

Office of the Director of National Intelligence
Washington, DC 20511

OCT 31 2014

Mr. Jameel Jaffer
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004

Reference: Department of State FOIA Case F-2009-00076 [ODNI FOIA Case F-2011-00007]

Dear Mr. Jaffer:

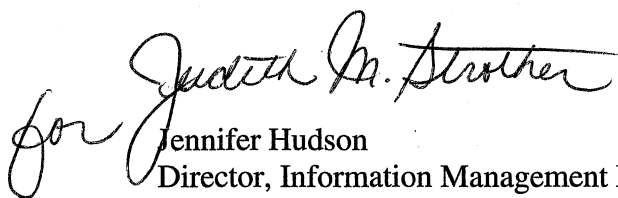
This is in response to your request dated 9 December 2008 to the Department of State, in which you requested, under the Freedom of Information Act (FOIA), copies of specific documents (Enclosure 1).

The Department of State referred two documents responsive to your request to the Office of the Director of National Intelligence (ODNI) for review and direct reply to you (Enclosure 2). ODNI did not withhold any information from the documents.

However, ODNI consulted with the Central Intelligence Agency (CIA). CIA determined that certain information requires withholding pursuant to FOIA exemptions (b)(1) and (b)(3). If you wish to appeal CIA's determination on this request, please contact that agency directly.

If you have any questions please email our Requester Service Center at DNI-FOIA@dni.gov or call us at (703) 874-8500.

Sincerely,


Jennifer Hudson
Director, Information Management Division

Enclosures



F2009 00076

December 9, 2008

Deborah Waller, Paralegal Specialist
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Gonzales, Counsel to the President, and William Haynes II, General Counsel for the Department of Defense ("DOJ"), regarding authority for the use of military force to combat terrorist activities within the United States. See October 2008 Subpoena, Ex. A(1)(C);

B. A legal memorandum dated November 6, 2001 from Patrick F. Philbin, Deputy Assistant Attorney General of the OLC, to Alberto R. Gonzales, possibly regarding the scope of the President's Commander-in-Chief power to use military commissions to try terrorists. See Memorandum from John C. Yoo to William J. Haynes II at 4 n.5. (Mar. 14, 2003) ("March 2003 Yoo Memorandum");

C. A legal memorandum dated December 21, 2001 from John C. Yoo to William J. Haynes II regarding possible criminal charges against an American citizen who was a member of the Al Qaeda terrorist organization or the Taliban militia. See March 2003 Yoo Memorandum at 23 n.23;

D. A legal memorandum or letter dated January 14, 2002 from John C. Yoo and Robert J. Delahunty to William H. Taft IV, Legal Advisor for the Department of State, regarding prosecution for conduct against Al Qaeda and Taliban members under the War Crimes Act. See March 2003 Yoo Memorandum at 34;

E. A legal memorandum dated February 1, 2002 from James C. Ho, Attorney-Advisor for the Office of Legal Counsel, to John C. Yoo regarding possible interpretations of Common Article 3 of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War. See March 2003 Yoo Memorandum at 49 n.54;

F. A legal memorandum dated March 13, 2002 from Jay S. Bybee to William J. Haynes II regarding the President's power as Commander in Chief to transfer captured terrorists to the control and custody of foreign nations. See March 2003 Yoo Memorandum at 6;

G. A legal memorandum dated June 27, 2002 from John C. Yoo to Daniel J. Bryant regarding the applicability of 18 U.S.C. § 4001(a) to military detention of United States citizens. See March 2003 Yoo Memorandum at 6 n.8;

H. A legal memorandum or letter dated July 22, 2002 from John C. Yoo to Alberto R. Gonzales regarding the applicability of

In depth, provides features on civil rights and civil liberties issues in the news, and contains many thousands of documents relating to the issues on which the ACLU is focused. The website specifically includes features on information obtained through the FOIA. See, e.g., www.aclu.org/torturefoia; www.aclu.org/patriotfoia; www.aclu.org/spyfiles. For example, the ACLU's "Torture FOIA" webpage, www.aclu.org/torturefoia, contains commentary about the ACLU's FOIA request, press releases, analysis of the FOIA documents, an advanced search engine permitting webpage visitors to search the documents obtained through the FOIA, and advises that the ACLU in collaboration with Columbia University Press has published a book about the documents obtained through the FOIA. Jameel Jaffer & Amrit Singh, *Administration of Torture: A Documentary Record from Washington to Abu Ghraib and Beyond* (Columbia Univ. Press 2007). In addition, the ACLU's "Patriot Act FOIA" webpage, www.aclu.org/patriotfoia, contains commentary about the ACLU's FOIA request, press releases relating to documents obtained through the FOIA, and links to reports written by the ACLU from materials obtained through the FOIA. The ACLU also publishes an electronic newsletter, which is distributed to subscribers by e-mail. Finally, the ACLU produces an in-depth television series on civil liberties. The ACLU plans to analyze, and disseminate to the public the information gathered through the Request.³

Furthermore, the records sought directly relate to a breaking news story of general public interest that concerns actual or alleged Federal government activity; specifically, the records sought relate to the detention, interrogation, treatment, or prosecution of suspected terrorists, or the transfer of suspected terrorists to foreign countries. See 22 C.F.R. 171.12(b)(2)(i); 32 C.F.R. § 286.4(d)(3)(ii)(A); 28 C.F.R. § 16.5(d)(1)(ii); 32 C.F.R. § 1900.34(c)(2). For the same reason the records sought also relate to a "matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence." 28 C.F.R. § 16.5(d)(1)(iv); see also 32 C.F.R. § 1900.34(c)(2) (providing for expedited processing when "the information is relevant to a subject of public urgency concerning an actual or alleged Federal government activity").

³ In addition to the national ACLU offices, there are 53 ACLU affiliate and national chapter offices located throughout the United States and Puerto Rico. These offices further disseminate ACLU material to local residents, schools, and organizations through a variety of means, including their own websites, publications, and newsletters. Further, the ACLU makes archived material available at the American Civil Liberties Union Archives, Public Policy Papers, Department of Rare Books and Special Collections, Princeton University Library. ACLU publications are often disseminated to relevant groups across the country, which then further distribute them to their members or to other parties.

There has been continued public interest in records relating to the treatment of suspected terrorists detained in U.S. custody ever since allegations that the CIA had abused detainees first surfaced in December 2002. Dana Priest & Barton Gellman, *U.S. Denies Abuse but Defends Interrogations*, Wash. Post, Dec. 26, 2002, at A01; see also *What FBI Agents Saw During U.S. Interrogations*, Int'l Herald Tribune, May 22, 2008; Carrie Johnson & Josh White, *Audit Finds FBI Reports of Detainee Abuse Ignored*, Wash. Post, May 21, 2008 at A01; Scott Shane, David Johnston & James Risen, *Secret U.S. Endorsement of Severe Interrogations*, N.Y. Times, Oct. 4, 2007; Jane Mayer, *The Black Sites*, The New Yorker, Aug. 13, 2007; Dana Priest, *Detainees Accuse Female Interrogators; Pentagon Inquiry Is Said to Confirm Muslims' Accounts of Sexual Tactics at Guantanamo*, Wash. Post, Feb. 10, 2005; R. Jeffrey Smith & Dan Eggen, *New Papers Suggest Detainee Abuse Was Widespread*, Wash. Post, Dec. 22, 2004, at A1; Neil Lewis, *Red-Cross Finds Detainee Abuse in Guantanamo*, N.Y. Times, Nov. 30, 2004; Neil Lewis, *Broad Use of Harsh Tactics is Described at Cuba Base*, N.Y. Times, Oct. 17, 2004; Dana Priest, *CIA Puts Harsh Tactics on Hold; Memo on Methods of Interrogation Had Wide Review*, Wash. Post, Jun. 27, 2004; Dana Priest & Bradley Graham, *Guantanamo List Details Approved Interrogation Methods*, Wash. Post, Jun. 10, 2004; Dana Priest & Joe Stephens, *Pentagon Approved Tougher Interrogations*, Wash. Post, May 9, 2004 (reporting that the Department of Defense had approved a list of interrogation techniques which included sleep deprivation, "sensory assault," and exposure to extreme heat and cold).⁴

In particular, public interest in records relating to the alleged high-level, and even presidential, authorization of the treatment of suspected terrorists in U.S. custody has been substantial. Dan Froomkin, *White House Torture Advisers*, Wash. Post, Apr. 10, 2008 (reporting that White House officials, including Vice President Dick Cheney, "micromanaged the torture of terrorist suspects"); Dan Eggen, *White House Pushes Waterboarding Rationale*, Wash. Post, Feb. 13, 2008; *White House Declines to Rule Out Torture to Thwart Attack*, Forbes, Nov. 13, 2005; Eric Schmitt, *White House Seeks Exception in Abuse Ban*, N.Y. Times, Oct. 25, 2005 (reporting that the White House sought to make the CIA exempt from legislation banning the abusive treatment of detainees in U.S. custody); Josh White & R. Jeffrey Smith, *Cheney, GOP Battle Over Detainees: White House Says Interrogation Plan Usurps Authority*, S.F. Chronicle, Jul. 23, 2005; Mike Allen & Dana Priest, *Memo on Torture Draws Focus to Bush*, Wash. Post, Jun. 9, 2004.

⁴ Indeed, the U.S. government's abuse of suspected terrorists in U.S. custody has been so highly publicized by the media that it has become a recurring theme in popular culture, including film and television. See, e.g., *M* (Lionsgate Entertainment 2008); *Harold and Kumar Escape from Guantanamo Bay* (New Line Production 2008); *Rendition* (New Line Production 2007); *24* (Fox television broadcast 2001-present).

The release of documents concerning the treatment of suspected terrorists in U.S. custody has generated significant public interest and media attention. *See, e.g.,* David Johnston & Scott Shane, *Memo Sheets New Light on Torture Issue*, N.Y. Times, Apr. 3, 2008 (reporting the disclosure of a Justice Department legal memorandum authorizing harsh interrogation techniques written by John C. Yoo in 2003); *White House Denies Torture Assertion*, USA Today, Oct. 4, 2007 (describing legislative interest in two classified Justice Department memoranda that “explicitly authorized the use of painful and psychological tactics on terrorism suspects”); Jane Mayer, *The Memo*, The New Yorker, Feb. 27, 2006 (describing the importance of an internal memo written by U.S. Navy general counsel Alberto Mora that challenged the use of harsh interrogation tactics); Dana Priest, *Memo Lets CIA Take Detainees Out of Iraq; Practice Is Called Serious Breach of Geneva Conventions*, Wash. Post, Oct. 24, 2004; Dana Priest & Bradley Graham, *U.S. Struggled Over How Far to Push Tactics*, Wash. Post, Jun. 24, 2004; Dana Priest & R. Jeffrey Smith, *Memo Offered Justification for Use of Torture; Justice Dept. Gave Advice in 2002*, Wash. Post, Jun. 8, 2004.

Indeed, the release of documents pursuant to past requests by the ACLU for records relating to the treatment of suspected terrorists in U.S. custody has been the subject of substantial and continuing public interest. To date, the ACLU has received over 100,000 pages of documents in response to its October 2003 request for such records, generating widespread attention from the public and the media. *See, e.g.,* Scott Shane, *Documents Laid Out Interrogation Procedures*, N.Y. Times, Jul. 25, 2008 (reporting the release to the ACLU of a CIA memorandum requiring “interrogation logs”); Mark Mazzetti, *’03 U.S. Memo Approved Harsh Interrogations*, N.Y. Times, Apr. 2, 2008 (reporting the disclosure, pursuant to the ACLU’s request, of a Justice Department memorandum written by John C. Yoo authorizing “extreme” interrogation techniques); Dan Eggen & Josh White, *Memo: Laws Didn’t Apply to Interrogators*, Wash. Post, Apr. 2, 2008 (same); Evan Perez, *U.S. 2003 Memo Allowed ‘Enhanced’ Interrogation*, Wall St. J., Apr. 2, 2008 (same); Lara Jakes Jordan, *Pentagon Releases Memo on Harsh Tactics*, Fox News, Apr. 1, 2008 (same); *FBI Records: Detainees Allege Quran Abuse; ACLU Releases Hundreds of Documents Obtained in a Lawsuit*, CNN, May 26, 2005; *Harsh Tactics Were Allowed, General Told Jailers in Iraq*, N.Y. Times, Mar. 30, 2005 (reporting on a memorandum obtained by the ACLU which authorized techniques including the use of stress positions, sleep deprivation, and threatening prisoners with dogs); *U.S. Memo Shows Iraq Jail Methods*, BBC News, Mar. 30, 2005 (same); Neil Lewis & Douglas Jehl, *Files Show New Abuse Cases in Afghan and Iraqi Prisons*, N.Y. Times, Feb. 18, 2005; Nat Hentoff, *What Did Rumsfeld Know? ACLU Releases Documents of U.S. Torture of Detainees by More than A*

Few Bad Apples, Village Voice, Dec. 28, 2004; Thomas Ricks, *Detainee Abuse by Marines is Detailed*, Wash. Post, Dec. 15, 2004 (reporting the ACLU's release of dozens of documents, obtained in response to its FOIA request, detailing the abuse and torture of detainees by U.S. Marines in Iraq); Paisley Dodds, *Unsealed Navy Documents Show More Prisoner Abuse*, Phila. Inquirer, Dec. 15, 2004 (same); Richard A. Serrano, *Marines Burned, Shocked Prisoners, Documents Revealed*, Seattle Times, Dec. 15, 2004 (same); Carol Rosenberg, *15 Marines Cited for Mistreating Iraqi Detainees*, Miami Herald, Dec. 15, 2004 (same); *ACLU: Records Show Marines Tortured Iraqi Prisoners*, CNN, Dec. 15, 2004 (same).

The records that the ACLU now seeks include a series of White House memoranda that garnered significant media attention when their existence was disclosed in October 2008. Joby Warrick, *CIA Tactics Endorsed in Secret Memos*, Wash. Post, Oct. 15, 2008; see also Suzanne Goldberg, *White House 'Approved Waterboarding of Suspects'*, The Guardian, Oct. 16, 2008; Lara Jakes Jordan, *Rockefeller: WH Stonewalling Interrogation Probe*, Associated Press, Oct. 15, 2008.

In addition, the records that the ACLU now seeks include records relating to the "rendition" of suspected terrorists to foreign countries, an issue which is already the subject of extensive public and media attention. See Desmond Butler, *Alleged CIA Torture Victim Speaks Out*, Fox News, Nov. 29, 2006; Jane Mayer, *The CIA's Travel Agent*, The New Yorker, Oct. 30, 2006; Jerry Markon, *Lawsuit Against CIA is Dismissed; Mistaken Identity Led to Detention*, Wash. Post, May 19, 2006 (reporting on the case of rendition victim Khaled al-Masri); Scott Shane, *German Sues Over Abduction Said to Be at Hands of CIA*, N.Y. Times, Dec. 6, 2005 (same); *German Claims Torture in Suing CIA's Ex-Director*, USA Today, Dec. 6, 2005 (same); *Lawsuit Claims CIA Kidnapped, Tortured German Man*, CNN, Dec. 6, 2005 (same); Dana Priest, *Wrongful Imprisonment: Anatomy of a CIA Mistake; German Citizen Released After Months in 'Rendition'*, Wash. Post, Dec. 4, 2005 (same); Scott Shane, *The Costs of Outsourcing Interrogation: A Canadian Muslim's Long Ordeal in Syria*, N.Y. Times, May 29, 2005 (reporting on Canadian citizen Maher Arar's detention at John F. Kennedy international airport and subsequent rendition to Syria, where he was tortured for ten months); Dana Priest, *CIA Holds Terror Suspects in Secret Prisons; Debate Is Growing Within Agency About Legality and Morality of Overseas System Set Up After 9/11*, Wash. Post, Nov. 2, 2005; Michael Hirsh, Mark Hosenball & John Barry, *Aboard Air CIA*, Newsweek, Feb. 28, 2005; Jane Mayer, *Outsourcing Torture*, The New Yorker, Feb. 14, 2005; DeNeen L. Brown & Dana Priest, *Deported Terror Suspect Details Torture in Syria; Canadian's Case Called "Typical" of CIA*, Wash. Post, Nov. 5, 2003 (detailing Maher Arar's case).

information"). The ACLU is a "representative of the news media" for the same reasons it is "primarily engaged in the dissemination of information." See *Elec. Privacy Info. Ctr. v. Dep't of Def.*, 241 F. Supp. 2d 5, 10-15 (D.D.C. 2003) (finding non-profit public interest group that disseminated an electronic newsletter and published books was a "representative of the media" for purposes of FOIA)⁵; see *supra*, section II.

* * *

Pursuant to applicable statute and regulations, we expect a determination regarding expedited processing within 10 calendar days. See 5 U.S.C. § 552(a)(6)(F)(ii)(I); 22 C.F.R. § 171.12(b); 28 C.F.R. § 16.5(d)(4); 32 C.F.R. § 286.4(d)(3); 32 C.F.R. § 1900.21(d).

If the Request is denied in whole or in part, we ask that you justify all deletions by reference to specific exemptions to FOIA. We expect the release of all segregable portions of otherwise exempt material. We reserve the right to appeal a decision to withhold any information or to deny a waiver of fees.

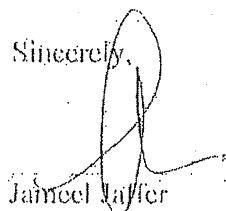
Thank you for your prompt attention to this matter. Please furnish all applicable records to:

Jameel Jaffer, Director, National Security Project
American Civil Liberties Union
125 Broad Street, 18th Floor
New York, NY 10004

⁵ On account of these factors, fees associated with responding to FOIA requests are regularly waived for the ACLU. For example, the Department of Health and Human Services granted a fee waiver to the ACLU with regard to a FOIA request submitted in November of 2006. In May 2005, the United States Department of Commerce granted a fee waiver to the ACLU with respect to its request for information regarding the radio-frequency identification chips in United States passports. In March 2005, the Department of State granted a fee waiver to the ACLU with regard to a request submitted that month regarding the use of immigration laws to exclude prominent non-citizen scholars and intellectuals from the country because of their political views, statements, or associations. In addition, the Department of Defense did not charge the ACLU fees associated with FOIA requests submitted by the ACLU in April 2007, June 2006, February 2006, and October 2003. The Department of Justice did not charge the ACLU fees associated with FOIA requests submitted by the ACLU in November 2007, December 2005, and December 2004. Three separate agencies—the Federal Bureau of Investigation, the Office of Intelligence Policy and Review, and the Office of Information and Privacy in the Department of Justice—did not charge the ACLU fees associated with a FOIA request submitted by the ACLU in August 2002.

I affirm that the information provided supporting the request for expedited processing is true and correct to the best of my knowledge and belief.

Sincerely,



Jameel Jaffer

American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
Tel: (212) 519-7814

AMERICAN CIVIL LIBERTIES
FOUNDATION

Exhibit A

UNITED STATES OF AMERICA

Congress of the United States

To Michael Mukasey, Attorney General of the United States, Greeting:

Pursuant to lawful authority, YOU ARE HEREBY COMMANDED:

to appear before the Committee on the Judiciary of the Senate of the United States, on November 18, 2008 at 10:00 am in Room 226 of the Dirksen Senate Office Building, Washington, D.C., then and there to testify about what you know relative to the Committee's inquiry into legal advice provided by the Department of Justice's Office of Legal Counsel concerning the Administration's national security practices and policies related to terrorism, including the Administration's policies and practices related to detention and interrogation of detainees in U.S. custody; and to bring with you the documents described in Attachment A under the terms and conditions stated therein. A personal appearance at the above-referenced date and time will not be necessary if the documents described in Attachment A are delivered to the Committee's offices or, if they contain classified national security information, to the Office of Senate Security at least 24 hours prior to the scheduled return.

Whereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To any Committee staff member or U.S. Marshal to serve and return.

Given under my hand, by authority vested
in me by the Committee, on this 21 day
of October, 2008.



Senator Patrick Leahy
Chairman, Committee on the Judiciary

I. Any and all legal advice issued by the OLC concerning written authorizations from the White House of any Central Intelligence Agency ("CIA") interrogation program or practice.

J. All lists, logs, or indices of any kind of any and all legal memoranda, letters, or opinions that were issued by the OLC from September 11, 2001 to the present, to provide legal advice to the White House or any department or agency of the Executive Branch (including the Department of Justice and its components) concerning the Administration's national security practices and policies related to terrorism.

2. As an alternative to producing the documents itemized in I. A-J, this subpoena can be initially satisfied by producing and delivering a complete and comprehensive index of all legal memoranda, letters, or opinions that were issued by the OLC from September 11, 2001 to the present, to provide legal advice to the White House or any department or agency of the Executive Branch (including the Department of Justice and its components), concerning the Administration's national security practices and policies related to terrorism.

This index shall:

- (i) Identify the agency or official who requested the legal advice from the OLC;
- (ii) Identify the recipient of each legal opinion, letter, or memorandum;
- (iii) Identify the title of each memorandum, letter, or opinion;
- (iv) Identify the DOJ or OLC official who signed the opinion, memorandum, or letter;
- (v) Include a brief description of the legal issues addressed by the opinion, memorandum, or letter.

Instructions

1. To the extent dates for the documents in this subpoena are given these dates are a guide, if they are not accurate the itemized documents shall still be provided if they otherwise meet the description given.

2. In complying with this subpoena, you are required to produce all final versions of all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agent, employee, or representative acting on your behalf. You are also required to produce documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

3. No documents as defined herein called for by this request shall be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee. If you have knowledge that any subpoenaed document as defined herein has been destroyed, discarded, or lost, identify the subpoenaed document and provide an explanation of the destruction, discarding, loss or disposal and the date at which the document was destroyed, discarded or lost.

United States Senate
Attachment A

Documents Subpoenaed

I. To provide the Committee with all documents constituting the legal analysis and advice the Department of Justice's Office of Legal Counsel ("OLC") provided to any agency, office, entity, or officer of the Executive Branch from September 11, 2001 to the present, concerning the Administration's national security practices and policies related to terrorism, and any related document, including complete and unredacted versions of the following:

A. Memorandum for Alberto R. Gonzales, Counsel to the President, *Re: "Protected Persons" in Occupied Iraq* (March 18, 2004).

B. Any final OLC memorandum or written legal advice concerning applicability of the Fourth Geneva Convention in Iraq, including but not limited to Article 49, including any March 19, 2004 memorandum, *Re: Applicability of the Fourth Geneva Convention in Iraq*, including but not limited to Article 49.

C. Memorandum for Alberto R. Gonzales, Counsel to the President, and William J. Haynes II, General Counsel, Department of Defense ("DOD"), from John C. Yoo, Deputy Assistant Attorney General, OLC, *Re: Authority for Use of Military Force to Combat Terrorist Activities Within the United States* (October, 2001).

D. Memorandum for Daniel Bryant, Assistant Attorney General, Office of Legislative Affairs, from John Yoo, Deputy Assistant Attorney General, OLC, *Re: Applicability of 18 U.S.C. § 4001(a) to Military Detention of United States Citizens* (June 27, 2002).

E. Memorandum for William J. Haynes II, General Counsel, DOD, from Jay S. Bybee, Assistant Attorney General, OLC, *Re: The President's Power as Commander in Chief to Transfer Captured Terrorists to the Control and Custody of Foreign Nations* (March 13, 2002).

F. Any finalized memorandum from the Department of Justice, *Re: Liability of interrogators under the Convention Against Torture and the Anti-Torture Act when a prisoner is not in U.S. custody.*

G. Memorandum for John Yoo, Deputy Assistant Attorney General, OLC, from James C. Ho, Attorney-Advisor, OLC, *Re: Possible Interpretations of Common Article 3 of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War* (Feb. 1, 2002), or any other finalized memoranda or opinions provided by the OLC regarding the interpretation of Common Article 3 of the 1949 Geneva Convention relating to the treatment of prisoners of war.

H. Memorandum for Alberto Gonzales, Counsel to the President, from Patrick F. Philbin, Deputy Assistant Attorney General, OLC, *Re: Legality of the use of military commissions to try terrorists* (Nov. 6, 2001).

4. This subpoena is continuing in nature. Any document not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto with an explanation of why it was not located or discovered by the return date.

5. If you believe any responsive documents are protected by a privilege, you are required to provide a privilege log that (1) identifies any and all responsive documents to which the privilege is asserted, (2) sets forth the date, type, addressee(s), author(s) (and, if different, the preparer and signatory), general subject matter, and indicated or known circulation of the document, and (3) states the privilege asserted in sufficient detail to ascertain the validity of the claim of privilege.

6. Production with respect to each document shall include all electronic versions and data files from email applications as well as from word processing, spreadsheet, or other electronic data repositories applicable to any attachments, and shall be provided to the Committee where possible in its native file format and shall include all original metadata for each electronic documents or data file.

7. To the extent possible, documents containing classified national security information must be segregated from those not containing such information. All classified documents must be handled consistent with relevant security laws and regulations and delivered to the Office of Senate Security in room SVC-217 of the United States Capitol.

Definitions

1. The term "document" as used in this subpoena includes all emails, memoranda, reports, agreements, notes, correspondence, files, records, and other documents, data or information in any form, whether physical or electronic, maintained on any digital repository or electronic media, and should be construed as it is used in the Federal Rules of Civil Procedure.

2. The terms "related", "relating", "regarding", or "concerning", with respect to any given subject, shall be construed broadly to mean anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is in any manner whatsoever pertinent to the subject.

3. The terms "including" and "includes," with respect to any given subject, shall be construed broadly so that specification of any particular matter shall not be construed to exclude any documents that you have reason to believe the Committee might regard as responsive.

4. The term "Department of Justice" includes without limitation, anyone presently or formerly employed, assigned, or detailed there.

5. The term "Department of Defense" includes without limitation, anyone presently or formerly employed, assigned, or detailed there.

6. The term "Central Intelligence Agency" includes without limitation, anyone presently or formerly employed, assigned, or detailed there.

7. The term "White House" includes: all offices, individuals, or entities within the White House Office, including the Office of the Counsel to the President, the Office of the Chief of Staff, and the President himself; the Office of the Vice President, including the Vice President himself; and the National Security Council and its staff.

7. The term "Administration" refers to the Executive Branch during the terms of presidency of George W. Bush.

8. The terms "you" and "your" include all offices, individuals, or entities within the office of the Department of Justice, and, without limitation, anyone presently or formerly employed, assigned, or detailed there.