

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ELECTRONIC FRONTIER FOUNDATION)	
Plaintiff,)	
)	Civil Action Nos. 08-1023
v.)	08-2997
)	
OFFICE OF THE DIRECTOR OF NATIONAL)	
INTELLIGENCE, et al,)	
Defendants.)	

DECLARATION OF JOHN F. HACKETT

Pursuant to 28 U.S.C. § 1746, I, John F. Hackett, declare the following to be true and correct:

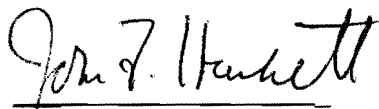
1. I am the Director of the Information Management Office (IMO) for the Office of the Director of National Intelligence (ODNI). I have been in this position since April 2006. Prior to my arrival in the ODNI, I held similar positions in the National Counterterrorism Center and the Terrorist Threat Integration Center. I am the final decision-making authority for the IMO which receives, processes, and responds to requests for ODNI records under the Freedom of Information Act (FOIA), 5 U.S.C. § 552.

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

3. Today the ODNI made a supplemental release of 50 pages of records responsive to plaintiff's FOIA request. Attached is the ODNI Vaughn Index previously filed with the Court, updated to reflect this release.

I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 12th day of May, 2009



John F. Hackett

Civil Action Nos. 08-1023, 08-2997
 U.S. District Court
 Northern District of California

Vaughn Index

This index contains a description of the records withheld in full or in part by the ODNI. The disposition of the document(s) is noted with "PR" which means partial release and "DIF" which means denied in full. We have identified which request the particular documents are responsive to with either a "2" or a "3." A "2" indicates that the documents were located in response to the plaintiff's December 21, 2007 request, and a "3" indicates that the documents were located in response to plaintiff's April 24, 2008 request. In addition we have divided the records into seven categories, which are in bold here and will be explained more fully in our declarations.

Category Number	Request	Date	Description	Disposition	Exemption	Pages
1			Official correspondence between Congress and the ODNI			
	2	12/18/2007	Fax cover sheet (released in full) attaching letter from Senator Feingold to DNI regarding implementation of Protect America Act and the FISA	PR	1- classified information 3 - 50 USC 403-1(i)(1), 18 USC 798, P.L. 86-36	Fax cover 1 page, letter 5 pages
	2	10/5/2007	Letter from Senate Select Committee on Intelligence (SSCI) to ODNI forwarding Questions for the Record (QFRs)	PR	1 - classified information 3 - 50 USC 403-1(i)(1), 18 USC 798, P.L. 86-36	Letter 1 page, attachment 6 pages
	2	10/16/2007	Letter from ODNI to House Permanent Select Committee on Intelligence (HPSCI) attaching responses to questions from 9/29/07 hearing	PR	1 - classified information 3 - 50 USC 403-1(i)(1), 18 USC 798, P.L. 86-36	letter 1 page, attachment 9 pages
	2	12/13/2007	Letter from DNI to Representative	PR	1- classified	letter 2

Category Number	Request	Date	Description	Disposition	Exemption	Pages
			Hoekstra with attachment entitled "Suggestions on How to Avoid Classified Discussions on FISA Modernization in an Unclassified Hearing"		information 3 - 50 USC 403-1(i)(1), 18 USC 798, P.L. 86-36	pages; attachment 3 pages
2			Email communications between ODNI staff and Congressional staff			
	3	April 2007-May 2008	Unclassified emails between ODNI officials, DOJ officials and Congressional staff related to FISA amendments	DIF	3 - P.L. 86-36 5 - deliberative process, presidential communications	456 (46 pages released in part 5/12/09)
	3	July 2007-May 2008	Unclassified emails between ODNI officials, DOJ officials, White House officials and Congressional staff related to FISA amendments	DIF	3 - P.L. 86-36 5 - deliberative process, presidential communications	77
	3	1/31/2008	Email from ODNI official to Congressional staff forwarding a letter and response to questions for the record (QFR) for hearing on implementation of Protect America Act and FISA Amendments	DIF	1 - classified information 3 - 50 USC 403-1(i)(1), 18 USC 798, P.L. 86-36 5 - deliberative process, presidential communications	Email 1 page (released 5/12/09), letter 1 page (released in part 5/12/09), QFR response 20 pages

Category Number	Request	Date	Description	Disposition	Exemption	Pages
	3	7/10/2007	Email from ODNI official to Congressional staff forwarding paper entitled "FISA Issues"	DIF	1 - classified information 3 - 50 USC 403-1(i)(1), 18 USC 798, P.L. 86-36 5 - deliberative process, presidential communications	Email 1 page (released 5/12/09) , paper 8 pages
	3	1/30/2008	Email from ODNI official to Congressional staff responding to question regarding proposed FISA amendments	DIF	1 - classified information 3 - 50 USC 403-1(i)(1), 18 USC 798, P.L. 86-36 5 - deliberative process, presidential communications	1
	3	7/26/2007	Email from ODNI official to Congressional staff forwarding paper entitled "FISA Issues"	DIF	1 - classified information 3 - 50 USC 403-1(i)(1), 18 USC 798, P.L. 86-36 5 - deliberative process, presidential communications	Email 1 page (released 5/12/09) , paper 8 pages
	3	July 2007- June 2008	Unclassified logistical emails between ODNI, DOJ and White House officials and Congressional staff related to FISA amendments	PR	3 - P.L. 86-36 5 - deliberative process, presidential communications	49
3			Draft legislation			

Category Number	Request	Date	Description	Disposition	Exemption	Pages
	3		Drafts of FISA legislation attached to emails between ODNI and Congressional staff	DIF	5 - deliberative process, presidential communications	1296
4			Classified portions of briefing slides used by ODNI officials to brief members of Congress			
	2	11/5/2007	Briefing slides on FISA modernization	PR	1 - classified information 3 - 50 USC 403-1(i)(1), 18 USC 798, P.L. 86-36	17
5			Internal ODNI emails and memos discussing meetings with Congress			
	2	12/18/2007	Internal email chain between ODNI and NSA officials discussing meeting with a Member of Congress and staff regarding FISA Amendments	DIF	1- classified information 3 - 50 USC 403 5 - deliberative process	3
	2, 3	March 2007-May 2008	Internal memoranda for the record written by ODNI Office of Legislative Affairs personnel discussing meetings with members of Congress and staff regarding the FISA amendments	DIF	1 – classified information 3 - 50 USC 403-1(i)(1) 5 - deliberative process privilege	76
6			Communications between ODNI and representatives of telecommunication companies			
	2	10/12/2007	Fax cover sheets from ODNI staff to	DIF	3 - 50 USC 403-	3

Category Number	Request	Date	Description	Disposition	Exemption	Pages
			representatives of telecommunications companies (attachment previously disclosed)		1(i)(1), P.L. 86-36 5 - attorney work-product 6 - private sector individuals	
	2	10/12/07	Fax cover sheet and attached letter from a representative of a telecommunication company to an ODNI official	DIF	3 - 50 USC 403-1(i)(1), P.L. 86-36 5 - attorney work-product 6 - private sector individual	Fax cover sheet 1 page, letter 9 pages
	3	10/2/07	Email and attached letter from a representative of a telecommunication company to ODNI, DOJ and White House officials	DIF	3 - 50 USC 403-1(i)(1), P.L. 86-36 5 - attorney work-product, presidential communications privilege 6 - private sector individual	Email, 1 page, letter 7 pages
	3	10/2/07-10/3/07	Internal executive branch email chain between ODNI, White House, and DOJ officials discussing above-described email from a representative of a telecommunication company	DIF	3 - 50 USC 403-1(i)(1), P.L. 86-36 5 - deliberative process, attorney work-product, presidential communications privilege	5 pages
	3	10/3/07	Email chain between DOJ and ODNI officials discussing a	DIF	3 - 50 USC 403-1(i)(1), P.L. 86-36	1 page

Category Number	Request	Date	Description	Disposition	Exemption	Pages
			telephone call received from a telecommunication company		5 - deliberative process, attorney work-product, presidential communications privilege	