

ACLU v. DOD Final Production

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Subject: Timeline regarding destruction of AZ tapes
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FOIA Exemptions:

- ☒ (b) (1)
- ☐ (b) (2)
- ☒ (b) (3)
- ☐ (b) (4)
- ☒ (b) (5)
- ☒ (b) (6)
- ☐ (b) (7) (a)
- ☐ (b) (7) (c)
- ☐ (b) (7) (d)
- ☐ (b) (7) (e)
- ☐ (b) (7) (f)

Privacy Act Exemptions:

- ☐ (d) (5)
- ☐ (j) (1)
- ☐ (j) (2)
- ☐ (k) (1)
- ☐ (k) (2)
- ☐ (k) (5)

Disposition:

- ☐ Denied in Full
- ☒ Partial Release
- ☐ Released in Full
- ☐ Referred to Third Agency

Document Description:

This document is a two-page timeline discussing the destruction of the videotapes. The document contains information relating to classified intelligence operations and methods, the identities of personnel engaged in counter-terrorism operations, attorney-client communications, attorney work product, and predecisional deliberations. The document is withheld in part on the bases of FOIA exemptions b(1), b(3), b(5), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2009) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains confidential communications between a CIA attorney and CIA officer relating to a matter for which the officer sought legal advice. It was prepared by the CIA attorney with the joint expectation of the attorney and employee that it would be held in confidence, and it has been held in confidence. This document also contains information, legal analysis, and opinion prepared by a CIA attorney in contemplation of criminal, civil, and administrative proceedings. It was prepared by an attorney with the expectation of the attorney that it would be held in confidence, and it has been held in confidence. This document also contains information relating to intra-agency predecisional deliberations, including preliminary evaluations, opinions, and recommendations of CIA employees. Therefore, this document is protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

56/71

~~TOP SECRET~~ / 20321110 Timeline Regarding Destruction of Abu Zubaydah Videotapes

- 30 November 2002 (S) OGC attorney [REDACTED] review the videotapes [REDACTED]
- 9 January 2003 (S) OGC attorney drafts MFR concluding that the cable traffic accurately described the interrogation methods employed and that the methods conform to the applicable legal and policy guidance.

1 April 2004:



- 11 May 2004 (S) [REDACTED] GC attends meeting at the White House and is told by Addington and Gonzales not to destroy the tapes (NFI).
- 4 November 2005 (S) [REDACTED] At ODDO request, [REDACTED] CTC [REDACTED] drafts language to be included in a cable from [REDACTED] requesting DDO approval to destroy the tapes. [REDACTED] CTC [REDACTED] sends the language to [REDACTED] and the ODDO front office, as well as OGC for approval. The plan was for [REDACTED] to cut and paste the text into a cable and send it to HQs for approval.
- 5 November 2005 (S) [REDACTED] sends cable requesting approval to destroy the tapes.
- 8 November 2005 (S) [REDACTED] DDO releases cable authorizing the destruction of tapes.
- 10 November 2005 (S) [REDACTED] CTC [REDACTED] sends a note to [REDACTED] saying he has gotten [REDACTED] concurrence on the language for the cable. He also says that he understands [REDACTED] is [REDACTED]



56/70

going to call [REDACTED] with the language for the cable rather than email it to him.

(TS/ [REDACTED] receives the note and replies that the exchange with [REDACTED] has already taken place. He phoned the language to [REDACTED] sent the cable. He notes that DDO already approved the destruction of the tapes.

(TS/ [REDACTED] AGC learns that the tapes were destroyed and contacts DCIA Chief of Staff. AGC notes that DNI and Harriet Miers as recently as a few months ago opposed the idea of destroying the tapes. He states they need to be notified of the destruction as well as others.