff
11 at the ACLU talked to many people on the hill and they have
12 been led to understand that at least one or more of the
13 agencies may have the full report.

14 So if it is the defendant's position that none of
15 them have the full report, we would respectfully ask the
16 agencies to file a declaration for the public record about
17 what is exactly and is not in their possession so that we may
18 take it from there.

19 THE COURT: Ms. Mei, did you want to respond further
20 to any of that?

21 MS. MEI: I would just add that, as late as this
22 week when I did check again with my contacts in the agencies,
23 they all represented to me that none of the agencies have yet
24 received the full updated version of the report.

25 THE COURT: All right. Well, I'm not going to

1 require at this point the declaration. We'll talk about that
2 further down the road if you want to still maintain,
3 Ms. Shamsi, that they do have it.

4 All right. So, the next question then is, are these
5 motions, the jurisdictional motions based on the agency
6 records defense, are those now moot, Ms. Mei, given what is
7 happening here?

8 MS. MEI: Given that there is no FOIA request
9 pending, the motion in the ACLU case was based on the prior
10 version of the SSCI report. I believe that's moot. The
11 motion in Mr. Leopold's case was also based on the prior
12 version of executive summary in the Department of Justice's
13 possession. Since the Department of Justice is no longer a
14 defendant, and also the executive summary is no longer the
15 same version, we believe that's moot too.

16 Also, I just wanted to add one more thing with
17 respect to the full SSCI report. To the extent that the
18 agencies do at some point receive the full updated version,
19 we would also continue to maintain that that is not an agency
20 record.

21 THE COURT: If you do, then I think what you have to
22 do then I'll end up denying these motions as moot. But if
23 you do receive it, and you would make that argument, I think

24 I don't want to be in a situation where you have the
25 report and you are maintaining it is not an agency record.

1 But Ms. Shamsi believes your position is still you don't have
2 it.

3 So at some point you'll have to make clear either we
4 don't have any documents that are responsive to this request
5 because it is not in our possession. Or we do and here is
6 our position on agency records. So that is, we'll leave you
7 to make that down the road.

8 All right. So then

9 MS. SHAMSI: I'm sorry, Your Honor, may I just
10 clarify?

11 THE COURT: I'm sorry, Ms. Shamsi. Did you want to
12 say something?

13 MS. SHAMSI: Yes, I just wanted to clarify if I may.
14 So our FOIA request and complaint currently covers both the
15 executive summary as well as the full report. With respect
16 to the full report, as I understand it, Your Honor, you are
17 saying that we can raise down the line, but not now, our
18 request to ask for declaration from the agencies saying that
19 they do not in fact have the full report because if they
20 don't have the full report then they don't have an obligation
21 to process. If they do have the report, then we should be
22 discussing processing.

23 THE COURT: Yes. In other words, when they
24 ultimately respond with the documents, they will have to have
25 a position regarding the full report. I agree with you,

1 unless Ms. Mei tells me different, that the executive summary
2 is part of the report. So you would be producing to the
3 ACLU, as well as to Mr. Leopold the once the
4 declassification procedures are done, the executive summary I
5 trust.

6 MS. MEI: We expect that SSCI itself will actually
7 publicly release this document.

8 THE COURT: Which is the second point. But you
9 would not take the position here that the executive summary
10 is not responsive to their request because it's somehow not
11 the report.

12 MS. MEI: I think that's correct, Your Honor.

13 THE COURT: So I think that resolves your question,
14 Ms. Shamsi.

15 So again, it is not for me to dictate certainly how
16 the Senate proceeds. And I understand from the attachments
17 you've submitted that the committee wishes to make this
18 public itself. So your argument would then be, this is in
19 the public domain, it is now the issue is now moot. Of
20 course, we can then argue about what has not been
21 declassified. But your position is that the committee will
22 release it once this is done, thereby mooting the request for
23 the declassified material.

24 MS. MEI: I think that's probably right, Your Honor.

25 THE COURT: Okay. So then, shall we set another

1 status then for September 30 or the first couple of days of
2 October? Then we can see again what is happening with the
3 declassification. I mean, part of the issue, and Mr. Light
4 and Ms. Shamsi and I'll hear from Ms. Shamsi first, is if
5 declassified portions are released, will you then be still
6 seeking the release of what has been deemed classified or is
7 that too speculative a question for me to ask until you've
8 seen it?

9 Ms. Shamsi?

10 MS. SHAMSI: Your Honor, I think we would make our
11 assessment after we have seen what ends up being released and
12 consider whether to proceed under FOIA to challenge any bases
13 for withholding at that point.

14 THE COURT: All right. That's perfectly reasonable.
15 The reason I'm asking is I don't want to force people to come
16 back before you've had time to review the material and figure
17 out how you are going proceed. So maybe we should set a
18 status for a little bit later. Say, the week of October 6.
19 Does that make sense, Ms. Shamsi?

20 MS. SHAMSI: That makes perfect sense, Your Honor.

21 THE COURT: And Mr. Light, I don't want to cut you
22 out of this. Are you in the same position that you would
23 rather have a chance to see what has been declassified before
24 deciding how you want to proceed?

25 MR. LIGHT: That's correct. I think it is too

1 speculative at this point for us to make a decision. But I
2 think that, before we make a decision, we are going to want
3 to, not just what is determined classified and not
4 classified, but also a Vaughn declaration from the government
5 agency.

6 THE COURT: I'm not going to require them to submit
7 that yet. Let's see what is declassified first, what you get
8 and then we'll go from there. I mean, the Vaughn declaration
9 would simply say there are only three documents one
10 document for you, three for the ACLU. The declaration would
11 say "classified." So I don't think that is so complicated.

12 MR. LIGHT: Respectfully, Your Honor, that is
13 correct it will say it's classified but we need to review it
14 to determine if the proper procedures were followed if we
15 want to make any challenges.

16 THE COURT: Right. But what I'm saying is let's see
17 first what you get, and maybe you are happy with what you get
18 and maybe you are not. But I'm not going to require them to
19 do that until we come back and see where we are.

20 MR. LIGHT: I understand. It's just to advise you
21 that, I think if we come back say October 6, we won't have a
22 position yet because we won't have seen the Vaughn Index.

23 THE COURT: But I think we can still make then we
24 can talk about how we're going to proceed going forward and
25 timetable for going forward.

1 MR. LIGHT: That would be fine.

2 THE COURT: So let's wrap this one up.

3 Mr. Light, I'm going to go to your last case. So,
4 how is October 7 at 9:30 for status, Mr. Light? And this
5 will be on the three cases, 1324, 14 48, and 1870.

6 MR. LIGHT: I'm free that day.

7 THE COURT: Ms. Shamsi, you can appear by phone if
8 you prefer.

9 MS. SHAMSI: I appreciate that, Your Honor, I will
10 appear in person on this day.

11 THE COURT: Are you available?

12 MS. SHAMSI: I am.

13 THE COURT: Ms. Shamsi, that date works for you?

14 MS. SHAMSI: Yes, it does.

15 THE COURT: Ms. Mei, how is that date for the
16 government?

17 MS. MEI: That's fine, Your Honor.

18 THE COURT: All right, that will be the status date
19 for that case. So the last

20 I think, Ms. Shamsi, I'm going to talk about this
21 last case. It is somewhat related in that it is the CIA and
22 Senate Committee documents regarding access. But I'm also
23 happy to release you unless you have anything further you
24 want to raise this morning.

25 MS. SHAMSI: I don't have anything further, Your

1 Honor. But I would appreciate staying on if I may.

2 THE COURT: You may.

3 Then let me go to the government on the last case
4 which is 14 1056, which relates and the request there was
5 agreements between the committee and the CIA regarding the
6 committee's access to CIA documents and CIA's investigation
7 into the search of the committee's computers. Can you tell
8 me where things stand there?

9 MS. MEI: Yes, Your Honor. The searches are ongoing
10 at the CIA. They should have a better idea around the first
11 week in October, which I guess is when the status conference
12 in the other cases is set for, where the CIA stands and when
13 it can complete the processing of the documents. It will
14 depend on the volume of the documents found and also the
15 degree of the coordination that needs to be done.

16 THE COURT: Okay. So let's set a status for 10:00.
17 These really aren't the same case. Let's set a status for
18 10:00. So following the earlier consolidated hearing, we'll
19 have a hearing on this. And you will be able to represent to
20 me and to Mr. Light where things stand there. And we can
21 figure out about production or briefing schedules in that
22 case. How does that sound?

23 MS. MEI: That will work, Your Honor.

24 THE COURT: Mr. Light?

25 MR. LIGHT: That would be fine, Your Honor. I did

1 want to advise that we are planning to amend that lawsuit. We
2 have two additional outstanding FOIA requests that are very
3 similar subject matter but based on events that we've learned
4 have occurred since the original FOIA request. Specifically
5 the referral to DOJ for prosecution of CIA and Senate
6 staffers, my understanding is DOJ declined prosecution. We
7 now have FOIA requests pending with CIA and DOJ related to
8 that issue.

9 THE COURT: Thank you.

10 All right. Anything else then?

11 Ms. Mei, I think you want to respond?

12 MS. MEI: Your Honor, I think we would oppose that
13 amendment, it is a different case. It is not within the
14 confines of this lawsuit.

15 THE COURT: I appreciate that. I not saying to
16 Mr. Light that he may amend. He may seek to amend and I'll
17 hear you and we'll go from there.

18 MS. MEI: Thank you, Your Honor.

19 THE COURT: Anything else then, Mr. Light, on that
20 case or on the previous ones?

21 MR. LIGHT: If I can speak to the 14 48 regarding
22 the Panetta?

23 THE COURT: Right. In that case, I wasn't exactly
24 clear from the complaint, but it seems that it is the Panetta
25 report that you are seeking?

1 MR. LIGHT: That's correct.

2 THE COURT: Okay.

3 MR. LIGHT: And my understanding of where we are
4 right now with that, and perhaps the defendant can clarify,
5 is that, the SSCI report and the Panetta Report were, had
6 some interrelated material. And that the initial review of
7 the Senate's report has been completed by the White House and
8 the CIA. And the Senate is now looking to try and make more
9 information unredacted. But I'm not sure what effect that
10 would have on the Panetta Report because the Senate has no
11 control at all over the Panetta Report. And I'm not sure why
12 Senator Feinstein is trying to delay our being able to get
13 that report.

14 THE COURT: In the ACLU's case, the Panetta Report
15 was something they had also sought. And Ms. Mei has
16 represented in the pleadings, and has also confirmed today,
17 that they are continuing to process that. And expect to have
18 that on the same date as the other documents.

19 MR. LIGHT: My understanding was that the previous
20 date that was set for processing to be complete has been
21 extended because of the further review that the Senate is
22 doing of the Senate's report. And that, what Ms. Mei said
23 this morning is that what would happen to the Panetta Report
24 is conforming changes to the Senate report. But we would
25 like to receive it if it is ready now, even if there are

1 going to be further redactions in the future, we would like
2 to receive what is ready now.

3 THE COURT: I gave them in the prior case, and I
4 think in this case until September 29 to finish that. It
5 would makes sense that they are coordinating. The items that
6 are classified in one report are obviously going to be
7 classified in the other, and for them to be able to cross
8 reference those reports to declassify in a consistent manner
9 makes perfect sense.

10 MR. LIGHT: Sure. But if all that's happening is
11 more items are being declassified, our consent for an
12 extension was premised on the initial e mail I received from
13 Ms. Mei, which was that processing was ongoing. But from
14 what I understand from the actual memo and exhibit that was
15 submitted is that the extension was based on the senator's
16 request that processing be delayed.

17 We were unaware of Senator Feinstein's position at
18 the time we consented to that. Our position is she shouldn't
19 be permitted to interfere with our proceeding.

20 THE COURT: I thought it was more than that, but
21 I'll hear from Ms. Mei.

22 MS. MEI: Your Honor, what the plaintiffs have
23 called the Panetta Report is based on the same historical
24 events as the SSCI report. And the declassification review
25 of executive summaries may effect whatever, as Mr. Light has

1 recognized, may effect what is declassified in the Panetta
2 Report and may effect whatever non exempt information there
3 is to release.

4 It didn't make any sense to the defendants to
5 process it and then have to reprocess it. In addition, it
6 would be it would give more of a road map of what was
7 classified initially, if there was an initial release and
8 then a subsequent one of more declassified information.

9 THE COURT: I think my orders approving this course
10 makes sense, that all three are being declassified
11 simultaneously. If you are unhappy with what is released,
12 we'll go from there.

13 Okay. Thank you.

14 Anything, any final issues from the government?

15 MS. MEI: No, Your Honor.

16 THE COURT: All right. I'll issue an order
17 memorializing what we have just discussed today. And we'll
18 see everybody back here on October 7. Thank you so much.

19 (Whereupon, at 10:52 A.M., the hearing adjourned.)
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CERTIFICATE OF REPORTER

I, Lisa Walker Griffith, certify that the foregoing is a correct transcript from the record of proceedings in the above entitled matter.

Lisa Walker Griffith, RPR

Date

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United States Senate

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September 17, 2014

The Honorable Eric H. Holder, Jr.
Attorney General
United States Department of Justice
Washington, D.C. 20535

RE: *ACLU v. CIA et al.*, 13-cv-1870, *Leopold v. CIA*, 14-cv-48, and *Leopold v. CIA*,
13-cv-1324

Dear Attorney General Holder:

I write to thank the Department of Justice for agreeing with my request last month that documents that relate to the Senate Select Committee on Intelligence (SSCI) Study of the CIA's Detention and Interrogation Program should not be released through Freedom of Information Act (FOIA) litigation until parts of the Study itself are declassified and publicly released by the Committee.

As you may know, unfortunately, the Committee and the Obama Administration are still engaged in negotiations over the declassification of the Executive Summary and Findings and Conclusions of the Committee's Study. Yesterday, I discussed the status of these negotiations with the General Counsel to the Director of National Intelligence, who acknowledged some delays in getting back to the Committee on proposed redactions. Therefore, we have agreed that our negotiations may not produce a mutually agreeable version of those documents for public release before September 29, 2014, when the next filings are due in the above-referenced FOIA litigation.

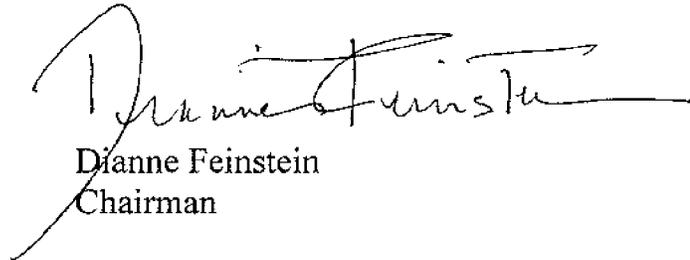
As I wrote in my August 12, 2014 letter to you, not only would it be inappropriate for the Department to release documents related to the Committee's Study prior to the Committee's own release, but the result of the ongoing negotiations will positively affect the redactions in the documents being sought through the FOIA process. As your Department stated in a June 15, 2014 filing, "plaintiffs will not be prejudiced by [a] requested extension; if anything, they will benefit from a process designed to declassify

and release as much information to the public as possible without unduly harming national security.”

I have no objection to the release of the documents at issue in this FOIA litigation. However, given that the declassification process for the Executive Summary and Findings and Conclusions may still be ongoing on September 29, 2014, I ask that you again request a delay – on behalf of the Committee and the Executive Branch – from the United States District Court for the District of Columbia, where the FOIA litigation is pending.

Thank you very much for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Dianne Feinstein". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Dianne Feinstein
Chairman

cc: The Honorable James Clapper, Director of National Intelligence
The Honorable John Brennan, Director of the Central Intelligence Agency
Mr. Denis McDonough, White House Chief of Staff

Grannis, D (Intelligence)

From: Grannis, D (Intelligence)
Sent: Thursday, September 25, 2014 3:59 PM
To: Kadzik, Peter J (OLA)
Subject: FOIA and DAAG

Peter –

Busy day there with the AG's announcement, I'm sure.

I wanted to get back to you on your question about a successor to Mark and to ask a FOIA question.

On the DAAG position, I checked with Chris Healey and she confirmed what I suspected, that she is not ready to come back to the government. I've given some thought to other options and I do have one recommendation for you: Eric Losick. Eric is one of the two Dem counsels here on SSCI. He handles most of our legislation and most of our legal oversight, to include FOIA, state secrets, authorizations for various intel activities, etc. He has been here for about three years, with 8 years prior to that at CIA Office of General Counsel. He knows national security issues, can handle any assignment, can operate in a political environment, has absolute integrity, and is respected on both sides of the Hill. He's worked with Mark Agrast and Janet Fisher, so you could ask them both about him. I'd hate to lose him, but he is interested in being considered.

On FOIA: I checked in with Mark last Friday about the Jason Leopold/ACLU FOIA case (regarding documents related to the SSCI report on CIA detention and interrogation) and Sen. Feinstein wrote a letter to AG Holder last week. We continue to negotiate with the White House, CIA, and ODNI on declassification of the executive summary to our report and while the meetings and efforts are productive, they are not done and will not be done until after the September 29 deadline. Sen. Feinstein therefore asked me to relay her request that the Department seek another extension from the Court, and that it extend the delivery of materials until after the Senate resumes on November 12. I'm happy to discuss further with you or the appropriate attorney on the case.

Thank you,
David

David Grannis
Staff Director
Senate Select Committee on Intelligence
202-224-1700

(b)(6)

Grannis, D (Intelligence)

From: Grannis, D (Intelligence)
Sent: Friday, September 19, 2014 11:19 AM
To: Agrast, Mark D. (OLA)
Cc: robert.litt@dni.gov
Subject: FW: Transcript of SSCI CIA FOIA status conference
Attachments: leopold-aclu-v-cia-doj-9-4-14.pdf

Mark –

One last item for your last day. The attached transcript is from a September 4 court appearance on the FOIA case we've been discussing (with some yellow highlighting thrown in for good measure). The government appears to be arguing that the Executive Branch does not have the full, 6,700 page classified version of our report. That is simply inaccurate. The document was provided in full to the White House on July 2 with follow-up to the ODNI and CIA the beginning of the following week. We have not independently provided the full, final report to DOJ, State, or DoD, all of whom do have previous versions.

Also, as we continue and hopefully end discussions on the declassification process, it would be very helpful for us to know the status and expectations for the September 29 deadline. Would it be possible to discuss, either with you or with someone closer to the case?

Thank you,
David

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

X

JASON LEOPOLD and
THE ACLU,

Plaintiffs

Civil Action Nos.:

13 1324, 13 1870

v.

14 048 and 14 1056

CENTRAL INTELLIGENCE AGENCY,
DEPT. OF JUSTICE

Defendants

X

Washington, D.C.

Thursday, September 4, 2014
10:25 A.M.

TRANSCRIPT OF STATUS CONFERENCE
BEFORE THE HONORABLE JAMES E. BOASBERG
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiffs: Jeffrey Louis Light, Esq.
LAW OFFICES OF JEFFREY LIGHT
1712 Eye Street, NW, Suite 915
Washington, DC 20006
(202) 277 6213

For the Defendants: Vesper Mei, Esq.
Elizabeth J. Shapiro, Esq.
U.S. DEPARTMENT OF JUSTICE
Federal Programs Branch, Civil Division
P.O. Box 883
Washington, DC 20044
(202) 514 4686

Court Reporter: Lisa Walker Griffith, RPR
U.S. District Courthouse
Room 6507
Washington, D.C. 20001
(202) 354 3247

P R O C E E D I N G S

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THE DEPUTY CLERK: Your Honor, calling Civil Action Number 13 1324, Jason Leopold versus the Department of Justice, et al.; Case Number 13 1870, the American Civil Liberties Union, et al., v. The Central Intelligence Agency, et al.; case number 14 48, Jason Leopold versus the Central Intelligence Agency; and 14 1056, Jason Leopold, et al. v. the Central Intelligence Agency.

Would counsel for the plaintiff in Civil Action Number 13 1870 appearing telephonically, please identify yourself for the record and the party you represent.

MS. SHAMSI: Good morning. This is Hina Shamsi on behalf of the American Civil Liberties Union. And Your Honor, thank you for letting me participate by phone.

THE COURT: All right. Glad you are here. If you have any trouble hearing anything, just let me know, Ms. Shamsi.

MS. SHAMSI: I will, thank you.

THE COURT: Counsel for plaintiff in all other matters, and counsel for the defendants, please come to the lecturn and identify yourselves for the record and the parties you represent.

MR. LIGHT: Good morning, Your Honor. Jeffrey Light on behalf of plaintiffs, Jason Leopold and Ryan Noah Shapiro.

THE COURT: Good morning.

1 MS. MEI: Good morning, Your Honor. Vesper Mei from
2 the Department of Justice on behalf all defendants in all of
3 the cases. With me is also Elizabeth Shapiro also from the
4 Department of Justice.

5 THE COURT: Good morning to all of you. I'm glad
6 you folks are here. I just want to check in on the status of
7 a couple of these items. I know we've extended the date for
8 processing for a month until the end of this month. But
9 there is still some housekeeping that I wanted to take care
10 of, to make sure we're on top of.

11 So, let me start by asking you, Mr. Light, having
12 again spent a little time with the dockets of these cases.
13 And we'll do the 1056 is a little bit different. So we'll
14 deal with that later. But on 1324, you've amended your
15 complaint to ask for, quote, portions of the final report
16 unquote.

17 Now, the government I think believes that you are
18 looking for the executive summary but that's not so clear to
19 me based on how you've amended your complaint. So perhaps
20 you can make that clear.

21 MR. LIGHT: Thank you, Your Honor.

22 Our original FOIA request was for the executive
23 summary. Subsequent to that, we learned that the final
24 Senate report include some pages that are a summary of
25 findings. I'm not exactly sure what the right term is for

1 it, but essentially some bullet points that are separate from
2 the executive summary. So that is something that we had also
3 are included in our report. I'm not exactly sure
4 specifically how to refer to it but hopefully the defendants,
5 I'm conveying it adequately to them what it is I'm referring
6 to.

7 THE COURT: All right. I'll ask Ms. Mei, because I
8 can't say that I understand precisely what you've said. And
9 based on the defense's filings, they believe you are still
10 looking for the executive summary.

11 MS. MEI: Your Honor, our characterization of
12 Mr. Leopold's request is the copy of the executive summary
13 was based on his FOIA request to the CIA, which is where we
14 got that. I don't believe, although I may be wrong, that the
15 findings and conclusions are included within that FOIA
16 request.

17 THE COURT: Okay. Mr. Light.

18 MR. LIGHT: Your Honor, I'll need to review the FOIA
19 request. If for any reason that we had not included that in,
20 then that was an oversight. We'll submit a new FOIA request
21 to add that in. My recollection to the best of my memory was
22 that was something that was included in our second FOIA
23 request, the one to the CIA.

24 THE COURT: It won't make a whole lot of difference
25 because the ACLU's request asked for the full report. So,

1 I'm not sure it makes a difference. But I still am not sure
2 what else you are asking for beyond the executive summary,
3 even if it was included in your FOIA request.

4 MR. LIGHT: So, and I'm not exactly sure what the
5 terminology is but there is an executive summary and then a
6 findings and conclusion section. My understanding, the
7 findings and conclusion wasn't in the original draft, or at
8 least we didn't know about its existence at that point. We
9 were just asking for the executive summary. So now it is the
10 executive summary, plus findings and conclusions.

11 THE COURT: Isn't that what an executive summary is?
12 Unless there is something that is clearly stated in the FOIA
13 request that is still part of this case, I am going to limit
14 it to the executive summary which I think is what they
15 thought it is all along. Again, there are other cases that
16 we're going to get to that deal with other points but I think
17 this is just executive summary.

18 So let me now ask you, Ms. Mei, my question which
19 plays off of that which is, so the ACLU's suit, 1870 has
20 asked for three documents. The full SSCI report, not just
21 the executive summary, the CIA response to the report and
22 what everyone is referring to as the Panetta Report, which is
23 the independent report commissioned by Leon Panetta. And
24 again, for ease of reference, since everyone refers to it as
25 the Panetta report, I will too.

1 So my question is, when you talk about your
2 declassification review and production, I inferred that from
3 your pleadings that the processing of all three of these is
4 going to be complete by September 29. Is that right?

5 MS. MEI: Well, as we stated in our motion for
6 extension, the negotiations between SSCI and the executive
7 branch for the executive summary findings and conclusions
8 that were submitted for declassification review is still
9 ongoing.

10 We expect that those will be completed by August 29.
11 It is possible, if those discussions go up until September 29
12 or close to it, that the CIA may need another brief extension
13 for the remaining two documents, the CIA response and the
14 Panetta Report, in order to conform the writ actions in there
15 to the newly declassified information.

16 THE COURT: But I'm correct in inferring that your
17 intent is to produce in some form or fashion all three of
18 these documents?

19 MS. MEI: To the extent that there is non exempt
20 information to be released, yes. Although, I will also add
21 that none of the agencies have yet received the full updated
22 version of the SSCI report. All that they have at this point
23 is the executive summary with the findings and conclusions.

24 THE COURT: But the point is that everyone will
25 apply the declassifications in the executive summary to the

1 body of these reports.

2 MS. MEI: To the CIA response in what we've called
3 the Panetta Report.

4 THE COURT: How about the full SSCI report? I think
5 that's what the ACLU has asked for, not just the executive
6 summary.

7 MS. MEI: The ACLU has asked for the full updated
8 version of the SSCI report. None of the agencies have
9 received that yet. So there is no full updated version.

10 THE COURT: I'm sorry. It is not a document in your
11 possession.

12 MS. MEI: Correct.

13 THE COURT: So Ms. Shamsi, is this news to you or
14 not?

15 MS. SHAMSI: Sorry, Ms. Mei. Were you going to
16 speak first?

17 THE COURT: No, I'm waiting to hear from you.

18 MS. SHAMSI: Your Honor, this is something that
19 we've been going back and forth with the Department of
20 Justice about, if I may take a minute just to explain. As
21 you may recall from our papers, in April of this year,
22 Senator Feinstein said that she would transmit the full
23 report to the executive branch. We filed a FOIA for the full
24 report.

25 In response, the defendants never said that they

1 didn't have the full report. And we came to understand that
2 it would likely be the defendant's position that they didn't
3 have the full report in around June of this year and we asked
4 for clarification about whether that was the case or not.
5 And Ms. Mei, on behalf of her clients, clarified that, said
6 that defendant's position is that they do not have the full
7 report.

8 That doesn't sound very plausible to us given
9 Senator Feinstein's indication that she would transmit the
10 full report to the executive branch. Our legislative staff
11 at the ACLU talked to many people on the hill and they have
12 been led to understand that at least one or more of the
13 agencies may have the full report.

14 So if it is the defendant's position that none of
15 them have the full report, we would respectfully ask the
16 agencies to file a declaration for the public record about
17 what is exactly and is not in their possession so that we may
18 take it from there.

19 THE COURT: Ms. Mei, did you want to respond further
20 to any of that?

21 MS. MEI: I would just add that, as late as this
22 week when I did check again with my contacts in the agencies,
23 they all represented to me that none of the agencies have yet
24 received the full updated version of the report.

25 THE COURT: All right. Well, I'm not going to

1 require at this point the declaration. We'll talk about that
2 further down the road if you want to still maintain,
3 Ms. Shamsi, that they do have it.

4 All right. So, the next question then is, are these
5 motions, the jurisdictional motions based on the agency
6 records defense, are those now moot, Ms. Mei, given what is
7 happening here?

8 MS. MEI: Given that there is no FOIA request
9 pending, the motion in the ACLU case was based on the prior
10 version of the SSCI report. I believe that's moot. The
11 motion in Mr. Leopold's case was also based on the prior
12 version of executive summary in the Department of Justice's
13 possession. Since the Department of Justice is no longer a
14 defendant, and also the executive summary is no longer the
15 same version, we believe that's moot too.

16 Also, I just wanted to add one more thing with
17 respect to the full SSCI report. To the extent that the
18 agencies do at some point receive the full updated version,
19 we would also continue to maintain that that is not an agency
20 record.

21 THE COURT: If you do, then I think what you have to
22 do then I'll end up denying these motions as moot. But if
23 you do receive it, and you would make that argument, I think

24 I don't want to be in a situation where you have the
25 report and you are maintaining it is not an agency record.

1 But Ms. Shamsi believes your position is still you don't have
2 it.

3 So at some point you'll have to make clear either we
4 don't have any documents that are responsive to this request
5 because it is not in our possession. Or we do and here is
6 our position on agency records. So that is, we'll leave you
7 to make that down the road.

8 All right. So then

9 MS. SHAMSI: I'm sorry, Your Honor, may I just
10 clarify?

11 THE COURT: I'm sorry, Ms. Shamsi. Did you want to
12 say something?

13 MS. SHAMSI: Yes, I just wanted to clarify if I may.
14 So our FOIA request and complaint currently covers both the
15 executive summary as well as the full report. With respect
16 to the full report, as I understand it, Your Honor, you are
17 saying that we can raise down the line, but not now, our
18 request to ask for declaration from the agencies saying that
19 they do not in fact have the full report because if they
20 don't have the full report then they don't have an obligation
21 to process. If they do have the report, then we should be
22 discussing processing.

23 THE COURT: Yes. In other words, when they
24 ultimately respond with the documents, they will have to have
25 a position regarding the full report. I agree with you,

1 unless Ms. Mei tells me different, that the executive summary
2 is part of the report. So you would be producing to the
3 ACLU, as well as to Mr. Leopold the once the
4 declassification procedures are done, the executive summary I
5 trust.

6 MS. MEI: We expect that SSCI itself will actually
7 publicly release this document.

8 THE COURT: Which is the second point. But you
9 would not take the position here that the executive summary
10 is not responsive to their request because it's somehow not
11 the report.

12 MS. MEI: I think that's correct, Your Honor.

13 THE COURT: So I think that resolves your question,
14 Ms. Shamsi.

15 So again, it is not for me to dictate certainly how
16 the Senate proceeds. And I understand from the attachments
17 you've submitted that the committee wishes to make this
18 public itself. So your argument would then be, this is in
19 the public domain, it is now the issue is now moot. Of
20 course, we can then argue about what has not been
21 declassified. But your position is that the committee will
22 release it once this is done, thereby mooting the request for
23 the declassified material.

24 MS. MEI: I think that's probably right, Your Honor.

25 THE COURT: Okay. So then, shall we set another

1 status then for September 30 or the first couple of days of
2 October? Then we can see again what is happening with the
3 declassification. I mean, part of the issue, and Mr. Light
4 and Ms. Shamsi and I'll hear from Ms. Shamsi first, is if
5 declassified portions are released, will you then be still
6 seeking the release of what has been deemed classified or is
7 that too speculative a question for me to ask until you've
8 seen it?

9 Ms. Shamsi?

10 MS. SHAMSI: Your Honor, I think we would make our
11 assessment after we have seen what ends up being released and
12 consider whether to proceed under FOIA to challenge any bases
13 for withholding at that point.

14 THE COURT: All right. That's perfectly reasonable.
15 The reason I'm asking is I don't want to force people to come
16 back before you've had time to review the material and figure
17 out how you are going proceed. So maybe we should set a
18 status for a little bit later. Say, the week of October 6.
19 Does that make sense, Ms. Shamsi?

20 MS. SHAMSI: That makes perfect sense, Your Honor.

21 THE COURT: And Mr. Light, I don't want to cut you
22 out of this. Are you in the same position that you would
23 rather have a chance to see what has been declassified before
24 deciding how you want to proceed?

25 MR. LIGHT: That's correct. I think it is too

1 speculative at this point for us to make a decision. But I
2 think that, before we make a decision, we are going to want
3 to, not just what is determined classified and not
4 classified, but also a Vaughn declaration from the government
5 agency.

6 THE COURT: I'm not going to require them to submit
7 that yet. Let's see what is declassified first, what you get
8 and then we'll go from there. I mean, the Vaughn declaration
9 would simply say there are only three documents one
10 document for you, three for the ACLU. The declaration would
11 say "classified." So I don't think that is so complicated.

12 MR. LIGHT: Respectfully, Your Honor, that is
13 correct it will say it's classified but we need to review it
14 to determine if the proper procedures were followed if we
15 want to make any challenges.

16 THE COURT: Right. But what I'm saying is let's see
17 first what you get, and maybe you are happy with what you get
18 and maybe you are not. But I'm not going to require them to
19 do that until we come back and see where we are.

20 MR. LIGHT: I understand. It's just to advise you
21 that, I think if we come back say October 6, we won't have a
22 position yet because we won't have seen the Vaughn Index.

23 THE COURT: But I think we can still make then we
24 can talk about how we're going to proceed going forward and
25 timetable for going forward.

1 MR. LIGHT: That would be fine.

2 THE COURT: So let's wrap this one up.

3 Mr. Light, I'm going to go to your last case. So,
4 how is October 7 at 9:30 for status, Mr. Light? And this
5 will be on the three cases, 1324, 14 48, and 1870.

6 MR. LIGHT: I'm free that day.

7 THE COURT: Ms. Shamsi, you can appear by phone if
8 you prefer.

9 MS. SHAMSI: I appreciate that, Your Honor, I will
10 appear in person on this day.

11 THE COURT: Are you available?

12 MS. SHAMSI: I am.

13 THE COURT: Ms. Shamsi, that date works for you?

14 MS. SHAMSI: Yes, it does.

15 THE COURT: Ms. Mei, how is that date for the
16 government?

17 MS. MEI: That's fine, Your Honor.

18 THE COURT: All right, that will be the status date
19 for that case. So the last

20 I think, Ms. Shamsi, I'm going to talk about this
21 last case. It is somewhat related in that it is the CIA and
22 Senate Committee documents regarding access. But I'm also
23 happy to release you unless you have anything further you
24 want to raise this morning.

25 MS. SHAMSI: I don't have anything further, Your

1 Honor. But I would appreciate staying on if I may.

2 THE COURT: You may.

3 Then let me go to the government on the last case
4 which is 14 1056, which relates and the request there was
5 agreements between the committee and the CIA regarding the
6 committee's access to CIA documents and CIA's investigation
7 into the search of the committee's computers. Can you tell
8 me where things stand there?

9 MS. MEI: Yes, Your Honor. The searches are ongoing
10 at the CIA. They should have a better idea around the first
11 week in October, which I guess is when the status conference
12 in the other cases is set for, where the CIA stands and when
13 it can complete the processing of the documents. It will
14 depend on the volume of the documents found and also the
15 degree of the coordination that needs to be done.

16 THE COURT: Okay. So let's set a status for 10:00.
17 These really aren't the same case. Let's set a status for
18 10:00. So following the earlier consolidated hearing, we'll
19 have a hearing on this. And you will be able to represent to
20 me and to Mr. Light where things stand there. And we can
21 figure out about production or briefing schedules in that
22 case. How does that sound?

23 MS. MEI: That will work, Your Honor.

24 THE COURT: Mr. Light?

25 MR. LIGHT: That would be fine, Your Honor. I did

1 want to advise that we are planning to amend that lawsuit. We
2 have two additional outstanding FOIA requests that are very
3 similar subject matter but based on events that we've learned
4 have occurred since the original FOIA request. Specifically
5 the referral to DOJ for prosecution of CIA and Senate
6 staffers, my understanding is DOJ declined prosecution. We
7 now have FOIA requests pending with CIA and DOJ related to
8 that issue.

9 THE COURT: Thank you.

10 All right. Anything else then?

11 Ms. Mei, I think you want to respond?

12 MS. MEI: Your Honor, I think we would oppose that
13 amendment, it is a different case. It is not within the
14 confines of this lawsuit.

15 THE COURT: I appreciate that. I not saying to
16 Mr. Light that he may amend. He may seek to amend and I'll
17 hear you and we'll go from there.

18 MS. MEI: Thank you, Your Honor.

19 THE COURT: Anything else then, Mr. Light, on that
20 case or on the previous ones?

21 MR. LIGHT: If I can speak to the 14 48 regarding
22 the Panetta?

23 THE COURT: Right. In that case, I wasn't exactly
24 clear from the complaint, but it seems that it is the Panetta
25 report that you are seeking?

1 MR. LIGHT: That's correct.

2 THE COURT: Okay.

3 MR. LIGHT: And my understanding of where we are
4 right now with that, and perhaps the defendant can clarify,
5 is that, the SSCI report and the Panetta Report were, had
6 some interrelated material. And that the initial review of
7 the Senate's report has been completed by the White House and
8 the CIA. And the Senate is now looking to try and make more
9 information unredacted. But I'm not sure what effect that
10 would have on the Panetta Report because the Senate has no
11 control at all over the Panetta Report. And I'm not sure why
12 Senator Feinstein is trying to delay our being able to get
13 that report.

14 THE COURT: In the ACLU's case, the Panetta Report
15 was something they had also sought. And Ms. Mei has
16 represented in the pleadings, and has also confirmed today,
17 that they are continuing to process that. And expect to have
18 that on the same date as the other documents.

19 MR. LIGHT: My understanding was that the previous
20 date that was set for processing to be complete has been
21 extended because of the further review that the Senate is
22 doing of the Senate's report. And that, what Ms. Mei said
23 this morning is that what would happen to the Panetta Report
24 is conforming changes to the Senate report. But we would
25 like to receive it if it is ready now, even if there are

1 going to be further redactions in the future, we would like
2 to receive what is ready now.

3 THE COURT: I gave them in the prior case, and I
4 think in this case until September 29 to finish that. It
5 would makes sense that they are coordinating. The items that
6 are classified in one report are obviously going to be
7 classified in the other, and for them to be able to cross
8 reference those reports to declassify in a consistent manner
9 makes perfect sense.

10 MR. LIGHT: Sure. But if all that's happening is
11 more items are being declassified, our consent for an
12 extension was premised on the initial e mail I received from
13 Ms. Mei, which was that processing was ongoing. But from
14 what I understand from the actual memo and exhibit that was
15 submitted is that the extension was based on the senator's
16 request that processing be delayed.

17 We were unaware of Senator Feinstein's position at
18 the time we consented to that. Our position is she shouldn't
19 be permitted to interfere with our proceeding.

20 THE COURT: I thought it was more than that, but
21 I'll hear from Ms. Mei.

22 MS. MEI: Your Honor, what the plaintiffs have
23 called the Panetta Report is based on the same historical
24 events as the SSCI report. And the declassification review
25 of executive summaries may effect whatever, as Mr. Light has

1 recognized, may effect what is declassified in the Panetta
2 Report and may effect whatever non exempt information there
3 is to release.

4 It didn't make any sense to the defendants to
5 process it and then have to reprocess it. In addition, it
6 would be it would give more of a road map of what was
7 classified initially, if there was an initial release and
8 then a subsequent one of more declassified information.

9 THE COURT: I think my orders approving this course
10 makes sense, that all three are being declassified
11 simultaneously. If you are unhappy with what is released,
12 we'll go from there.

13 Okay. Thank you.

14 Anything, any final issues from the government?

15 MS. MEI: No, Your Honor.

16 THE COURT: All right. I'll issue an order
17 memorializing what we have just discussed today. And we'll
18 see everybody back here on October 7. Thank you so much.

19 (Whereupon, at 10:52 A.M., the hearing adjourned.)
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24
25

CERTIFICATE OF REPORTER

I, Lisa Walker Griffith, certify that the foregoing is a correct transcript from the record of proceedings in the above entitled matter.

Lisa Walker Griffith, RPR

Date

Buchwald, Mike (Intelligence)

From: Buchwald, Mike (Intelligence)
Sent: Tuesday, August 12, 2014 7:24 PM
To: Agrast, Mark D. (OLA); 'Deirdre M Walsh' (b)(3) CIA Act, (b)(6) Neal Higgins; Tess, Caroline (b)(6) - NSC)
Cc: Grannis, D (Intelligence); Jones, Daniel (Intelligence); Wolfe, J (Intelligence)
Subject: Sen. Feinstein Letter to AG Holder on FOIA / SSCI Study
Attachments: Sen. Feinstein Letter to AG Holder - 081214.pdf
Importance: High

Mark, Deirdre, Neal, and Caroline,
Please see the attached letter from Sen. Feinstein to Attorney General Holder on the FOIA litigation involving the SSCI Study.

DNI Clapper, Director Brennan, and Mr. McDonough were all copied on the letter.

If each of you would acknowledge receipt individually, we would appreciate it.

Thanks very much,
Mike

Mike Buchwald
Counsel and Designee to Chairman Dianne Feinstein
Senate Select Committee on Intelligence
211 Hart Office Building
Washington D.C. 20510
(202) 224-1700

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August 12, 2014

The Honorable Eric H. Holder, Jr.
Attorney General
United States Department of Justice
Washington, D.C. 20535

Dear Attorney General Holder:

I write to ask that the Department of Justice not release documents through Freedom of Information Act (FOIA) litigation that relate to the Senate Select Committee on Intelligence (SSCI) Study of the CIA's Detention and Interrogation Program until parts of the Study itself are declassified and publicly released by the Committee.

The Committee and the Obama Administration are now engaged in negotiations over the declassification of the Executive Summary and Findings and Conclusions of the Committee's Study. I have every expectation that those negotiations will result in a mutually-agreeable version of those documents for public release in the next few weeks.

Not only would it be inappropriate for the Department to release documents related to the Committee's Study prior to the Committee's own release, but the result of the ongoing negotiations will likely positively affect the redactions in the documents being sought through the FOIA process in *ACLU v. CIA et al.*, 13-cv-1870, *Leopold v. CIA*, 14-cv-48, and *Leopold v. CIA*, 13-cv-1324). The documents plaintiffs are seeking via FOIA include the following:

- (1) The Executive Summary and Findings and Conclusions of the SSCI Study of the CIA's Detention and Interrogation Program;
- (2) The CIA's Response to the SSCI Study; and
- (3) The Panetta Report, an internal study commissioned by former CIA Director Leon Panetta of the same program.

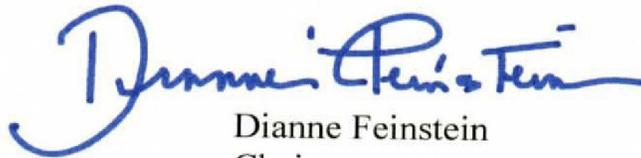
As your Department stated in a June 15, 2014 filing, "plaintiffs will not be prejudiced by [a] requested extension; if anything, they will benefit from a process

designed to declassify and release as much information to the public as possible without unduly harming national security.”

I have no objection to the release of these three documents, but given that the declassification process for the Executive Summary and Findings and Conclusions may still be ongoing on August 29, 2014, when the next filings are due in the FOIA litigation, I ask that you request an additional one-month delay from the United States District Court for the District of Columbia, where the FOIA litigation is pending.

Thank you very much for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Dianne Feinstein". The signature is stylized with a large initial "D" and a long horizontal flourish at the end.

Dianne Feinstein
Chairman

cc: The Honorable James Clapper
The Honorable John Brennan
Mr. Denis McDonough

Kadzik, Peter J (OLA)

From: Kadzik, Peter J (OLA)
Sent: Friday, August 1, 2014 3:52 PM
To: Agrast, Mark D. (OLA); Hayden, Paul A. (OLA)
Subject: SSCI Report

(b)(5)

President Barack Obama on Friday defended CIA Director John Brennan and acknowledged the agency tortured prisoners after the Sept. 11, 2001, attacks.

"I have full confidence in John Brennan," Obama said at a White House news conference.

Obama said the administration has completed the declassification of portions of a Senate Intelligence Committee report on CIA interrogation practices under President George W. Bush.

"In the immediate aftermath of 9/11, we did some things that were wrong. We did a whole lot of things that were right, but we tortured some folks. We did things that were contrary to our values," Obama said. "That's what that report reflects..... The character of our country has to be measured in part not by what we do when things are easy but what we do when things are hard."

Peter J. Kadzik

Assistant Attorney General

Office of Legislative Affairs

(202) 514-2141

peter.j.kadzik@usdoj.gov

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United States Senate

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June 26, 2014

The Honorable Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

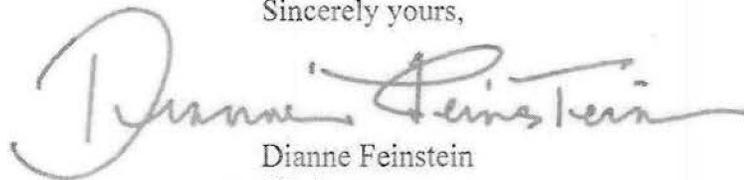
Dear Mr. President,

On April 7, I transmitted to you and appropriate agencies the Committee's Study of the CIA's former Detention and Interrogation Program and asked that you initiate a declassification review on the Executive Summary and Findings and Conclusions. Today, I write to transmit the Additional and Minority Views to the Study and ask that they be declassified through the same process as were the previous documents so that these views may be publicly released with the Executive Summary and Findings and Conclusions.

I am separately sending an updated version of the full Study, complete with non-substantive technical, conforming, and stylistic changes as authorized by the Committee's vote of April 3.

Thank you very much for your continued attention to this issue.

Sincerely yours,



Dianne Feinstein
Chairman

Attachments: as stated

cc: The Honorable James Clapper, Director of National Intelligence
The Honorable John Brennan, Director, Central Intelligence Agency
The Honorable Eric Holder, Attorney General
The Honorable Chuck Hagel, Secretary of Defense
The Honorable John F. Kerry, Secretary of State

From: (b)(3) CIA Act, (b)(6) Neal Higgins
Sent: Wednesday, April 9, 2014 9:12 PM
To: deirdre.walsh@dni.gov; Agrast, Mark D. (OLA); (b)(6) - Elizabeth King per DOD
(b)(6) - Katherine Borowec per DOD ThompsonPA@state.gov
Cc: (b)(6) - Greta Lundeberg NSC ; (b)(6) - Josie Roslansky NSC ;
(b)(6) - Stephen Hedger NSC
Subject: Handling the SSCI RDI Report

At risk of being both obvious and obnoxious, I wanted to offer a quick note of caution re. handling the SSCI document that we're receiving tonight and tomorrow. The document remains highly classified, pending classification review and interagency discussions, but the press has already reported some alleged details and more could appear in the days ahead. Carefully handling and logging access to the document will (a) protect its classified contents, and (b) protect anyone with proper custody of the document in the event of unauthorized disclosures.

Happy to discuss further by phone.

Thanks,

Neal

Agrast, Mark D. (OLA)

From: Agrast, Mark D. (OLA)
Sent: Monday, April 14, 2014 12:28 PM
To: Fitzpatrick, Benjamin B. (ODAG); Walsh, James (ODAG)
Cc: Kadzik, Peter J (OLA)
Subject: SSCI report on the CIA's Detention and Interrogation Program
Attachments: SSCI# 2014-1161 - Letter to President Obama re Declassification of the S....pdf

As I'm sure you are aware, the committee has made a formal request for declassification of the Findings and Conclusions and the Executive Summary of their report on the CIA's Detention and Interrogation Program. I wanted to let you know that on Friday April 11, we were provided with a classified copy of these materials (see unclassified transmittal letter from Chairman Feinstein to the President, attached). It is in our SCIF for safekeeping.

Please note that the letter indicates that the committee will provide copies of the full, final classified report to appropriate Executive Branch agencies. The letter states: "I encourage and approve the dissemination of the updated report to all relevant Executive Branch agencies, especially those who were provided with access to the previous version. This is the most comprehensive accounting of the CIA's Detention and Interrogation Program, and I believe it should be viewed within the U.S. Government as the authoritative report on the CIA's actions."

As you may know, the draft report was previously provided to Executive Branch agencies under tight restrictions limiting the number of individuals in each agency with authorized access to it. We have not yet received the full report, and do not know whether it will be provided under similar restrictions, but we will let you know when it is received.

Mark David Agrast
Deputy Assistant Attorney General
Office of Legislative Affairs
U.S. DEPARTMENT OF JUSTICE
Robert F. Kennedy Main Justice Building
950 Pennsylvania Avenue, N.W., Room 1607
Washington, D.C. 20530 0001
202.514.2141 main | 202.305.7851 direct | 202.514.4482 fax

Unclassified email: mark.d.agrast@usdoj.gov

SIP (b) (6)

JWIC (b) (6)

DIANNE FEINSTEIN, CALIFORNIA, CHAIRMAN
SAXBY CHAMBLISS, GEORGIA, VICE CHAIRMAN

JOHN D. ROCKEFELLER IV, WEST VIRGINIA
RON WYDEN, OREGON
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MARK UDALL, COLORADO
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RICHARD BURR, NORTH CAROLINA
JAMES E. RISCH, IDAHO
DANIEL COATS, INDIANA
MARCO RUBIO, FLORIDA
SUSAN COLLINS, MAINE
TOM COBURN, OKLAHOMA



United States Senate

SELECT COMMITTEE ON INTELLIGENCE
WASHINGTON, DC 20510-6475

HARRY REID, NEVADA, EX OFFICIO
MITCH McCONNELL, KENTUCKY, EX OFFICIO
CARL LEVIN, MICHIGAN, EX OFFICIO
JAMES INHOFE, OKLAHOMA, EX OFFICIO

DAVID GRANNIS, STAFF DIRECTOR
MARTHA SCOTT POINDEXTER, MINORITY STAFF DIRECTOR
DESIREE THOMPSON SAYLE, CHIEF CLERK

SSCI# 2014-1161

April 7, 2014

The Honorable Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President,

I am pleased to inform you that the Senate Select Committee on Intelligence has voted to send for declassification the Findings and Conclusions and Executive Summary of an updated version of the Committee's Study of the CIA's Detention and Interrogation Program. Both are enclosed. I request that you declassify these documents, and that you do so quickly and with minimal redactions. If Committee members write additional or minority views that they wish to have declassified and released as well, I will transmit those separately.

As this report covers a covert action program under the authority of the President and National Security Council, I respectfully request that the White House take the lead in the declassification process. I very much appreciate your past statements – and those of your Administration – in support of declassification of the Executive Summary and Findings and Conclusions with only redactions as necessary for remaining national security concerns. I also strongly share your Administration's goal to “ensure that such a program will not be contemplated by a future administration,” as your White House Counsel wrote in a February 10, 2014, letter.

In addition to the Findings and Conclusions and Executive Summary, I will transmit separately copies of the full, updated classified report to you and to appropriate Executive Branch agencies. This report is divided into three volumes, exceeds 6,600 pages, and includes over 37,000 footnotes, and updates the version of the report I provided in December 2012. This full report should be considered as the final and official report from the Committee. I encourage and approve the

dissemination of the updated report to all relevant Executive Branch agencies, especially those who were provided with access to the previous version. This is the most comprehensive accounting of the CIA's Detention and Interrogation Program, and I believe it should be viewed within the U.S. Government as the authoritative report on the CIA's actions.

As I stated in my letter to you on December 14, 2012, the Committee's report contradicts information previously disclosed about the CIA Detention and Interrogation Program, and it raises a number of issues relating to how the CIA interacts with the White House, other parts of the Executive Branch, and Congress. I ask that your Administration declassify the Findings and Conclusions and Executive Summary of this updated report as soon as possible. I also look forward to working with you and your Administration in discussing recommendations that should be drawn from this report.

Thank you very much for your continued attention to this issue.

Sincerely yours,



Dianne Feinstein
Chairman

Enclosures: as stated

cc: The Honorable James Clapper, Director of National Intelligence
The Honorable John Brennan, Director, Central Intelligence Agency
The Honorable Eric Holder, Attorney General
The Honorable Chuck Hagel, Secretary of Defense
The Honorable John F. Kerry, Secretary of State

Hayden, Paul A. (OLA)

From: Hayden, Paul A. (OLA)
Sent: Thursday, April 10, 2014 2:31 PM
To: Agrast, Mark D. (OLA)
Subject: RE: SSCI Study

FYI – Peter had correct clearance and received from Jim – it is in the SCIF - Paul

From: Agrast, Mark D. (OLA)
Sent: Thursday, April 10, 2014 10:06 AM
To: Hayden, Paul A. (OLA)
Subject: Re: SSCI Study

That's right. I believe Peter and Faith have the clearances, but we'll need to verify this. Can you check with Jim on the levels and confirm whether that is the case?

From: Hayden, Paul A. (OLA)
Sent: Thursday, April 10, 2014 09:49 AM Eastern Standard Time
To: Agrast, Mark D. (OLA)
Subject: RE: SSCI Study

Mark – Jim indicated that I may not be cleared to receive as it is codeword. Please advise. Thanks, Paul

From: Agrast, Mark D. (OLA)
Sent: Thursday, April 10, 2014 9:44 AM
To: Hayden, Paul A. (OLA)
Subject: Re: SSCI Study

Thanks for handling this, Paul.

From: Hayden, Paul A. (OLA)
Sent: Thursday, April 10, 2014 08:29 AM Eastern Standard Time
To: (b)(6) - Jim Wolfe, Senate Email
Cc: Agrast, Mark D. (OLA)
Subject: SSCI Study

Hi Jim,

I was asked to coordinate receipt of this document this morning. I can be reached via email or telephone below.

Thanks,

Paul

Paul A. Hayden

Attorney Advisor

Office of Legislative Affairs

U.S. Department of Justice

(202) 305-8313

Hayden, Paul A. (OLA)

From: Hayden, Paul A. (OLA)
Sent: Thursday, April 10, 2014 8:26 AM
To: Kadzik, Peter J (OLA)
Subject: RE: SSCI# 2014-1161 - SSCI's Study of the CIA's Detention and Interrogation Program

Will do.

From: Kadzik, Peter J (OLA)
Sent: Thursday, April 10, 2014 8:25 AM
To: Hayden, Paul A. (OLA)
Subject: FW: SSCI# 2014-1161 - SSCI's Study of the CIA's Detention and Interrogation Program

Can you please deal with receiving this and getting it into the SCIF?

Peter J. Kadzik

Principal Deputy Assistant Attorney General
Office of Legislative Affairs
(202) 514-2141
peter.j.kadzik@usdoj.gov

From: Agrast, Mark D. (OLA)
Sent: Wednesday, April 09, 2014 7:14 PM
To: Kadzik, Peter J (OLA)
Subject: Fw: SSCI# 2014-1161 - SSCI's Study of the CIA's Detention and Interrogation Program

(b)(5)



From: Agrast, Mark D. (OLA)
Sent: Wednesday, April 09, 2014 07:12 PM Eastern Standard Time
To: Kadzik, Peter J (OLA)
Subject: Re: SSCI# 2014-1161 - SSCI's Study of the CIA's Detention and Interrogation Program

Peter,

The package contains a binder of 508 pages of the SSCI study, to include a cd, and will be hand delivered to you. Just let Jim know when you will be in the office and available to receive it.

It will need to go into the safe in the SCIF until we determine who should review it.

Mark

From: Wolfe, J (Intelligence) (b)(6)
Sent: Wednesday, April 09, 2014 07:00 PM Eastern Standard Time
To: Agrast, Mark D. (OLA)

Cc: Kadzik, Peter J (OLA)

Subject: RE: SSCI# 2014-1161 - SSCI's Study of the CIA's Detention and Interrogation Program

Yes.

Sent with Good (www.good.com)

-----Original Message-----

From: Agrast, Mark D. (OLA) [Mark.D.Agrast@usdoj.gov]

Sent: Wednesday, April 09, 2014 06:58 PM Eastern Standard Time

To: Wolfe, J (Intelligence)

Cc: Kadzik, Peter J (OLA)

Subject: Re: SSCI# 2014-1161 - SSCI's Study of the CIA's Detention and Interrogation Program

Jim,

(b)(6) Copying PDAAG Peter Kadzik. Our SCIF is not available this evening. Would it be possible to deliver it to him tomorrow?

Mark

From: Wolfe, J (Intelligence) (b)(6)

Sent: Wednesday, April 09, 2014 05:42 PM Eastern Standard Time

To: 'deirdre.walsh@dni.gov' <deirdre.walsh@dni.gov>; Neal Higgins (b)(3) CIA Act, (b)(6); Agrast, Mark D. (OLA); Borowec, Katherine L CIV (US) (b)(6) per DOD

; Thompson, Philip A <ThompsonPA@state.gov>

Cc: Grannis, D (Intelligence) (b)(6); Jones, Daniel (Intelligence)

(b)(6); Lundeberg, Greta (b)(6) - NSC

(b)(6) - NSC; Wolfe, J (Intelligence) (b)(6)

Subject: SSCI# 2014-1161 - SSCI's Study of the CIA's Detention and Interrogation Program

ODNI, CIA, DoJ, DoD, and State Department – This evening I will be delivering a classified copy of the Findings and Conclusions and the Executive Summary of updated version of the Committee's Study of the CIA's Detention and Interrogation Program to each of you.

Please confirm receipt of this message to indicate that you are available.

Sincerely,

James A. Wolfe

Director of Security

U.S. Senate Select Committee on Intelligence

Room SH-211, Hart Senate Office Building

Washington, D.C. 20510

(b)(6) (o)

202.224.1772 (f)

(b)(6) (c)

Wolfe, J (Intelligence)

From: Wolfe, J (Intelligence)
Sent: Wednesday, April 9, 2014 8:02 PM
To: Agrast, Mark D. (OLA)
Cc: Kadzik, Peter J (OLA)
Subject: RE: SSCI# 2014-1161 - SSCI's Study of the CIA's Detention and Interrogation Program

At the discretion of the officials in official receipt.

Sent with Good (www.good.com)

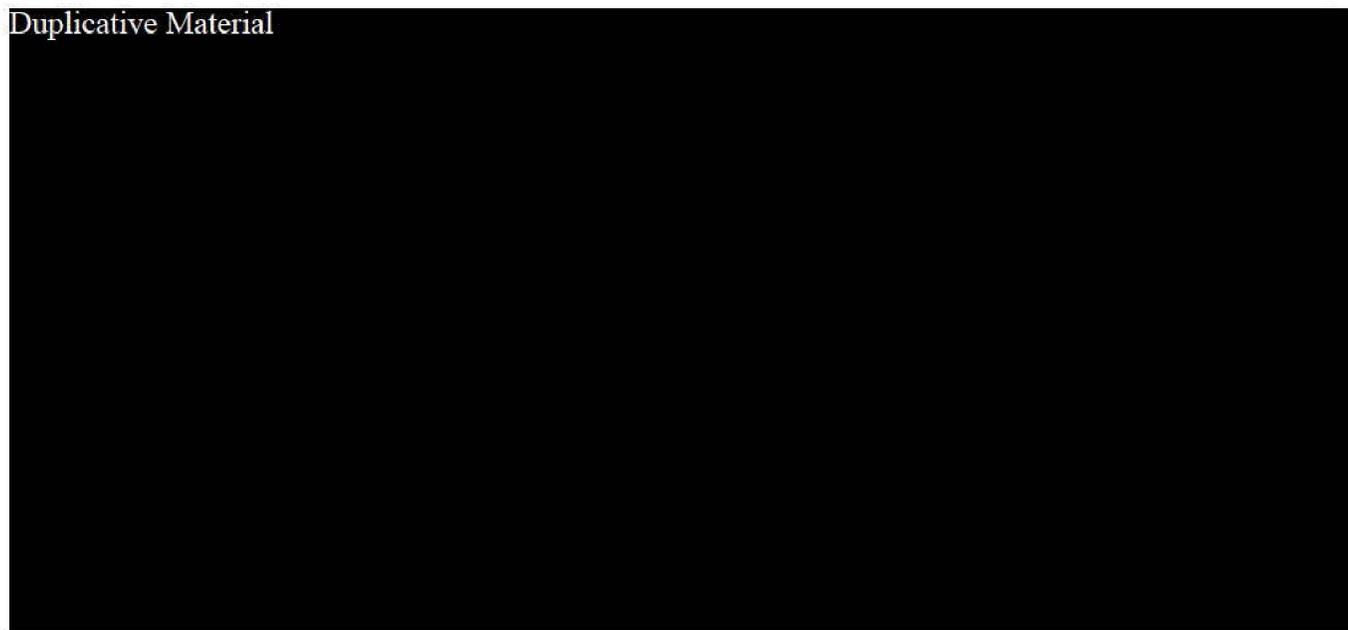
-----Original Message-----

From: Agrast, Mark D. (OLA) [Mark.D.Agrast@usdoj.gov]
Sent: Wednesday, April 09, 2014 07:30 PM Eastern Standard Time
To: Wolfe, J (Intelligence)
Cc: Kadzik, Peter J (OLA)
Subject: Re: SSCI# 2014-1161 - SSCI's Study of the CIA's Detention and Interrogation Program

Apart from classification, are there any continuing restrictions as to who may review this material?

From: Wolfe, J (Intelligence) (b)(6)
Sent: Wednesday, April 09, 2014 07:00 PM Eastern Standard Time
To: Agrast, Mark D. (OLA)
Cc: Kadzik, Peter J (OLA)
Subject: RE: SSCI# 2014-1161 - SSCI's Study of the CIA's Detention and Interrogation Program

Duplicative Material



Lundeberg, Greta

From: Lundeberg, Greta
Sent: Wednesday, April 9, 2014 7:45 PM
To: 'deirdre.walsh@dni.gov'; 'Neal Higgins (b)(3) CIA Act, (b)(6)'; Agrast, Mark D. (OLA); 'Borowec, Katherine L CIV (US) (b)(6) per DOD'; 'Elizabeth King'
Cc: Roslansky, Josie; Hedger, Stephen
Subject: RE: UPDATE -- SSCI# 2014-1161 - Letter to President Obama re Declassification of the SSCI's Study of the CIA's Detention and Interrogation Program (without attachment)

All - SSCI told me today that they will distro hard copies of the report's findings/summary/conclusions today and tomorrow to every agency/department listed here. Best, Greta

-----Original Message-----

From: Wolfe, J (Intelligence) (b)(6)
Sent: Tuesday, April 08, 2014 12:36 PM Eastern Standard Time
To: Lundeberg, Greta; 'deirdre.walsh@dni.gov'; Neal Higgins (b)(3) CIA Act, (b)(6) Mark D. Agrast - DoJ (Mark.D.Agrast@usdoj.gov); Borowec, Katherine L CIV (US) (b)(6) per DOD); Thompson, Philip A
Cc: Grannis, D (Intelligence); Jones, Daniel (Intelligence); Wolfe, J (Intelligence)
Subject: UPDATE -- SSCI# 2014-1161 - Letter to President Obama re Declassification of the SSCI's Study of the CIA's Detention and Interrogation Program (without attachment)

Ms. Lundeberg – There two minor edits to the unclassified letter to President Obama from Chairman Feinstein dated April 7, 2014, transmitting a copy of the Findings and Conclusions and the Executive Summary of an updated version of the Committee's Study of the CIA's Detention and Interrogation Program for declassification that was sent last night. Attached is the updated letter.

ODNI, CIA, DoJ, DoD, and State Department – Please confirm receipt of the attached unclassified letter to the President.

Sincerely,

James A. Wolfe
Director of Security
U.S. Senate Select Committee on Intelligence
Room SH-211, Hart Senate Office Building
Washington, D.C. 20510

(b)(6) (o)
202.224.1772 (f)
(b)(6)

(b)(6) [REDACTED] (c)

deirdre.walsh@dni.gov

From: deirdre.walsh@dni.gov
Sent: Wednesday, April 9, 2014 6:15 PM
To: (b)(6) J Wolfe; (b)(3) CIA Act, (b)(6) Neal Higgins Agrast, Mark D. (OLA);
(b)(6) - Katherine Borowec per DOD; ThompsonPA@state.gov
Cc: (b)(6) D Grannis, Senate; (b)(6) Daniel Jones, Senate
(b)(6) - Greta Lundeberg NSC (b)(6) J Wolfe
Subject: RE: SSCI# 2014-1161 - SSCI's Study of the CIA's Detention and Interrogation Program

ODNI received.

Please advise when delivery will occur.

Deirdre

From: Wolfe, J (Intelligence) (b)(6)
Sent: Wednesday, April 09, 2014 5:43 PM
To: Deirdre M Walsh; (b)(3) CIA Act, (b)(6) Neal Higgins Mark D. Agrast - DoJ (Mark.D.Agrast@usdoj.gov); Borowec, Katherine L CIV (US) (b)(6) per DOD; Thompson, Philip A
Cc: (b)(6) D Grannis; Jones, Daniel (Intelligence); Lundeberg, Greta (b)(6) - NSC; (b)(6) - J Wolfe
Subject: SSCI# 2014-1161 - SSCI's Study of the CIA's Detention and Interrogation Program

ODNI, CIA, DoJ, DoD, and State Department – This evening I will be delivering a classified copy of the Findings and Conclusions and the Executive Summary of updated version of the Committee's Study of the CIA's Detention and Interrogation Program to each of you.

Please confirm receipt of this message to indicate that you are available.

Sincerely,

James A. Wolfe
Director of Security
U.S. Senate Select Committee on Intelligence
Room SH-211, Hart Senate Office Building
Washington, D.C. 20510

(b)(6) (o)

202.224.1772 (f)

(b)(6) (c)

Borowec, Katherine L SES (US)

From: Borowec, Katherine L SES (US)
Sent: Wednesday, April 9, 2014 6:14 PM
To: Wolfe, J (Intelligence); 'deirdre.walsh@dni.gov'; Neal Higgins (b)(3) CIA Act, (b)(6) Agrast, Mark D. (OLA); Thompson, Philip A
Cc: Grannis, D (Intelligence); Jones, Daniel (Intelligence); Lundeberg, Greta (b)(6) - NSC)
Subject: RE: SSCI# 2014-1161 - SSCI's Study of the CIA's Detention and Interrogation Program
Signed By: (b)(6) - Katherine Borowec per DOD

Copy that. I'll be here awaiting delivery - do you have an estimated ETA?

Kate

-----Original Message-----

From: Wolfe, J (Intelligence) (b)(6)
Sent: Wednesday, April 09, 2014 6:01 PM
To: Borowec, Katherine L SES (US); 'deirdre.walsh@dni.gov'; Neal Higgins (b)(3) CIA Act, (b)(6) Mark D. Agrast - DoJ (Mark.D.Agrast@usdoj.gov); Thompson, Philip A
Cc: Grannis, D (Intelligence); Jones, Daniel (Intelligence); Lundeberg, Greta (b)(6) - NSC)
Subject: RE: SSCI# 2014-1161 - SSCI's Study of the CIA's Detention and Interrogation Program

Negative. The package contains a binder of 508 pages of the Study, to include a cd, and will be hand delivered to you.

James A. Wolfe
Director of Security
U.S. Senate Select Committee on Intelligence Room SH-211, Hart Senate Office Building
Washington, D.C. 20510 (b)(6) (o) 202.224.1772 (f) (b)(6) (c)

-----Original Message-----

From: Borowec, Katherine L SES (US) (b)(6) per DOD
Sent: Wednesday, April 09, 2014 5:58 PM
To: Wolfe, J (Intelligence); 'deirdre.walsh@dni.gov'; Neal Higgins (b)(3) CIA Act, (b)(6); Mark D. Agrast - DoJ (Mark.D.Agrast@usdoj.gov); Thompson, Philip A
Cc: Grannis, D (Intelligence); Jones, Daniel (Intelligence); Lundeberg, Greta (b)(6) - NSC)

Subject: RE: SSCI# 2014-1161 - SSCI's Study of the CIA's Detention and Interrogation Program

Jim,
I am available. Will this be coming via secure fax?

v/r,

Kate

-----Original Message-----

From: Wolfe, J (Intelligence) (b)(6)
Sent: Wednesday, April 09, 2014 5:43 PM
To: 'deirdre.walsh@dni.gov'; Neal Higgins (b)(3) CIA Act, (b)(6); Mark D. Agrast - DoJ (Mark.D.Agrast@usdoj.gov); Borowec, Katherine L SES (US); Thompson, Philip A
Cc: Grannis, D (Intelligence); Jones, Daniel (Intelligence); Lundeberg, Greta (b)(6) - NSC; Wolfe, J (Intelligence)
Subject: SSCI# 2014-1161 - SSCI's Study of the CIA's Detention and Interrogation Program

ODNI, CIA, DoJ, DoD, and State Department - This evening I will be delivering a classified copy of the Findings and Conclusions and the Executive Summary of updated version of the Committee's Study of the CIA's Detention and Interrogation Program to each of you.

Please confirm receipt of this message to indicate that you are available.

Sincerely,

James A. Wolfe

Director of Security

U.S. Senate Select Committee on Intelligence

Room SH-211, Hart Senate Office Building

Washington, D.C. 20510

(b)(6) (o)

202 224 1772 (A)

202.224.1112 (1)

(b)(6) (c)

Borowec, Katherine L SES (US)

From: Borowec, Katherine L SES (US)
Sent: Wednesday, April 9, 2014 5:54 PM
To: Wolfe, J (Intelligence); Lundeberg, Greta
(b)(6) - NSC; 'deirdre.walsh@dni.gov'; Neal Higgins
(b)(3) CIA Act, (b)(6); Agrast, Mark D. (OLA); Thompson, Philip A
Cc: Grannis, D (Intelligence); Jones, Daniel (Intelligence)
Subject: RE: UPDATE -- SSCI# 2014-1161 - Letter to President Obama re
Declassification of the SSCI's Study of the CIA's Detention and Interrogation
Program (without attachment)
Signed By: (b)(6) - Katherine Borowec per DOD

DoD received.

v/r,

Kate

-----Original Message-----

From: Wolfe, J (Intelligence) (b)(6)
Sent: Tuesday, April 08, 2014 12:36 PM
To: Lundeberg, Greta (b)(6) - NSC; 'deirdre.walsh@dni.gov'; Neal Higgins
(b)(3) CIA Act, (b)(6) Mark D. Agrast - DoJ (Mark.D.Agrast@usdoj.gov); Borowec, Katherine L SES
(US); Thompson, Philip A
Cc: Grannis, D (Intelligence); Jones, Daniel (Intelligence); Wolfe, J (Intelligence)
Subject: UPDATE -- SSCI# 2014-1161 - Letter to President Obama re Declassification of the SSCI's
Study of the CIA's Detention and Interrogation Program (without attachment)

Ms. Lundeberg - There two minor edits to the unclassified letter to President Obama from Chairman Feinstein dated April 7, 2014, transmitting a copy of the Findings and Conclusions and the Executive Summary of an updated version of the Committee's Study of the CIA's Detention and Interrogation Program for declassification that was sent last night. Attached is the updated letter.

ODNI, CIA, DoJ, DoD, and State Department - Please confirm receipt of the attached unclassified letter to the President.

Sincerely,

James A. Wolfe

Director of Security

U.S. Senate Select Committee on Intelligence

Room SH-211, Hart Senate Office Building

Washington, D.C. 20510

(b)(6) (o)

202.224.1772 (f)

(b)(6) (c)

Agrast, Mark D. (OLA)

From: Agrast, Mark D. (OLA)
Sent: Tuesday, April 8, 2014 4:04 PM
To: (b)(6) J Wolfe
Subject: Re: UPDATE -- SSCI# 2014-1161 - Letter to President Obama re Declassification of the SSCI's Study of the CIA's Detention and Interrogation Program (without attachment)

Confirmed. Thanks, Jim.

From: Wolfe, J (Intelligence) (b)(6)
Sent: Tuesday, April 08, 2014 12:36 PM Eastern Standard Time
To: Lundeberg, Greta (b)(6) - NSC
(b)(6) - Greta Lundeberg, NSC ; 'deirdre.walsh@dni.gov' <deirdre.walsh@dni.gov>; Neal Higgins
(b)(3) CIA Act, (b)(6) ; Agrast, Mark D. (OLA); Borowec, Katherine L CIV (US)
(b)(6) per DOD ; Thompson, Philip A
<ThompsonPA@state.gov>
Cc: Grannis, D (Intelligence) (b)(6) ; Jones, Daniel (Intelligence)
(b)(6) ; Wolfe, J (Intelligence) (b)(6)
Subject: UPDATE -- SSCI# 2014-1161 - Letter to President Obama re Declassification of the SSCI's Study of the CIA's Detention and Interrogation Program (without attachment)

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ODNI, CIA, DoJ, DoD, and State Department – Please confirm receipt of the attached unclassified letter to the President.

Sincerely,

James A. Wolfe
Director of Security
U.S. Senate Select Committee on Intelligence
Room SH-211, Hart Senate Office Building
Washington, D.C. 20510

(b)(6) (o)

202.224.1772 (f)

(b)(6) (c)

Agrast, Mark D. (OLA)

From: Agrast, Mark D. (OLA)
Sent: Tuesday, April 8, 2014 4:04 PM
To: Kadzik, Peter J (OLA)
Subject: Fw: UPDATE -- SSCI# 2014-1161 - Letter to President Obama re Declassification of the SSCI's Study of the CIA's Detention and Interrogation Program (without attachment)
Attachments: SSCI# 2014-1161 - Letter to President Obama re Declassification of the SSCI's Study of the CIA's Detention and Interrogation Program - Updated.pdf

Peter - FYI.

From: Wolfe, J (Intelligence) (b)(6)
Sent: Tuesday, April 08, 2014 12:36 PM Eastern Standard Time
To: Lundeberg, Greta (b)(6) - NSC
(b)(6) - Greta Lundeberg, NSC ; 'deirdre.walsh@dni.gov' <deirdre.walsh@dni.gov>; Neal Higgins
(b)(3) CIA Act, (b)(6) Agrast, Mark D. (OLA); Borowec, Katherine L CIV (US)
(b)(6) per DOD Thompson, Philip A
<ThompsonPA@state.gov>
Cc: Grannis, D (Intelligence) (b)(6); Jones, Daniel (Intelligence)
(b)(6); Wolfe, J (Intelligence) (b)(6)
Subject: UPDATE -- SSCI# 2014-1161 - Letter to President Obama re Declassification of the SSCI's Study of the CIA's Detention and Interrogation Program (without attachment)

Ms. Lundeberg – There two minor edits to the unclassified letter to President Obama from Chairman Feinstein dated April 7, 2014, transmitting a copy of the Findings and Conclusions and the Executive Summary of an updated version of the Committee's Study of the CIA's Detention and Interrogation Program for declassification that was sent last night. Attached is the updated letter.

ODNI, CIA, DoJ, DoD, and State Department – Please confirm receipt of the attached unclassified letter to the President.

Sincerely,

James A. Wolfe
Director of Security
U.S. Senate Select Committee on Intelligence
Room SH-211, Hart Senate Office Building
Washington, D.C. 20510

(b)(6) (o)
202.224.1772 (f)
(b)(6) (c)

Lundeberg, Greta

From: Lundeberg, Greta
Sent: Tuesday, April 8, 2014 8:17 AM
To: Agrast, Mark D. (OLA)
Subject: RE: SSCI# 2014-1161 - Letter to President Obama re Declassification of the SSCI's Study of the CIA's Detention and Interrogation Program (without attachment)

Mark - (b)(5)

Thanks! Greta

-----Original Message-----

From: Agrast, Mark D. (OLA) [Mark.D.Agrast@usdoj.gov]
Sent: Monday, April 07, 2014 10:07 PM Eastern Standard Time
To: Lundeberg,
Greta; (b)(6) Congressional Email ; 'deirdre.walsh@dni.gov'; (b)(3) CIA Act, (b)(6) Neal Higgins (b)(6) - Katherine Borowec per DOD
'ThompsonPA@state.gov'
Cc: (b)(6) Congressional Email (b)(6) Congressional Email
Subject: Re: SSCI# 2014-1161 - Letter to President Obama re Declassification of the SSCI's Study of the CIA's Detention and Interrogation Program (without attachment)

Received. Thanks, Jim.

From: Lundeberg, Greta (b)(6) - NSC
Sent: Monday, April 07, 2014 09:53 PM Eastern Standard Time
To: 'Wolfe, J (Intelligence)' (b)(6); 'deirdre.walsh@dni.gov' <deirdre.walsh@dni.gov>; (b)(3) CIA Act, (b)(6) Neal Higgins Agrast, Mark D. (OLA); 'Borowec, Katherine L CIV (US) (b)(6) per DOD' 'Thompson, Philip A'
<ThompsonPA@state.gov>
Cc: 'Grannis, D (Intelligence)' (b)(6); 'Jones, Daniel (Intelligence)' (b)(6)
Subject: RE: SSCI# 2014-1161 - Letter to President Obama re Declassification of the SSCI's Study of the CIA's Detention and Interrogation Program (without attachment)

Received thank you.

-----Original Message-----

From: Wolfe, J (Intelligence) (b)(6)

Sent: Monday, April 07, 2014 09:48 PM Eastern Standard Time

To: Lundeberg, Greta; 'deirdre.walsh@dni.gov'; Neal Higgins (b)(3) CIA Act, (b)(6); Mark D. Agrast - DoJ (Mark.D.Agrast@usdoj.gov); Borowec, Katherine L CIV (US) (b)(6) per DOD); Thompson, Philip A

Cc: Grannis, D (Intelligence); Wolfe, J (Intelligence); Jones, Daniel (Intelligence)

Subject: SSCI# 2014-1161 - Letter to President Obama re Declassification of the SSCI's Study of the CIA's Detention and Interrogation Program (without attachment)

Ms. Lundeberg – Attached is an unclassified letter to President Obama from Chairman Feinstein dated April 7, 2014, transmitting a copy of the Findings and Conclusions and the Executive Summary of an updated version of the Committee's Study of the CIA's Detention and Interrogation Program for declassification. The classified attachments are being delivered to the White House Situation Room separately.

ODNI, CIA, DoJ, DoD, and State Department – Please confirm receipt of the attached unclassified letter to the President.

Sincerely,

James A. Wolfe
Director of Security
U.S. Senate Select Committee on Intelligence
Room SH-211, Hart Senate Office Building
Washington, D.C. 20510

(b)(6) (c)

202.224.1772 (f)

(b)(6) (c)

Kadzik, Peter J (OLA)

From: Kadzik, Peter J (OLA)
Sent: Monday, April 7, 2014 10:18 PM
To: Richardson, Margaret (OAG); Werner, Sharon (OAG); Cheung, Denise (OAG); Walsh, James (ODAG); Fallon, Brian (OPA)
Cc: Gaston, Molly (OLA); O'Brien, Alicia C (OLA)
Subject: FW: SSCI# 2014-1161 - Letter to President Obama re Declassification of the SSCI's Study of the CIA's Detention and Interrogation Program (without attachment)
Attachments: SSCI# 2014-1161 - Letter to President Obama re Declassification of the SSCI's Study of the CIA's Detention and Interrogation Program.pdf

Feinstein letter to POTUS attached.

From: Agrast, Mark D. (OLA)
Sent: Monday, April 07, 2014 10:14 PM
To: Kadzik, Peter J (OLA)
Subject: Fw: SSCI# 2014-1161 - Letter to President Obama re Declassification of the SSCI's Study of the CIA's Detention and Interrogation Program (without attachment)

With attachment.

From: Wolfe, J (Intelligence) (b)(6)
Sent: Monday, April 07, 2014 09:48 PM Eastern Standard Time
To: Lundeberg, Greta (b)(6) - NSC (b)(6) - Greta LundebergNSC ; 'deirdre.walsh@dni.gov' <deirdre.walsh@dni.gov>; Neal Higgins (b)(3) CIA Act. (b)(6) ; Agrast, Mark D. (OLA); Borowec, Katherine L CIV (US) (b)(6) per DOD Thompson, Philip A <ThompsonPA@state.gov>
Cc: Grannis, D (Intelligence) (b)(6) ; Wolfe, J (Intelligence) (b)(6) ; Jones, Daniel (Intelligence) (b)(6)
Subject: SSCI# 2014-1161 - Letter to President Obama re Declassification of the SSCI's Study of the CIA's Detention and Interrogation Program (without attachment)

Ms. Lundeberg – Attached is an unclassified letter to President Obama from Chairman Feinstein dated April 7, 2014, transmitting a copy of the Findings and Conclusions and the Executive Summary of an updated version of the Committee's Study of the CIA's Detention and Interrogation Program for declassification. The classified attachments are being delivered to the White House Situation Room separately.

ODNI, CIA, DoJ, DoD, and State Department – Please confirm receipt of the attached unclassified letter to the President.

Sincerely,

James A. Wolfe
Director of Security
U.S. Senate Select Committee on Intelligence
Room SH-211, Hart Senate Office Building

Washington, D.C. 20510

(b)(6) (c)

202.224.1772 (f)

(b)(6) (c)

Agrast, Mark D. (OLA)

From: Agrast, Mark D. (OLA)
Sent: Monday, April 7, 2014 10:09 PM
To: Kadzik, Peter J (OLA)
Subject: Fw: SSCI# 2014-1161 - Letter to President Obama re Declassification of the SSCI's Study of the CIA's Detention and Interrogation Program (without attachment)

Peter - Transmittal from SSCI. I assume you will want to share with appropriate offices. Mark

From: Lundeberg, Greta (b)(6) - NSC
Sent: Monday, April 07, 2014 09:53 PM Eastern Standard Time
To: 'Wolfe, J (Intelligence)' (b)(6); 'deirdre.walsh@dni.gov' <deirdre.walsh@dni.gov>; 'Neal Higgins' (b)(3) CIA Act, (b)(6); Agrast, Mark D. (OLA); 'Borowec, Katherine L CIV (US) (b)(6) per DOD'; 'Thompson, Philip A' <ThompsonPA@state.gov>
Cc: 'Grannis, D (Intelligence)' (b)(6); 'Jones, Daniel (Intelligence)' (b)(6)
Subject: RE: SSCI# 2014-1161 - Letter to President Obama re Declassification of the SSCI's Study of the CIA's Detention and Interrogation Program (without attachment)

Received thank you.

-----Original Message-----

From: Wolfe, J (Intelligence) (b)(6)
Sent: Monday, April 07, 2014 09:48 PM Eastern Standard Time
To: Lundeberg, Greta; 'deirdre.walsh@dni.gov'; Neal Higgins (b)(3) CIA Act, (b)(6) Mark D. Agrast - DoJ (Mark.D.Agrast@usdoj.gov); Borowec, Katherine L CIV (US) (b)(6) per DOD; Thompson, Philip A
Cc: Grannis, D (Intelligence); Wolfe, J (Intelligence); Jones, Daniel (Intelligence)
Subject: SSCI# 2014-1161 - Letter to President Obama re Declassification of the SSCI's Study of the CIA's Detention and Interrogation Program (without attachment)

Ms. Lundeberg – Attached is an unclassified letter to President Obama from Chairman Feinstein dated April 7, 2014, transmitting a copy of the Findings and Conclusions and the Executive Summary of an updated version of the Committee's Study of the CIA's Detention and Interrogation Program for declassification. The classified attachments are being delivered to the White House Situation Room separately.

ODNI, CIA, DoJ, DoD, and State Department – Please confirm receipt of the attached unclassified letter to the President.

Sincerely,

James A. Wolfe
Director of Security
U.S. Senate Select Committee on Intelligence
Room SH-211, Hart Senate Office Building
Washington, D.C. 20510

(b)(6) (c)

202.224.1772 (f)

(b)(6) (c)

Wolfe, J (Intelligence)

From: Wolfe, J (Intelligence)
Sent: Monday, April 7, 2014 10:09 PM
To: Agrast, Mark D. (OLA)
Subject: RE: SSCI# 2014-1161 - Letter to President Obama re Declassification of the SSCI's Study of the CIA's Detention and Interrogation Program (without attachment)

Thanks, Mark.

Sent with Good (www.good.com)

-----Original Message-----

From: Agrast, Mark D. (OLA) [Mark.D.Agrast@usdoj.gov]
Sent: Monday, April 07, 2014 10:06 PM Eastern Standard Time
To: (b)(6) - Greta Lundeberg NSC; Wolfe, J (Intelligence); 'deirdre.walsh@dni.gov'; (b)(3) CIA Act, (b)(6) Neal Higgins (b)(6) - Katherine Borowec per DOD'; 'Thomps onPA@state.gov'
Cc: Grannis, D (Intelligence); Jones, Daniel (Intelligence)
Subject: Re: SSCI# 2014-1161 - Letter to President Obama re Declassification of the SSCI's Study of the CIA's Detention and Interrogation Program (without attachment)

Received. Thanks, Jim.

From: Lundeberg, Greta (b)(6) - NSC
Sent: Monday, April 07, 2014 09:53 PM Eastern Standard Time
To: 'Wolfe, J (Intelligence)' (b)(6); 'deirdre.walsh@dni.gov' <deirdre.walsh@dni.gov>; 'Neal Higgins' (b)(3) CIA Act, (b)(6); Agrast, Mark D. (OLA); 'Borowec, Katherine L CIV (US) (b)(6) per DOD'; 'Thompson, Philip A' <ThompsonPA@state.gov>
Cc: 'Grannis, D (Intelligence)' (b)(6); 'Jones, Daniel (Intelligence)' (b)(6)
Subject: RE: SSCI# 2014-1161 - Letter to President Obama re Declassification of the SSCI's Study of the CIA's Detention and Interrogation Program (without attachment)

Received thank you.

-----Original Message-----

From: Wolfe, J (Intelligence) (b)(6)
Sent: Monday, April 07, 2014 09:48 PM Eastern Standard Time
To: Lundeberg, Greta; 'deirdre.walsh@dni.gov'; Neal Higgins (b)(3) CIA Act, (b)(6) Mark D. Agrast - DoJ

(Mark.D.Agrast@usdoj.gov); Borowec, Katherine L CIV (US) (b)(6) per DOD [REDACTED];
Thompson, Philip A

Cc: Grannis, D (Intelligence); Wolfe, J (Intelligence); Jones, Daniel (Intelligence)

Subject: SSCI# 2014-1161 - Letter to President Obama re Declassification of the SSCI's Study of the CIA's Detention and Interrogation Program (without attachment)

Ms. Lundeberg – Attached is an unclassified letter to President Obama from Chairman Feinstein dated April 7, 2014, transmitting a copy of the Findings and Conclusions and the Executive Summary of an updated version of the Committee's Study of the CIA's Detention and Interrogation Program for declassification. The classified attachments are being delivered to the White House Situation Room separately.

ODNI, CIA, DoJ, DoD, and State Department – Please confirm receipt of the attached unclassified letter to the President.

Sincerely,

James A. Wolfe
Director of Security
U.S. Senate Select Committee on Intelligence
Room SH-211, Hart Senate Office Building
Washington, D.C. 20510

(b)(6) [REDACTED] (o)

202.224.1772 (f)

(b)(6) [REDACTED] (c)

DOJ reviewers

The Attorney General

Mark Agrast

Trisha Anderson

(b)(6), (b)(7)(C) per FBI

Paul Colborn

John Durham

James Farmer

Dan Koffsky

(b)(6), (b)(7)(C) per FBI

(b)(6) per NSD

Dave O'Neill

Designated reviewers:

Trisha Anderson (ODAG)

(b)(6), (b)(7)(C) per FBI (FBI)

Paul Colborn (OLC)

John Durham

James Farmer

Dan Koffsky (OLC)

(b)(6), (b)(7)(C) per FBI (FBI)

(b)(6) per NSD (NSD)

[Mark Agrast]

[Dave O'Neil]

(b)(5)

DOJ reviewers

Initial DOJ proposed list:

Trisha Anderson

(b)(6), (b)(7)(C) per FBI

Paul Colborn

John Durham

James Farmer

Dan Koffsky

(b)(6) per NSD

b6-1

[REDACTED]

List approved by Feinstein/Grannis as revised:

(b)(6), (b)(7)(C) per FBI

Paul Colborn

John Durham

James Farmer

Dan Koffsky

Additions approved by Feinstein/Grannis:

The Attorney General

Mark Agrast

Trisha Anderson

(b)(6), (b)(7)(C) per FBI

(b)(6) per NSD

Dave O'Neill

Grannis, D (Intelligence)

From: Grannis, D (Intelligence)
Sent: Thursday, January 23, 2014 12:16 PM
To: Agrast, Mark D. (OLA)
Subject: RE: FOIA Litigation re: the SSCI Report on CIA post-9/11 Interrogation Program (Agency Records Determination)

Mark –

I would prefer not to make the motion public. I can tell you, however, that the motion that was approved by the Committee did include language stating that the report would be provided only to a limited number of Executive Branch officials, who would be designated by name for this purpose. The motion also stated that any public release of the document would be done pursuant to a further vote of the Committee after Executive Branch comments were back in.

You have my permission to use the email below with the redactions as noted. I would also be ok if you wanted to replace the names of the recipients of the email with the organizations they represent.

David

From: Agrast, Mark D. (OLA) [mailto:Mark.D.Agrast@usdoj.gov]
Sent: Thursday, January 23, 2014 11:48 AM
To: Grannis, D (Intelligence)
Subject: FOIA Litigation re: the SSCI Report on CIA post-9/11 Interrogation Program (Agency Records Determination)

David,

We are making our filing in the FOIA case tomorrow. Would the Committee have any objections to our appending a copy of your email to me (copied below) laying out the restrictions on access to the report? We would of course redact the identifying material (highlighted).

Also, is the motion you reference in the email something that could be provided? If it speaks to the Committee's intention to reserve control over the report, it could help make the case. I recognize it would probably have been adopted in closed session, but I don't know whether that precludes your providing it.

Please let me know if there is a convenient time to discuss this today.

With thanks,

Mark

From: Grannis, D (Intelligence) (b)(6)
Sent: Thursday, December 13, 2012 5:18 PM
To: Lundeborg, Greta; (b)(3) CIA Act, (b)(6); (b)(3) per DNI; Agrast, Mark D. (OLA)
Cc: Jones, Daniel (Intelligence); Goco, L (Intelligence); Healey, C (Intelligence)
Subject: SSCI report, reading

The SSCI approved today its report on CIA Detention and Interrogation. Per the motion

The SSC approved today its report on CIA Detention and Interrogation. Per the motion adopted by the Committee, we will be transmitting to the White House, the ODNI, the CIA, and the Department of Justice a limited number of hard copies of the report for review. We will send an official transmittal letter tomorrow. However, by explicit instruction of the Chairman, and as specified in the motion, we will only provide copies of the report to specific individuals who are identified in advance to the Chairman (through me). I'm happy to discuss further, but would appreciate you putting together those lists together (for sake of reference, the ODNI list is the DNI +1).

Regards,
David

David Grannis
Staff Director
Senate Select Committee on Intelligence
202-224-1700
(b)(6)

Mark David Agrast
Deputy Assistant Attorney General
Office of Legislative Affairs
U.S. DEPARTMENT OF JUSTICE
Robert F. Kennedy Main Justice Building
950 Pennsylvania Avenue, N.W., Room 1607
Washington, D.C. 20530-0001
202.514.2141 main | 202.305.7851 direct | 202.514.4482 fax

Unclassified email: mark.d.agrast@usdoj.gov
SIPR: (b)(6)
JWICS: (b)(6)

(b)(6) per NSD (NSD)

From: (b)(6) per NSD (NSD)
Sent: Wednesday, January 22, 2014 7:46 PM
To: Singh, Anita (NSD); (b)(6) - David Newman NSC; Agrast, Mark D. (OLA)
Subject: Re: SSCI

Yep, I can. Unfortunately I've just gotten home. Mark, is there a good time for a handoff tomorrow morning?

All the best, (b)(6) per NSD

From: Singh, Anita (NSD)
Sent: Wednesday, January 22, 2014 07:41 PM
To: (b)(6) - David Newman NSC; (b)(6) - David Newman NSC; Agrast, Mark D. (OLA)
Cc: (b)(6) per NSD (NSD)
Subject: Re: SSCI

(b)(6) per NSD can you access it?

From: Newman, David (b)(6) - NSC
Sent: Wednesday, January 22, 2014 07:37 PM
To: Agrast, Mark D. (OLA)
Cc: Singh, Anita (NSD); (b)(6) per NSD (NSD)
Subject: RE: SSCI

Sorry to have lost the thread on this. Last that I knew, it was still in my old safe (which is now (b)(6) per NSD safe) in DOJ. I am cc'ing (b)(6) per NSD Anita who might more updated information. I think that I've conveyed previously back in the Fall that I support transferring these to the custody of Mark given his need to see it and the fact that currently there is no one else in NSD, I believe, who was on the approved access list other than perhaps John C.

From: Agrast, Mark D. (OLA) [mailto:Mark.D.Agrast@usdoj.gov]
Sent: Wednesday, January 22, 2014 5:44 PM
To: Newman, David
Subject: SSCI

Hi, David, and Happy New Year. We never completed the transfer of your copy of that SSCI report and I need to have a quick look at it on a rather urgent basis. Do you know where I can find it?

Mark David Agrast
Deputy Assistant Attorney General
Office of Legislative Affairs
U.S. DEPARTMENT OF JUSTICE
Robert F. Kennedy Main Justice Building
950 Pennsylvania Avenue, N.W., Room 1607
Washington, D.C. 20530-0001
202.514.2141 main | 202.305.7851 direct | 202.514.4482 fax

—



Unclassified email: mark.d.agrast@usdoj.gov

SIPR: (b)(6)

JWICS: (b)(6)

Grannis, D (Intelligence)

From: Grannis, D (Intelligence)
Sent: Thursday, December 13, 2012 5:18 PM
To: Lundeberg, Greta; (b)(3) CIA Act, (b)(6) ; (b)(3) per DNI ; Agrast, Mark D. (OLA)
Cc: Jones, Daniel (Intelligence); Goco, L (Intelligence); Healey, C (Intelligence)
Subject: SSCI report, reading

The SSCI approved today its report on CIA Detention and Interrogation. Per the motion adopted by the Committee, we will be transmitting to the White House, the ODNI, the CIA, and the Department of Justice a limited number of hard copies of the report for review. We will send an official transmittal letter tomorrow. However, by explicit instruction of the Chairman, and as specified in the motion, we will only provide copies of the report to specific individuals who are identified in advance to the Chairman (through me). I'm happy to discuss further, but would appreciate you putting together those lists together (for sake of reference, the ODNI list is the DNI +1).

Regards,
David

David Grannis
Staff Director
Senate Select Committee on Intelligence
202-224-1700
(b)(6)

Agrast, Mark D. (OLA)

From: Agrast, Mark D. (OLA)
Sent: Monday, April 8, 2013 7:32 PM
To: Hibbard, Douglas (OIP)
Cc: Anderson, Trisha (ODAG)
Subject: RE: FOIA Request of Malcolm Byrne of the National Security Archive
Attachments: Byrne Request.pdf

Doug,

The Department has not provided a response to the Committee. (b) (5)

Mark

From: Hibbard, Douglas (OIP)
Sent: Monday, April 08, 2013 2:56 PM
To: Agrast, Mark D. (OLA)
Subject: FOIA Request of Malcolm Byrne of the National Security Archive

Mark,

We last spoke about a month ago about several FOIA requests the Department had received for the Senate Select Committee on Intelligence report on the CIA's post-9/11 interrogation program. As you'll recall, we ultimately determined that the report itself was not subject to the FOIA in that it is not an "agency record." We have now received the attached FOIA request for records concerning the Department's "reactions" to the report.

(b) (5)

Please let me know your thoughts on this,

Doug

<< File: Byrne Request.pdf >>

(b)(6) per NSD (NSD)

From: (b)(6) per NSD (NSD)
Sent: Wednesday, September 11, 2013 9:33 PM
To: Agrast, Mark D. (OLA)
Subject: Re: Congratulations

Thanks. I also hope it is rewarding (in a non-literal sense) since the pay is the same and the hours are pretty terrible. It is at least fun to be back with Lisa and Kate again. (b)(5)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] But I know we are getting pinged.

(b)(6) per NSD

From: Agrast, Mark D. (OLA)
Sent: Wednesday, September 11, 2013 10:09 AM Eastern Standard Time
To: (b)(6) per NSD (NSD)
Subject: RE: Congratulations

They're lucky to get you. I hope it's a rewarding experience.

(b)(5)

From: (b)(6) per NSD (NSD)
Sent: Wednesday, September 11, 2013 1:06 AM
To: Agrast, Mark D. (OLA)
Subject: Re: Congratulations

Thanks very much, Mark.

It was a tough decision to step away from NSD and the interesting work I've been doing, made somewhat easier by the fact that it is only a one-year detail and not permanent. I feel very privileged to have worked with you these past two years and look forward to doing so again in my new role and when I return.

As far as my replacements, (b)(6) per NSD (previously a counsel in our law & policy section) and (b)(6) per NSD started in the last two weeks, effectively replacing (b)(6) per NSD and my roles in the front office. I am not sure it's yet been decided which of the two will be taking on more of my NDAA/detention portfolio. But as you will quickly realize, both are terrific additions. Chris Hardee is also very engaged on the GTMO front.

(b)(5)

I am very sorry that I wasn't able to deliver the news in person. This all came together rather quickly in the

end. But I hope to cross paths soon.

All best,

(b)(6) per
NSD

From: Agrast, Mark D. (OLA)
Sent: Tuesday, September 10, 2013 10:40 AM Eastern Standard Time
To: (b)(6) per NSD (NSD)
Subject: Congratulations

(b)(6) per
NSD

Congratulations on your new appointment. I hope we'll have a chance to work together once you assume your new role at NSS.

By the way, who will be taking over for you on GTMO-related matters? And who will have custody of the SSCI report?

Mark

Mark David Agrast

Deputy Assistant Attorney General

Office of Legislative Affairs

U.S. DEPARTMENT OF JUSTICE

Robert F. Kennedy Main Justice Building

950 Pennsylvania Avenue, N.W., Room 1607

Washington, D.C. 20530-0001

202.514.2141 main | 202.305.7851 direct | 202.514.4482 fax

Unclassified email: mark.d.agrast@usdoj.gov

SIPR: (b)(6)

JWICS: (b)(6)

O'Neil, David (ODAG)

From: O'Neil, David (ODAG)
Sent: Tuesday, June 25, 2013 2:02 PM
To: Agrast, Mark D. (OLA); Anderson, Trisha (ODAG)
Subject: RE: SSCI report

Thanks Mark. Trisha is out the next two days bu (b)(5)

[REDACTED]

From: Agrast, Mark D. (OLA)
Sent: Tuesday, June 25, 2013 2:01 PM
To: Anderson, Trisha (ODAG); O'Neil, David (ODAG)
Subject: RE: SSCI report

The staffer followed up again this afternoon. He is expecting to receive comments from the agency on Thursday, and expects the Chairman to ask the status of other executive branch response (b)(5)

[REDACTED]

From: Agrast, Mark D. (OLA)
Sent: Wednesday, June 19, 2013 11:39 AM
To: Anderson, Trisha (ODAG); O'Neil, David (ODAG)
Subject: SSCI report

At the SSCI briefing the other day the Feinstein staffer who oversaw the drafting of their report asked whether the Department would be providing any comments. Evidently they have now received, or expect shortly to receive, comments from the other agencies to whom the report was provided, (b)(5)

[REDACTED]

Mark David Agrast
Deputy Assistant Attorney General
Office of Legislative Affairs
U.S. DEPARTMENT OF JUSTICE
Robert F. Kennedy Main Justice Building
950 Pennsylvania Avenue, N.W., Room 1607
Washington, D.C. 20530 0001
202.514.2141 main | 202.305.7851 direct | 202.514.4482 fax

Unclassified email: mark.d.agrast@usdoj.gov

SIP (b)(6)

JWIC (b)(6)

Agrast, Mark D. (OLA)

From: Agrast, Mark D. (OLA)
Sent: Monday, March 18, 2013 11:18 AM
To: Anderson, Trisha (ODAG); O'Neil, David (ODAG)
Subject: Re: SSCI report access list

(b)(5)

From: Anderson, Trisha (ODAG)
Sent: Monday, March 18, 2013 11:14 AM
To: O'Neil, David (ODAG); Agrast, Mark D. (OLA)
Subject: SSCI report access list

Dave and Mark --

(b)(5); (b)(6), (b)(7)(C) in part per FBI

Thanks

very much.

Trisha Anderson (ODAG)

(b)(6), (b)(7)(C) per FBI (FBI)

Paul Colborn (OLC)

John Durham

James Farmer

Dan Koffsky (OLC)

(b)(6), (b)(7)(C) per FBI (FBI)

(b)(6) per NSD (NSD)

Also authorized:

Dave O'Neil

Mark Agrast

O'Neil, David (ODAG)

From: O'Neil, David (ODAG)
Sent: Monday, March 18, 2013 11:16 AM
To: Anderson, Trisha (ODAG); Agrast, Mark D. (OLA)
Subject: RE: SSCI report access list

(b) (5)

From: Anderson, Trisha (ODAG)
Sent: Monday, March 18, 2013 11:15 AM
To: O'Neil, David (ODAG); Agrast, Mark D. (OLA)
Subject: SSCI report access list

Dave and Mark --

(b) (5); (b) (6), (b) (7) (C) in part per FBI

much.

Thanks very

Trisha Anderson (ODAG)

(b) (6), (b) (7) (C) per FBI (FBI)

Paul Colborn (OLC)

John Durham

James Farmer

Dan Koffsky (OLC)

(b) (6), (b) (7) (C) per FBI (FBI)

(b) (6) per NSD (NSD)

Also authorized:

Dave O'Neil

Mark Agrast

Agrast, Mark D. (OLA)

From: Agrast, Mark D. (OLA)
Sent: Thursday, February 14, 2013 5:02 PM
To: robert.litt@dni.gov
Subject: RE: On another matter

Trisha Anderson is overseeing our review process. May I refer you to her?

From: robert.litt@dni.gov [mailto:robert.litt@dni.gov]
Sent: Thursday, February 14, 2013 3:16 PM
To: Agrast, Mark D. (OLA)
Subject: On another matter

Mark, who at DOJ is reviewing the SSCI RDI report?

Agrast, Mark D. (OLA)

From: Agrast, Mark D. (OLA)
Sent: Friday, February 8, 2013 8:31 AM
To: Anderson, Trisha (ODAG)
Subject: Re:

Yes, you are on the list and have authorized access to the documents.

From: Anderson, Trisha (ODAG)
Sent: Friday, February 08, 2013 07:51 AM
To: Agrast, Mark D. (OLA)
Subject: RE:

I am on the list, right? It shouldn't be a problem for me to review NSD's or OLC's copy. Thanks!

From: Agrast, Mark D. (OLA)
Sent: Wednesday, February 06, 2013 2:28 PM
To: Anderson, Trisha (ODAG)
Subject: RE:

Scott is not on the list, but is cleared for the compartment and was thus able to handle the documents and transfer them to Durham and his two colleagues. But after speaking with our detailee, I now believe that the additional copies we received from SSCI were not destined for ODAG after all, but went to NSD and FBI. That is because at the time, there was nobody from ODAG on the list. If that is correct, then there are two sets of the document in the building – one with OLC (Koffsky and Colborn) and the other with NSD (b)(6) per NSD). I am hesitant to go back to the committee yet again for yet another set, but if it is not feasible for you to consult one or the other of those copies, I will certainly do so.

From: Anderson, Trisha (ODAG)
Sent: Wednesday, February 06, 2013 10:46 AM
To: Agrast, Mark D. (OLA)
Subject: RE:

I checked the Command Center log, and it appears Scott Schools picked up ODAG's copy (although I haven't been able to connect with him yet to confirm). Is he on the access list?

From: Agrast, Mark D. (OLA)
Sent: Wednesday, February 06, 2013 10:04 AM
To: Anderson, Trisha (ODAG)
Subject: RE:

Yes. The staffer who managed this process for us has just left on detail, but I will get in touch with him and get the specifics.

From: Anderson, Trisha (ODAG)

From: Anderson, Trisha (ODAG)
Sent: Wednesday, February 06, 2013 9:08 AM
To: Agrast, Mark D. (OLA)
Subject: RE:

Is there any way to find out to whom they delivered it in ODAG?

From: Agrast, Mark D. (OLA)
Sent: Tuesday, February 05, 2013 6:55 PM
To: Anderson, Trisha (ODAG)
Subject: RE:

No, it was hand-delivered by SSCI's security director, accompanied by a member of our OLA staff. They may have taken it initially to the Command Center, but I believe each set was then delivered to the appropriate office. It consists of multiple bound volumes and takes up a large box.

From: Anderson, Trisha (ODAG)
Sent: Tuesday, February 05, 2013 6:27 PM
To: Agrast, Mark D. (OLA)
Subject: RE:

Do you happen to know whether it was delivered through Exec Sec channels?

From: Agrast, Mark D. (OLA)
Sent: Tuesday, February 05, 2013 6:16 PM
To: Anderson, Trisha (ODAG)
Subject: RE:

Trisha,

I believe one complete set was delivered to the ODAG SCIF. Please let me know if you cannot locate it.

Mark

From: Anderson, Trisha (ODAG)
Sent: Tuesday, February 05, 2013 4:31 PM
To: Agrast, Mark D. (OLA)
Subject:

Mark – I just wanted to check with you about the logistics of reviewing the SSCI interrogation report. What do I need to do to access it?

Thanks very much.

Trisha

Agrast, Mark D. (OLA)

From: Agrast, Mark D. (OLA)
Sent: Monday, January 14, 2013 3:29 PM
To: O'Neil, David (ODAG)
Subject: RE: SSCI report

They have agreed to add Trisha to the list in lieu of the DAG.

From: O'Neil, David (ODAG)
Sent: Friday, January 11, 2013 10:27 AM
To: Agrast, Mark D. (OLA)
Subject: RE: SSCI report

Mark –

(b)(5)
[Redacted]

Thanks,
Dave

From: Agrast, Mark D. (OLA)
Sent: Tuesday, January 08, 2013 7:23 PM
To: O'Neil, David (ODAG)
Subject: Re: SSCI report

Yes - will do.

From: O'Neil, David (ODAG)
Sent: Tuesday, January 08, 2013 07:19 PM
To: Agrast, Mark D. (OLA)
Subject: RE: SSCI report

Mark –

As we discussed, (b)(5); (b)(6) in part per NSD
[Redacted]

(b)(5); (b)(6) in part per NSD
[Redacted]

Thanks,

Dave

From: Agrast, Mark D. (OLA)
Sent: Wednesday, January 02, 2013 1:15 PM
To: O'Neil, David (ODAG)
Cc: Anderson, Trisha (ODAG)
Subject: RE: SSCI report

Thanks. (b)(5)

From: O'Neil, David (ODAG)
Sent: Wednesday, January 02, 2013 1:11 PM
To: Agrast, Mark D. (OLA)
Cc: Anderson, Trisha (ODAG)
Subject: RE: SSCI report

Mark – (b)(5)

From: Agrast, Mark D. (OLA)
Sent: Wednesday, January 02, 2013 12:39 PM
To: O'Neil, David (ODAG)
Cc: Anderson, Trisha (ODAG)
Subject: SSCI report

Dave,

We're getting pushback from Sen. Feinstein on the list we submitted of designated DOJ reviewers. Her staff director notes (and I confirmed with Bob Litt) that ODNI has requested copies for only two reviewers (including the DNI himself), and that the WH also has provided a much shorter list of names than we did. He said he believes the Department's equities relate chiefly to OLC and stressed that the restricted access is not meant to preclude the sharing of certain information in the report with others within the Department to the extent that is necessary.

He also said that if it would give us a better sense of the scope of the report, he would be prepared to make the executive summary available for review by Department representatives and he and the principal author would be happy to walk them through the portions of the report that relate to the Department's equities.

I tried to get further clarity as to what kind of feedback they are seeking. He said that they are not looking to the Executive Branch to "fact-check" the document, but want us to have the opportunity to see it before it is released and to let them know of any major errors or other concerns we have about the report.

For your reference, here is the list we provided:

Trisha Anderson

(b)(6), (b)(7)(C) per FBI

Paul Colborn

John Durham

James Farmer

Dan Koffsky

(b)(6) per NSD

(b)(6)

(b)(5)

They are ready to provide the copies immediately once we have agreement on the number.

Mark

Mark David Agrast

Deputy Assistant Attorney General

Office of Legislative Affairs

U. S. DEPARTMENT OF JUSTICE

Robert F. Kennedy Main Justice Building

950 Pennsylvania Avenue, N.W., Room 1607

Washington, D.C. 20530-0001

202.514.2141 main | 202.305.7851 direct | 202.514.4482 fax

Unclassified email: mark.d.agrast@usdoj.gov

SIPR: (b)(6)

JWICS: (b)(6)

O'Neil, David (ODAG)

From: O'Neil, David (ODAG)
Sent: Wednesday, January 2, 2013 1:52 PM
To: Agrast, Mark D. (OLA)
Cc: Anderson, Trisha (ODAG)
Subject: RE: SSCI report

(b)(5)

From: Agrast, Mark D. (OLA)
Sent: Wednesday, January 02, 2013 1:51 PM
To: O'Neil, David (ODAG)
Cc: Anderson, Trisha (ODAG)
Subject: RE: SSCI report

Of course. (b)(5)

From: O'Neil, David (ODAG)
Sent: Wednesday, January 02, 2013 1:48 PM
To: Agrast, Mark D. (OLA)
Cc: Anderson, Trisha (ODAG)
Subject: RE: SSCI report

Mark – The Attorney General also wants to see the report (b)(5)

Thanks. Let me know when and how he can review.

Dave

From: Agrast, Mark D. (OLA)
Sent: Wednesday, January 02, 2013 1:15 PM
To: O'Neil, David (ODAG)
Cc: Anderson, Trisha (ODAG)
Subject: RE: SSCI report

Duplicative Records

O'Neil, David (ODAG)

From: O'Neil, David (ODAG)
Sent: Wednesday, January 2, 2013 12:54 PM
To: Agrast, Mark D. (OLA)
Cc: Anderson, Trisha (ODAG)
Subject: RE: SSCI report

Mark

(b) (5)





Thanks,
Dave

From: Agrast, Mark D. (OLA)
Sent: Wednesday, January 02, 2013 12:39 PM
To: O'Neil, David (ODAG)
Cc: Anderson, Trisha (ODAG)
Subject: SSCI report

Duplicative Records



Agrast, Mark D. (OLA)

From: Agrast, Mark D. (OLA)
Sent: Wednesday, January 9, 2013 2:07 PM
To: O'Neil, David (ODAG); Carlin, John (NSD (b)(6), (b)(7)(C) per FBI) (FBI)
Cc: Kralovec, Jamie (OLA)
Subject: RE: SSCI Report

Jamie Kralovec in my office will make arrangements with Jim Wolfe at SSCI to have (b)(6) per NSD copy delivered to NSD. It probably makes sense for SSCI to deliver (b)(6), (b)(7)(C) per FBI set directly to FBI.

From: O'Neil, David (ODAG)
Sent: Wednesday, January 09, 2013 12:31 PM
To: Carlin, John (NSD (b)(6), (b)(7)(C) per FBI). (FBI)
Cc: Agrast, Mark D. (OLA)
Subject: SSCI Report

(b)(6) per NSD and (b)(6), (b)(7)(C) per FBI are cleared to review it. Mark, can you advise as to how they should get access?
Thanks.

Grannis, D (Intelligence)

From: Grannis, D (Intelligence)
Sent: Thursday, January 3, 2013 5:07 PM
To: Agrast, Mark D. (OLA)
Subject: RE: SSCI Report

Mark – the size of the list looks generally reasonable, but as stated before, the positions of these people is more important than the name (the only one I recognize is John Durham). Could you let me know the offices involved for each?

I trust the AG's copy arrived ok; let me know if it did not, and we remain open to providing a briefing to walk the appropriate person/people through the report.

David

From: Agrast, Mark D. (OLA) [mailto:Mark.D.Agrast@usdoj.gov]
Sent: Thursday, January 03, 2013 12:21 PM
To: Grannis, D (Intelligence)
Subject: RE: SSCI Report

David,

We've pared back our numbers to the following (apart from the Attorney General):

(b)(6), (b)(7)(C) per FBI

Paul Colborn
John Durham
James Farmer
Dan Koffsky

Will this list pass muster?

Mark

From: Grannis, D (Intelligence) (b)(6)
Sent: Wednesday, January 02, 2013 2:32 PM
To: Agrast, Mark D. (OLA)
Subject: RE: SSCI Report

We'll get a copy to the AG. For the immediate purposes, would you (he) like a full set (6,000 pages, roughly a foot and a half of bound volumes) or the 300 document of findings, conclusions, and executive summary? I'd expect we can do that today, either way.

Happy to arrange the preview once you've got your people set.

From: Agrast, Mark D. (OLA) [mailto:Mark.D.Agrast@usdoj.gov]
Sent: Wednesday, January 02, 2013 2:14 PM
To: Grannis, D (Intelligence)
Subject: RE: SSCI Report

David,

Per our conversation this morning, we are working to pare down our list and will be back to you shortly. I think it might be helpful to have the preview you graciously offered to provide if there is a convenient time for a couple of us to come up.

Meanwhile, I understand the AG would like to review the document, so if it is possible to provide us with one copy for him, that would be appreciated.

Mark

From: Grannis, D (Intelligence) (b)(6)
Sent: Wednesday, January 02, 2013 10:56 AM
To: Agrast, Mark D. (OLA)
Subject: Re: SSCI Report

Thanks Mark. There is some concern here on the list. I'll call you shortly.

Happy New Year to you as well!

David

From: Agrast, Mark D. (OLA) [<mailto:Mark.D.Agrast@usdoj.gov>]
Sent: Wednesday, January 02, 2013 10:54 AM
To: Grannis, D (Intelligence)
Subject: RE: SSCI Report

Hi, David,

First of all, happy New Year. I know you didn't get much of a break, but I hope you managed to enjoy the holidays anyway.

Now that we're back, I wanted to close the loop with you on this. Please let me know if we need to talk about our list of reviewers. I'd also appreciate any sense you can give me as to when our folks should expect to receive the document. I know they are trying to block out sufficient time to review it.

Best,

Mark

From: Agrast, Mark D. (OLA)
Sent: Friday, December 21, 2012 11:25 AM
To: 'Grannis, D (Intelligence)'
Subject: RE: SSCI Report

Naturally I can't comment on their decision, except to note that they are a much smaller organization than we are (and to wonder whether the DNI is personally planning to read the whole thing). These folks come from the Deputy's office, OLC, NSD, the Criminal Division, USAEO and FBI.

From: Grannis, D (Intelligence) (b)(6)
Sent: Friday, December 21, 2012 11:16 AM
To: Agrast, Mark D. (OLA)

Subject: RE: SSCI Report

Thank you, Mark. I think the immediate question is whether it is reasonable for the ODNI to have two reviewers (including the DNI himself) and for DOJ to have nine. I know who a couple of people on this list are – might you be able to provide a title or office name for them?

Also – still trying to move forward with FISA, but we are still mired in Republican concern about the ability to defeat the Wyden amendment.

Thanks.

From: Agrast, Mark D. (OLA) [<mailto:Mark.D.Agrast@usdoj.gov>]
Sent: Friday, December 21, 2012 11:13 AM
To: Grannis, D (Intelligence)
Subject: SSCI Report

David,

Here is our list of designated DOJ reviewers:

Trisha Anderson

(b)(6), (b)(7)(C) per FBI

Paul Colborn

John Durham

James Farmer

Dan Koffsky

(b)(6) per NSD

(b)(6)

Sorry it's taken us so long to pull this together. Please let me know if you have any questions.

Mark

Mark David Agrast
Deputy Assistant Attorney General
Office of Legislative Affairs
U. S. DEPARTMENT OF JUSTICE
Robert F. Kennedy Main Justice Building
950 Pennsylvania Avenue, N.W., Room 1607
Washington, D.C. 20530-0001
202.514.2141 main | 202.305.7851 direct | 202.514.4482 fax

Unclassified email: mark.d.agrast@usdoj.gov

SIPR: (b)(6)

JWICS: (b)(6)

Agrast, Mark D. (OLA)

From: Agrast, Mark D. (OLA)
Sent: Wednesday, January 2, 2013 2:51 PM
To: 'Grannis, D (Intelligence)'
Subject: RE: SSCI Report

Thanks, David. The summary document will be fine for immediate purposes.

From: Grannis, D (Intelligence) (b)(6)
Sent: Wednesday, January 02, 2013 2:32 PM
To: Agrast, Mark D. (OLA)
Subject: RE: SSCI Report

Duplicative Records



Agrast, Mark D. (OLA)

From: Agrast, Mark D. (OLA)
Sent: Wednesday, January 2, 2013 3:34 PM
To: Richardson, Margaret (OAG); O'Neil, David (ODAG)
Subject: RE: SSCI Report

Please disregard – I've confirmed with SSC. They should be delivering the document to you this afternoon.

From: Agrast, Mark D. (OLA)
Sent: Wednesday, January 02, 2013 3:25 PM
To: Richardson, Margaret (OAG); O'Neil, David (ODAG)
Subject: RE: SSCI Report

Margaret,

SSCI has asked me to confirm that you are cleared for (b)(3) NatSecAct. If not, I can receive the package and bring it upstairs.

Mark

From: Richardson, Margaret (OAG)
Sent: Wednesday, January 02, 2013 2:50 PM
To: O'Neil, David (ODAG); Agrast, Mark D. (OLA)
Subject: RE: SSCI Report

Yes, that's right.

Thank you,
Margaret

From: O'Neil, David (ODAG)
Sent: Wednesday, January 02, 2013 2:40 PM
To: Agrast, Mark D. (OLA)
Cc: Richardson, Margaret (OAG)
Subject: RE: SSCI Report

Thanks Mark. I'm adding Margaret. I think he would like the 300-page executive summary, but she can correct me if that's wrong.

From: Agrast, Mark D. (OLA)
Sent: Wednesday, January 02, 2013 2:39 PM
To: O'Neil, David (ODAG)
Subject: SSCI Report

Dave –

SSCI will provide a copy today for the AG. They've asked whether he would like the full set (6,000 pages, roughly a foot and a half of bound volumes) or the 300 document of findings, conclusions, and executive summary. Please advise.

Mark

Mark David Agrast
Deputy Assistant Attorney General
Office of Legislative Affairs
U. S. DEPARTMENT OF JUSTICE
Robert F. Kennedy Main Justice Building
950 Pennsylvania Avenue, N.W., Room 1607
Washington, D.C. 20530-0001
202.514.2141 main | 202.305.7851 direct | 202.514.4482 fax

Unclassified email: mark.d.agrast@usdoj.gov

SIPR: (b)(6)

JWICS: (b)(6)

Agrast, Mark D. (OLA)

From: Agrast, Mark D. (OLA)
Sent: Wednesday, January 2, 2013 2:52 PM
To: Richardson, Margaret (OAG); O'Neil, David (ODAG)
Subject: RE: SSCI Report

I've communicated this to the committee. Please let me know when you receive it.

From: Richardson, Margaret (OAG)
Sent: Wednesday, January 02, 2013 2:50 PM
To: O'Neil, David (ODAG); Agrast, Mark D. (OLA)
Subject: RE: SSCI Report

Yes, that's right.

Thank you,
Margaret

From: O'Neil, David (ODAG)
Sent: Wednesday, January 02, 2013 2:40 PM
To: Agrast, Mark D. (OLA)
Cc: Richardson, Margaret (OAG)
Subject: RE: SSCI Report

Thanks Mark. I'm adding Margaret. I think he would like the 300-page executive summary, but she can correct me if that's wrong.

From: Agrast, Mark D. (OLA)
Sent: Wednesday, January 02, 2013 2:39 PM
To: O'Neil, David (ODAG)
Subject: SSCI Report

Dave –

SSCI will provide a copy today for the AG. They've asked whether he would like the full set (6,000 pages, roughly a foot and a half of bound volumes) or the 300 document of findings, conclusions, and executive summary. Please advise.

Mark

Mark David Agrast
Deputy Assistant Attorney General
Office of Legislative Affairs
U.S. DEPARTMENT OF JUSTICE
Robert F. Kennedy Main Justice Building
950 Pennsylvania Avenue, N.W., Room 1607
Washington, D.C. 20530-0001
202.514.2141 main | 202.305.7851 direct | 202.514.4482 fax

Unclassified email: mark.d.agrast@usdoj.gov

SIPR: (b)(6)

JWICS: (b)(6)

Agrast, Mark D. (OLA)

From: Agrast, Mark D. (OLA)
Sent: Wednesday, January 2, 2013 3:25 PM
To: 'Wolfe, J (Intelligence)'
Subject: RE: Report to DOJ

I believe so but will double-check. If not, you can deliver it to me.

From: Wolfe, J (Intelligence) (b)(6)
Sent: Wednesday, January 02, 2013 3:24 PM
To: Agrast, Mark D. (OLA)
Subject: Re: Report to DOJ

Just to confirm, she is appropriately cleared (b)(3) NatSecAct?

From: Agrast, Mark D. (OLA) [<mailto:Mark.D.Agrast@usdoj.gov>]
Sent: Wednesday, January 02, 2013 03:22 PM Eastern Standard Time
To: Wolfe, J (Intelligence)
Subject: RE: Report to DOJ

Jim,

Thanks very much. The document should be delivered either to the AG's Chief of Staff, Margaret Richardson, on the Fifth Floor at Main Justice.

Mark

From: Wolfe, J (Intelligence) (b)(6)
Sent: Wednesday, January 02, 2013 2:57 PM
To: Agrast, Mark D. (OLA)
Cc: Wolfe, J (Intelligence)
Subject: RE: Report to DOJ

Mark -- I would like to deliver this document within the hour if possible on your end. Let me know.

James A. Wolfe
Director of Security
U.S. Senate Select Committee on Intelligence
Room SH-211, Hart Senate Office Building
Washington, D.C. 20510

(b)(6) (o)
202.224.1772 (f)
(b)(6) (c)

From: Grannis, D (Intelligence)
Sent: Wednesday, January 02, 2013 2:53 PM
To: Wolfe, J (Intelligence)
Cc: Jones, Daniel (Intelligence); Mark David Agrast (mark.d.agrast@usdoj.gov)

Subject: Report to DOJ

Jim –

The Department of Justice is working on a revised list of reviewers for the SSCI report on CIA detention and interrogation. In the interim, the Attorney General would like to review a copy of the volume containing the findings/conclusions and executive summary. Can you arrange for delivery today? Mark Agrast, cc'd, can put you in touch with the appropriate Justice people to coordinate.

Thanks,
David

David Grannis
Staff Director
Senate Select Committee on Intelligence
202-224-1700
(b)(6)

Agrast, Mark D. (OLA)

From: Agrast, Mark D. (OLA)
Sent: Friday, December 21, 2012 10:09 AM
To: O'Neil, David (ODAG)
Cc: Goldberg, Stuart (ODAG)
Subject: RE: SSCI

(b)(5)

-----Original Message-----

From: O'Neil, David (ODAG)
Sent: Thursday, December 20, 2012 9:46 PM
To: Agrast, Mark D. (OLA)
Cc: Goldberg, Stuart (ODAG)
Subject: Re: SSCI

(b)(5), (b)(6) in part per NSD

Thanks.

----- Original Message -----

From: Agrast, Mark D. (OLA)
Sent: Thursday, December 20, 2012 10:24 AM
To: O'Neil, David (ODAG)
Cc: Goldberg, Stuart (ODAG)
Subject: RE: SSCI

Okay. (b)(5) Thanks.

-----Original Message-----

From: O'Neil, David (ODAG)
Sent: Thursday, December 20, 2012 10:17 AM
To: Agrast, Mark D. (OLA)
Cc: Goldberg, Stuart (ODAG)
Subject: Re: SSCI

(b)(5)

----- Original Message -----

From: Agrast, Mark D. (OLA)

Sent: Thursday, December 20, 2012 10:15 AM

To: O'Neil, David (ODAG)

Cc: Goldberg, Stuart (ODAG)

Subject: RE: SSCI

Will do. Thanks.

So the list I have thus far is:

(b)(6), (b)(7)(C) per FBI

Paul Colborn

John Durham

James Farmer

(b)(6)

-----Original Message-----

From: O'Neil, David (ODAG)

Sent: Thursday, December 20, 2012 10:11 AM

To: Agrast, Mark D. (OLA)

Cc: Goldberg, Stuart (ODAG)

Subject: SSCI

Mark --

(b)(5); (b)(6), (b)(7)(C) in part per FBI

Thanks,

Dave

Agrast, Mark D. (OLA)

From: Agrast, Mark D. (OLA)
Sent: Wednesday, December 19, 2012 7:27 PM
To: Anderson, Trisha (ODAG)
Cc: O'Neil, David (ODAG)
Subject: RE: SSCI report

Thank (b)(5)

From: Anderson, Trisha (ODAG)
Sent: Wednesday, December 19, 2012 7:08 PM
To: Agrast, Mark D. (OLA)
Cc: O'Neil, David (ODAG)
Subject: SSCI report

Mark,

(b)(5), (b)(6)

Thanks,
Trisha

Agrast, Mark D. (OLA)

From: Agrast, Mark D. (OLA)
Sent: Wednesday, December 19, 2012 9:01 AM
To: (b)(6), (b)(7)(C) per FBI (FBI)
Cc: (b)(6), (b)(7)(C) per FBI (FBI); (b)(6), (b)(7)(C) per FBI (FBI)
Subject: Re: SSCI report, reading

(b)(6), (b)(7)(C)
per FBI

(b)(5)

Mark

From: (b)(6), (b)(7)(C) per FBI (FBI)
Sent: Wednesday, December 19, 2012 07:22 AM
To: Agrast, Mark D. (OLA)
Cc: (b)(6), (b)(7)(C) per FBI (FBI); (b)(6), (b)(7)(C) per FBI (FBI)
Subject: RE: SSCI report, reading

Mark, (b)(5)

Privilege Statement:

This message is transmitted to you by the Director's Office of the Federal Bureau of Investigation. The message, along with any attachments, may be confidential and legally privileged. If you are not the intended recipient of this message, please destroy it promptly without further retention or dissemination (unless otherwise required by law). Please notify the sender of the error by a separate e-mail or by calling 202-324-6500.

From: Agrast, Mark D. (OLA) [mailto:Mark.D.Agrast@usdoj.gov]
Sent: Monday, December 17, 2012 1:02 PM
To: O'Neil, David (ODAG) (JMD); Hardee, Christopher (ODAG) (JMD); Carlin, John (NSD) (JMD); Seitz, Virginia A (OLC) (JMD); Krass, Caroline D. (OLC) (JMD); (b)(6), (b)(7)(C) per FBI
Cc: Burton, Faith (OLA) (JMD); Simpson, Tammi (OLA) (JMD)
Subject: FW: SSCI report, reading

Just a reminder that the committee is expecting a list from us of individuals at DOJ who should receive copies of the report. Thanks.

I should note that the committee has indicated that other agencies are being very parsimonious with their requests: thus far, the number of names from each is in the low single digits.

Adding FBI.

From: Agrast, Mark D. (OLA)
Sent: Friday, December 14, 2012 3:39 PM
To: O'Neil, David (ODAG)
Cc: Hardee, Christopher (ODAG); Carlin, John (NSD); Burton, Faith (OLA); Simpson, Tammi (OLA); Seitz, Virginia A (OLC); Krass, Caroline D. (OLC)
Subject: RE: SSCI report, reading

We have just received the attached letter from the committee elaborating on their request. They request any suggested edits or comments by February 15, 2012. (b)(5)

From: Agrast, Mark D. (OLA)
Sent: Friday, December 14, 2012 11:53 AM
To: O'Neil, David (ODAG)
Cc: Hardee, Christopher (ODAG); Carlin, John (NSD); Burton, Faith (OLA); Simpson, Tammi (OLA); Seitz, Virginia A (OLC); Krass, Caroline D. (OLC)
Subject: RE: SSCI report, reading

(b)(5)

From: Agrast, Mark D. (OLA)
Sent: Friday, December 14, 2012 11:39 AM
To: O'Neil, David (ODAG)
Cc: Hardee, Christopher (ODAG); Carlin, John (NSD); Burton, Faith (OLA); Simpson, Tammi (OLA); Seitz, Virginia A (OLC); Krass, Caroline D. (OLC)
Subject: RE: SSCI report, reading

(b)(5)

From: Lundeberg, Greta (b)(6) - NSC
Sent: Friday, December 14, 2012 11:30 AM
To: (b)(3) per DNI; (b)(3) CIA Act, (b)(6); Agrast, Mark D. (OLA)
Cc: (b)(3) CIA Act, (b)(6); Lee, Collin
Subject: NSS/WH position on SSCI report by name designation

(b)(3) per DNI Mark (b)(3) CIA Act, (b)(6) - (b)(5) greta

(b)(5)

(b)(5)

Mark

P.S. Adding Caroline, whom I thought I had included on my original message.

From: O'Neil, David (ODAG)
Sent: Thursday, December 13, 2012 8:49 PM
To: Agrast, Mark D. (OLA)
Cc: Hardee, Christopher (ODAG); Carlin, John (NSD); Burton, Faith (OLA); Simpson, Tammi (OLA); Seitz, Virginia A (OLC)
Subject: Re: SSCI report, reading

Is this review for the purpose of requesting changes, or is this the committee just providing this as a courtesy? The answer will probably help determine who needs to review it.

On Dec 13, 2012, at 8:03 PM, "Agrast, Mark D. (OLA)" <Mark.D.Agrast@usdoj.gov> wrote:

Please see request below from SSCI. (b)(5)

From: Grannis, D (Intelligence) (b)(6)
Sent: Thursday, December 13, 2012 05:18 PM
To: Lundeberg, Greta (b)(6) - NSC; (b)(3) CIA Act, (b)(6)
>; (b)(3) per DNI; Agrast, Mark D. (OLA)
Cc: Jones, Daniel (Intelligence) (b)(6); Goco, L (Intelligence)
(b)(6); Healey, C (Intelligence) (b)(6)
Subject: SSCI report, reading

The SSCI approved today its report on CIA Detention and Interrogation. Per the motion adopted by the Committee, we will be transmitting to the White House, the ODNI, the CIA, and the Department of Justice a limited number of hard copies of the report for review. We will send an official transmittal letter tomorrow. However, by explicit instruction of the Chairman, and as specified in the motion, we will only provide copies of the report to specific individuals who are identified in advance to the Chairman (through me). I'm happy to discuss further, but would appreciate you putting together those lists together (for sake of reference, the ODNI list is the DNI +1).

Regards,
David

David Grannis
Staff Director
Senate Select Committee on Intelligence
202-224-1700
(b)(6)

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United States Senate

SELECT COMMITTEE ON INTELLIGENCE

WASHINGTON, DC 20510-6475

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KATHLEEN P. MCGHEE, CHIEF CLERK

December 14, 2012

The President
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President:

I am pleased to inform you that the Senate Select Committee on Intelligence has completed its study of the CIA's former detention and interrogation program, and has produced a 6,000 page report, complete with an executive summary, findings, and conclusions. Yesterday, the Committee approved the report by a vote of 9-6. I will be providing a copy of the report for your review as it involves the implementation of a program conducted under the authority of the President.

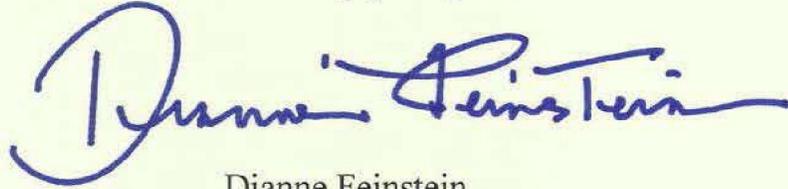
This review is by far the most comprehensive intelligence oversight activity ever conducted by this Committee. We have built a factual record, based on more than six million pages of Intelligence Community records. Facts detailed in the report are footnoted extensively to CIA and other Intelligence Community documents. Editorial comments are kept to a minimum, clearly marked, and included to provide context. We have taken great care to report the facts as we have found them.

I am also sending copies of the report to appropriate Executive Branch agencies. I ask that the White House coordinate any response from these agencies, and present any suggested edits or comments to the Committee by February 15, 2012. After consideration of these views, I intend to present this report with any accepted changes again to the Committee to consider how to handle any public release of the report, in full or otherwise.

The report contradicts information previously disclosed about the CIA detention and interrogation program, and it raises a number of issues relating to how the CIA interacts with the White House, other parts of the Executive Branch,

and Congress. Recognizing the many important issues before you, I urge you to review or get briefed on the report as soon as possible. I will be pleased to make myself, and staff, available to discuss the report at your convenience.

Sincerely yours,

A handwritten signature in blue ink that reads "Dianne Feinstein". The signature is fluid and cursive, with a large initial "D" and a long horizontal stroke at the end.

Dianne Feinstein
Chairman

cc: Mr. Michael Morell, Acting Director, Central Intelligence Agency
The Honorable James Clapper, Director of National Intelligence
The Honorable Eric Holder, Attorney General
The Honorable Leon Panetta, Secretary of Defense
The Honorable Hillary Clinton, Secretary of State

Agrast, Mark D. (OLA)

From: Agrast, Mark D. (OLA)
Sent: Friday, December 14, 2012 7:10 PM
To: Seitz, Virginia A (OLC); O'Neil, David (ODAG); Krass, Caroline D. (OLC)
Cc: Hardee, Christopher (ODAG); Carlin, John (NSD); Burton, Faith (OLA); Simpson, Tammi (OLA)
Subject: RE: SSCI report, reading

(b)(5) [REDACTED] The committee wants to log who has access.

From: Seitz, Virginia A (OLC)
Sent: Friday, December 14, 2012 5:46 PM
To: Agrast, Mark D. (OLA); O'Neil, David (ODAG); Krass, Caroline D. (OLC)
Cc: Hardee, Christopher (ODAG); Carlin, John (NSD); Burton, Faith (OLA); Simpson, Tammi (OLA)
Subject: RE: SSCI report, reading

(b)(5) [REDACTED]
[REDACTED]
[REDACTED] Va.

From: Agrast, Mark D. (OLA)
Sent: Friday, December 14, 2012 5:23 PM
To: O'Neil, David (ODAG); Krass, Caroline D. (OLC)
Cc: Hardee, Christopher (ODAG); Carlin, John (NSD); Burton, Faith (OLA); Simpson, Tammi (OLA); Seitz, Virginia A (OLC)
Subject: RE: SSCI report, reading

(b)(5) [REDACTED]
[REDACTED]

From: O'Neil, David (ODAG)
Sent: Friday, December 14, 2012 5:18 PM
To: Krass, Caroline D. (OLC); Agrast, Mark D. (OLA)
Cc: Hardee, Christopher (ODAG); Carlin, John (NSD); Burton, Faith (OLA); Simpson, Tammi (OLA); Seitz, Virginia A (OLC)
Subject: Re: SSCI report, reading

(b)(5) [REDACTED]

From: Krass, Caroline D. (OLC)
Sent: Friday, December 14, 2012 04:55 PM
To: O'Neil, David (ODAG); Agrast, Mark D. (OLA)
Cc: Hardee, Christopher (ODAG); Carlin, John (NSD); Burton, Faith (OLA); Simpson, Tammi (OLA); Seitz, Virginia A (OLC)
Subject: RE: SSCI report, reading

(b)(5) [REDACTED]
[REDACTED]

(b)(5)

Thanks -- Caroline

From: O'Neil, David (ODAG)

Sent: Friday, December 14, 2012 3:42 PM

To: Agrast, Mark D. (OLA)

Cc: Hardee, Christopher (ODAG)); Carlin, John (NSD); Burton, Faith (OLA); Simpson, Tammi (OLA); Seitz, Virginia A (OLC); Krass, Caroline D. (OLC)

Subject: Re: SSCI report, reading

(b)(5)

From: Agrast, Mark D. (OLA)

Sent: Friday, December 14, 2012 03:39 PM

To: O'Neil, David (ODAG)

Cc: Hardee, Christopher (ODAG)); Carlin, John (NSD); Burton, Faith (OLA); Simpson, Tammi (OLA); Seitz, Virginia A (OLC); Krass, Caroline D. (OLC)

Subject: RE: SSCI report, reading

Duplicative Records

Grannis, D (Intelligence)

From: Grannis, D (Intelligence)
Sent: Monday, December 17, 2012 12:40 PM
To: Agrast, Mark D. (OLA)
Subject: Re: SSCI report, reading

I have not. I'll try calling you in a few minutes when I get back to my desk.

From: Agrast, Mark D. (OLA) [mailto:Mark.D.Agrast@usdoj.gov]
Sent: Monday, December 17, 2012 12:37 PM
To: Grannis, D (Intelligence)
Subject: RE: SSCI report, reading

David – did you reach out separately to FBI about this, or should we?

From: Agrast, Mark D. (OLA)
Sent: Friday, December 14, 2012 11:25 AM
To: 'Grannis, D (Intelligence)'
Subject: RE: SSCI report, reading

At your convenience. I'm in and out of meetings, but here for the rest of the day.

From: Grannis, D (Intelligence) (b)(6)
Sent: Friday, December 14, 2012 10:59 AM
To: Agrast, Mark D. (OLA)
Subject: RE: SSCI report, reading

Mark – I'll be out for a little bit – will try to reach you later?

From: Agrast, Mark D. (OLA) [mailto:Mark.D.Agrast@usdoj.gov]
Sent: Friday, December 14, 2012 10:52 AM
To: Grannis, D (Intelligence)
Subject: RE: SSCI report, reading

David,

Thanks much. I'll call you shortly. And thank you also for your separate question. Not sure what my plans are at this point, or who else I would recommend, but this is of course much on our minds and I would certainly value any thoughts you might have.

Mark

From: Grannis, D (Intelligence) (b)(6)
Sent: Thursday, December 13, 2012 9:32 PM
To: Agrast, Mark D. (OLA)
Subject: RE: SSCI report, reading

Fine with me. I'm trying to cull through my massive email backlog anyway...

On a separate topic, someone asked me recently if I had thoughts on a good person to be the next AAG for Legislative Affairs. I'd be happy to consider putting forward someone that you might suggest - or someone that you are, if you'd be so inclined.

David

From: Agrast, Mark D. (OLA) [Mark.D.Agrast@usdoj.gov]
Sent: Thursday, December 13, 2012 9:28 PM
To: Grannis, D (Intelligence)
Subject: Re: SSCI report, reading

Unless you need our list tomorrow, this certainly can wait until morning. I'll call you then.

From: Grannis, D (Intelligence) (b)(6)
Sent: Thursday, December 13, 2012 09:26 PM
To: Agrast, Mark D. (OLA)
Subject: Re: SSCI report, reading

Perhaps easier to discuss by phone. I'm at (b)(6) now, or will be in the office tomorrow.

From: Agrast, Mark D. (OLA) (b)(6)
Sent: Thursday, December 13, 2012 09:24 PM
To: Grannis, D (Intelligence)
Subject: Re: SSCI report, reading

To help us determine who should be on our list, can you give me a sense of what kind of feedback you are looking for?

From: Agrast, Mark D. (OLA)
Sent: Thursday, December 13, 2012 08:05 PM
To: (b)(6) Congressional Email
Subject: Re: SSCI report, reading

Thanks, David. Will get this to you ASAP.

From: Grannis, D (Intelligence) (b)(6)
Sent: Thursday, December 13, 2012 05:18 PM
To: Lundeborg, Greta (b)(6) - NSC; (b)(3) CIA Act, (b)(6) (b)(3) per DNI; Agrast, Mark D. (OLA)
Cc: Jones, Daniel (Intelligence) (b)(6); Goco, L (Intelligence) (b)(6); Healey, C (Intelligence) (b)(6)
Subject: SSCI report, reading

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Regards,
David

David Grannis
Staff Director
Senate Select Committee on Intelligence
202-224-1700

(b)(6)

Lundeberg, Greta

From: Lundeberg, Greta
Sent: Friday, December 14, 2012 7:08 PM
To: Agrast, Mark D. (OLA)
Subject: RE: SSCI report

(b)(5)

-----Original Message-----

From: Agrast, Mark D. (OLA) [Mark.D.Agrast@usdoj.gov]
Sent: Friday, December 14, 2012 06:14 PM Eastern Standard Time
To: Lundeberg, Greta
Subject: SSCI report

Greta,

(b)(5)

Mark

Mark David Agrast
Deputy Assistant Attorney General
Office of Legislative Affairs
U. S. DEPARTMENT OF JUSTICE
Robert F. Kennedy Main Justice Building
950 Pennsylvania Avenue, N.W., Room 1607
Washington, D. C. 20530-0001
202.514.2141 main | 202.305.7851 direct | 202.514.4482 fax



Unclassified email: mark.d.agrast@usdoj.gov

SIPR: (b)(6)

JWICS: (b)(6)

(b)(3) per DNI

From: (b)(3) per DNI
Sent: Thursday, December 13, 2012 7:11 PM
To: (b)(3) CIA Act, (b)(6) (b)(6) D Grannis ;
(b)(6) - Greta Lundeborg NSC ; Agrast, Mark D. (OLA)
Cc: (b)(6) Daniel Jones ; (b)(6) L Goco ;
(b)(6) C Healey ; robert.litt@dni.gov
Subject: Re: SSCI report, reading

We will provide ours shortly as well.

From: (b)(3) CIA Act, (b)(6)
Sent: Thursday, December 13, 2012 07:04 PM
To: (b)(6) D Grannis ; Lundeborg, Greta (b)(6) - NSC ; (b)(3) per DNI ; Mark David Agrast
(mark.d.agrast@usdoj.gov) <mark.d.agrast@usdoj.gov>
Cc: Jones, Daniel (Intelligence) (b)(6) ; (b)(6) L Goco
Subject: RE: SSCI report, reading

David,
Thanks we will get you our names shortly.

(b)(3) CIA
Act, (b)(6)

From: Grannis, D (Intelligence) (b)(6)
Sent: Thursday, December 13, 2012 5:18 PM
To: Lundeborg, Greta (b)(3) CIA Act, (b)(6) (b)(3) per DNI ; Mark David Agrast (mark.d.agrast@usdoj.gov)
Cc: Jones, Daniel (Intelligence); (b)(6) L Goco
Subject: SSCI report, reading

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Regards,
David

David Grannis
Staff Director
Senate Select Committee on Intelligence
202-224-1700
(b)(6)

Agrast, Mark D. (OLA)

From: Agrast, Mark D. (OLA)
Sent: Wednesday, November 28, 2012 8:30 PM
To: O'Neil, David (ODAG); Hardee, Christopher (ODAG); Monaco, Lisa (NSD); Carlin, John (NSD); O'Neil, David (ODAG); Seitz, Virginia A (OLC); Krass, Caroline D. (OLC); Letter, Douglas (OAG); Cheung, Denise (OAG)
Cc: Simpson, Tammi (OLA); Burton, Faith (OLA)
Subject: SSCI report on enhanced interrogation

I was informed today that the long-awaited classified report by SSCI majority staff on enhanced interrogation techniques is nearing completion, and they expect to provide us with an advance copy for our review within the next couple of weeks. The report is voluminous (something on the order of 6,000 pages); there also will be a shorter unclassified version.

The following article about the report appeared in The Hill last May, when it was still anticipated that the report would appear over the summer.

THE HILL

Senate intel panel to release report on 'enhanced interrogation' this summer

By Jordy Yager - 05/16/12 02:45 PM ET

The Senate Intelligence Committee plans to finish a long-awaited report on “enhanced interrogation techniques” this summer, reviving the debate over whether the United States has engaged in torture.

The panel’s lengthy report has been more than three years in the making and examines controversial interrogation techniques such as water boarding and sleep deprivation.

“We expect to finish the work and bring it to the committee this summer and the committee will act,” David Grannis, the committee’s Democratic staff director, told The Hill. “I wouldn’t want to speculate as to what the committee will do when it’s got a decision before it.”

The release of the report is likely to move the issue of enhanced interrogation to the forefront of the political debate as the parties vie for control of Congress and the White House.

President Obama banned the use of the controversial interrogation techniques as one of his first acts in the White House. But some Republicans and intelligence officials argue the president wouldn’t have been able to order the killing of Osama bin Laden without the intelligence that the techniques produced. Democrats have waged an extensive battle against the controversial interrogation methods. They said they were misled about the use of the tactics — approved under President George W. Bush — and argue they amounted to torture and violated international war laws.

The Bush administration argued that the methods, which were used on self-professed 9/11 mastermind Khalid Sheikh Mohammed, among others, were within the law and helped U.S. intelligence officials disrupt terrorist plots against the United States.

Democratic Leader Nancy Pelosi (D-Calif.) came under fire in 2009, when it was revealed that CIA officials briefed her, and other members of the House Intelligence Committee, about the techniques in 2002 and 2003.

Around the same time, the Senate Intelligence Committee, under the direction of chairman Sen. Dianne Feinstein (D-Calif.), launched the first extensive investigation into whether the techniques were useful in gathering intelligence.

More than three years later, after analyzing millions of classified documents, the committee is expected to release a report that concludes the techniques did not produce any significant intelligence advances, according to Reuters.

The Reuters article cited anonymous sources familiar with the committee's investigation and was timed to coincide with a series of interviews being given by a former CIA official who argued the interrogation techniques helped the United States find bin Laden.

"We got a lot of information from the detainees that eventually led us to bin Laden," said Jose Rodriguez, the former CIA director of clandestine service, in an interview with Fox three weeks ago promoting his recently published book. "There is a clear trail. There was someone that we captured, a facilitator that we captured in 2004 that told us about bin Laden's courier."

Mark David Agrast
Deputy Assistant Attorney General
Office of Legislative Affairs
U. S. DEPARTMENT OF JUSTICE
Robert F. Kennedy Main Justice Building
950 Pennsylvania Avenue, N.W., Room 1607
Washington, D. C. 20530-0001
202.514.2141 main | 202.305.7851 direct | 202.514.4482 fax

Unclassified email: mark.d.agrast@usdoj.gov

SIPR: (b)(6)

JWICS: (b)(6)