

OLC PART 2

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

<hr/>		
CITIZENS FOR RESPONSIBILITY)	
AND ETHICS IN WASHINGTON)	
)	
Plaintiff-Appellant)	
)	
v.)	No. 08-5409
)	
UNITED STATES DEPARTMENT OF)	
HOMELAND SECURITY)	
)	
Defendant-Appellee)	
<hr/>		

Settlement Agreement Attachment A

Bates numbers of documents to be released in full, except to the extent they are redacted in accordance with paragraph 2 of the Settlement Agreement:

4-5	1650-1652
16	1655
48-50	1657-1658
1203-1207	1664-1670
1370-1378	1675-1690
1380	1695-1696
1384-1385	1757-1758
1389-1396	1781
1416-1417	1816-1817
1419-1424	1818-1828
1426-1428	1839-1840
1436-1437	1845-1846
1441-1446	1865-1877
1506	1883
1520-1521	1911-1912
1526-1529	1914
1531-1546	1917-1922
1620-1622	1923
1629	1926-1928
1639-1641	

Bates numbers of documents to be released in part, subject to the redactions specified below, and also subject to redactions in accordance with paragraph 2 of the Settlement Agreement:

- 2-3: DHS will continue to withhold the names of individuals discussed in these emails.
- 40-43: DHS will continue to withhold the names of individuals discussed in these emails, and will also withhold the third paragraph from the bottom on each of these pages.
- 61: DHS will continue to withhold two paragraphs of the 9/6/05 email from William Carwile.
- 1415: DHS will continue to withhold the text of the top email on the page.
- 1514-1519: DHS will continue to withhold the text of the 9/5/05 email from Brad Gair on page 1518.
- 1560: DHS will continue to withhold the first sentence in the body of the top email.
- 1703-1748: DHS will continue to withhold the second email that appears on page 1704. In addition to being redacted on page 1704, that email will also be redacted on every other page where it appears.
- 1753-1756: DHS will continue to withhold the first sentence in the body of the email on page 1753. In addition to being redacted on page 1753, that sentence will also be redacted on every other page in which it appears.
- 1771-1773: DHS will continue to withhold the names of individuals discussed in these emails.
- 1804-1805: DHS will continue to withhold the names of individuals discussed in these emails, and will also withhold the third paragraph from the bottom on each of these pages.
- 1905-1906: DHS will continue to withhold the names of individuals discussed in these emails.

Hughes, Richard

From: Abegg, John (McConnell)
Sent: Friday, February 23, 2007 4:10 PM
To: Eisenberg, John
Cc: Livingston, J (Intelligence)
Subject: RE: TSP liability protection

@mccconnell.senate.gov] b6

All looks fine to me. I'm looping in Jack Livingston on this email (with whom I've been discussing this legislation) so we are all on the same page. Let us know what Ben says. Thanks.

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

From: Eisenberg, John [mailto:John.Eisenberg@usdoj.gov]
Sent: Friday, February 23, 2007 3:57 PM
To: Abegg, John (McConnell)
Subject: RE: TSP liability protection

John:

1. To make it easier to certify that (1) or (2) is met, without identifying which, we'd propose:

"if the Attorney General or a designee of the Attorney General certifies, in a manner consistent with the protection of State secrets, THAT either-- (1) (delete "that") the person did not provide the alleged assistance; or (2) (delete "that") the alleged assistance was intended to protect the United States from a terrorist attack."

2. Add comma after "alleged communications intelligence activities"

3. Insert ", without exception," after "proceeding" in section (d).

4. In the third line of (a), could we go with "any other source of law" instead of "any other provision of law"?

I'm also going to see if Ben Powell has suggestions. But this is what we have.

Thanks very much,

John

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

From: Abegg, John (McConnell) [mailto:
Sent: Friday, February 23, 2007 2:07 PM
To: Eisenberg, John
Subject: TSP liability protection

@mccconnell.senate.gov] b6

Please review the revised language and let me know if you have further thoughts. Thanks much.

Berhanu, Tsedey

From: Livingston, J (Intelligence) [✓] @ssci.senate.gov] 66
Sent: Tuesday, February 27, 2007 5:40 PM
To: Eisenberg, John
Subject: Carrier Liability

John,

It looks like Senator Bond is going to sponsor the carrier liability provision that we were working on with John Abegg last week. John mentioned that DOJ might be preparing fact sheets on the current pending cases, e.g., how many, damages sought, cost of legislation, etc. Could I please get copies of what you come up with?
Thanks.

Jack

Berhanu, Tsedey

From: Livingston, J (Intelligence) b6
Sent: Wednesday, February 28, 2007 8:50 PM
To: Eisenberg, John
Subject: RE: Carriers

This is good. Thanks.

From: Eisenberg, John [mailto:John.Eisenberg@usdoj.gov]
Sent: Wednesday, February 28, 2007 7:15 PM
To: Abegg, John (McConnell); Livingston, J (Intelligence)
Cc: Allen, Michael
Subject: Carriers

John/Jack:

Here is what we have on this. Please do not distribute further. Happy to discuss tomorrow.

Thanks,

John

<<Potential Carrier Liability.wpd>>

Hughes, Richard

From: Eisenberg, John
Sent: Tuesday, March 06, 2007 2:24 PM
To: 'Livingston, J (Intelligence)'
Subject: As discussed

Attachments: Substitution_Draft_3_6_07.doc



Substitution_Draft_3_6_07.doc ...

1 SECTION __. SUBSTITUTION OF THE UNITED STATES IN CERTAIN
2 ACTIONS.

3 (a) APPLICABILITY — This section applies to any action or claim brought in any court against
4 a provider of telecommunications, electronic communication or remote computing service,
5 or its employees, officers, or agents, (hereinafter collectively a “provider”) arising from or
6 relating to the alleged provision of any information (including customer information),
7 assistance or facilities to any federal intelligence agency on or after September 11, 2001.

8 The provisions of this section shall apply to any action or claim that is pending on or after
9 the date of enactment.

10 (b) CERTIFICATION BY THE ATTORNEY GENERAL — As to any action or claim described in
11 subsection (a), the Attorney General shall, upon receiving notice of such action or claim,
12 provide a certification to the court if the provider either (1) did not provide any of the
13 information, assistance or facilities alleged, or (2) provided some or all of the information,
14 assistance or facilities (A) pursuant to a written authorization from the head of a department
15 or a federal intelligence agency indicating that such activities had been approved by the
16 President and that such activities were lawful, and (B) in connection with a communications
17 intelligence program authorized by the President after September 11, 2001, designed to
18 identify, track or intercept the communications of international terrorist organizations in
19 order to detect or prevent terrorist attacks against the United States. The certification may
20 be provided in a manner consistent with the protection of state secrets.

21 (c) SUBSTITUTION OF THE UNITED STATES AS A PARTY — Upon receipt by a court of a
22 certification described in subsection (b), a court shall, notwithstanding any other provision
23 of law and without revealing the substance of the certification and consistent with the

1 military and state secrets privilege, substitute the United States for the provider as party-
2 defendant as to all claims designated by the Attorney General in the certification. Upon
3 substitution, the action or proceeding shall proceed in the same manner as any action
4 against the United States filed pursuant to section 1346(b) of title 28, except that section
5 2680(a) of that title shall not apply. The United States shall have the same defenses,
6 privileges and immunities as a private party under like circumstances, and nothing in this
7 section shall be construed to affect the ability of the United States from asserting, in any
8 action or claim described in subsection (a), any privilege, immunity, or defense, including
9 the military and state secrets privilege, that would otherwise have been available to the
10 United States absent its substitution as party-defendant or had the United States been the
11 named defendant. After the substitution of the United States as a party-defendant, the
12 person or entity for whom the United States was substituted shall be dismissed as to all
13 claims designated by the Attorney General as set forth in the certification, and the court
14 shall enter a final judgment and terminate the action as to such person or entity with respect
15 to such claims.

16 (d) PROCEDURE.— Any action that is the subject of a certification by the Attorney General
17 pursuant to subsection (b) shall be removable without bond at any time before trial by the
18 Attorney General to the district court of the United States for the district and division
19 embracing the place wherein it is pending. Notwithstanding 1447(d) of Title 28, the United
20 States may appeal any order of remand entered by any United States district court in an action or
21 proceeding covered by this section.

22 (e) This section (section ____) constitutes the sole waiver of sovereign immunity with respect to
23 any and all actions described in subsection (a). The total liability of the United States under this

1 section (section ____) shall not exceed ten million dollars in the aggregate, and in any particular
2 action described in subsection (a), the total liability of the United States shall not exceed
3 \$10,000.

4 (f) STATE AND LOCAL ENTITIES — No state or local entity may require a provider to
5 disclose information through discovery or otherwise relating to the provider's alleged
6 provision to any federal intelligence agency of any information, facilities or assistance on or
7 after September 11, 2001.

Berhanu, Tsedey

From: Rice, K (Intelligence) [] b6
Sent: Wednesday, March 07, 2007 6:57 PM
To: Eisenberg, John
Subject: RE: amendment to S.4

[It's] I'm heading out in a few minutes—can you give me a call tomorrow? (FYI: although it's been introduced, the amendment hasn't been called up yet so I don't know if it's actually going to be considered. I think cloture on S.4 will be filed tomorrow.) b6

From: Eisenberg, John [mailto:John.Eisenberg@usdoj.gov]
Sent: Wednesday, March 07, 2007 6:40 PM
To: Rice, K (Intelligence)
Subject: RE: amendment to S.4

Can't find your phone number. We have some concerns but need to think it over more. We wouldn't mind chatting about it.

From: Rice, K (Intelligence) [] b6
Sent: Wednesday, March 07, 2007 3:04 PM
To: Eisenberg, John
Subject: amendment to S.4

If you have any thoughts, let us know. Thanks. Kathleen

(b)(5)
in full

Farris, Bette

From: Bradbury, Steve
Sent: Tuesday, March 13, 2007 2:51 PM
To:
Cc:
Subject: Your request

(b)(3) [scribble]

[scribble] Following up on your request, below are three paragraphs of information and citations on the topic of the emergency that existed in the fall of 2001, the military actions taken by the U.S. in response, and the continuing threat of attack that existed under those circumstances. I hope this is helpful. Steve

On September 11, 2001, the al Qaeda terrorist network launched a set of coordinated attacks along the East Coast of the United States. Four commercial jetliners, each carefully selected to be fully loaded with fuel for a transcontinental flight, were hijacked by al Qaeda operatives. Two of the jetliners were targeted at the Nation's financial center in New York and were deliberately flown into the two towers of the World Trade Center. The third was targeted at the headquarters of the Nation's Armed Forces, the Pentagon. The fourth was apparently headed toward Washington, D.C., when passengers struggled with the hijackers and the plane crashed in Shanksville, Pennsylvania. The intended target of this fourth jetliner was evidently the White House or the Capitol, strongly suggesting that its intended mission was to strike a decapitation blow on the Government of the United States—to kill the President, the Vice President, or Members of Congress. The atrocities of September 11th resulted in nearly 3,000 deaths—the highest single-day death toll from hostile foreign attacks in the Nation's history. These attacks shut down air travel in the United States, disrupted the Nation's financial markets and government operations, and caused billions of dollars in damage to the economy.

On September 14, 2001, the President declared a national emergency "by reason of the terrorist attacks at the World Trade Center, New York, New York, and the Pentagon, and the continuing and immediate threat of further attacks on the United States." Proclamation No. 7463, 66 Fed. Reg. 48,199 (Sept. 14, 2001). The United States also launched a large-scale military response, both at home and abroad. In the United States, combat air patrols were immediately established over major metropolitan areas and were maintained 24 hours a day until April 2002. The United States also immediately began plans for a military response directed at al Qaeda's base of operations in Afghanistan. On September 14, 2001, both Houses of Congress passed a joint resolution authorizing the President "to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks" of September 11th, which the President signed on September 18th. AUMF § 2(a). Congress also expressly acknowledged that the attacks rendered it "necessary and appropriate" for the United States to exercise its right "to protect United States citizens both at home and abroad," and in particular recognized that "the President has authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States." *Id.* pmb1. Acting under his constitutional authority as Commander in Chief, and with the support of Congress, the President dispatched forces to Afghanistan and, with the assistance of the Northern Alliance, toppled the Taliban regime from power.

As the President made explicit in his Military Order of November 13, 2001, authorizing the use of military commissions to try terrorists, the attacks of September 11th "created a state of armed conflict." Military Order, § 1 (a), 66 Fed. Reg. 57,833 (Nov. 13, 2001). Indeed, shortly after the attacks, NATO took the unprecedented step, for the first time in its 46-year history, of invoking article 5 of the North Atlantic Treaty, which provides that an "armed attack against one or more of [the parties] shall be considered an attack against them all." North Atlantic Treaty, Apr. 4, 1949, art. 5, 63 Stat. 2241, 2244, 34 U.N.T.S. 243, 246; *see also* Statement by NATO Secretary General Lord Robertson (Oct. 2, 2001), *available at* <http://www.nato.int/docu/speech/2001/s011002a.htm> ("[I]t has now been determined that the attack against the United States on 11 September was directed from abroad and shall therefore be regarded as an action covered by

Article 5 of the Washington Treaty . . ."). The President also determined in his Military Order that al Qaeda and related terrorists "possess both the capability and the intention to undertake further terrorist attacks against the United States that, if not detected and prevented, will cause mass deaths, mass injuries, and massive destruction of property, and may place at risk the continuity of the operations of the United States Government," and concluded that "an extraordinary emergency exists for national defense purposes." Military Order, § 1(c), (g), 66 Fed. Reg. at 57,833-34.

Hughes, Richard

From: Roland, Sarah E
Sent: Monday, April 09, 2007 5:53 PM
To: Bradbury, Steve; [redacted]; 'Louis Tucker'
Cc: [redacted]; 'Benjamin Powell'; Wainstein, Kenneth (NSD); Olsen, Matt; Gerry, Brett (NSD); Eisenberg, John; Tracci, Robert N
Subject: RE: Tomorrow's 2:30pm

b2
b3

Louis,
Rob Tracci and I are the leg points of contact on this for DOJ on this issue.
Thanks.

From: Bradbury, Steve
Sent: Monday, April 09, 2007 5:47 PM
To: [redacted]; Louis Tucker
Cc: [redacted]; Benjamin Powell; Wainstein, Kenneth (NSD); Olsen, Matt; Gerry, Brett (NSD); Eisenberg, John; Roland, Sarah E; Tracci, Robert N
Subject: RE: Tomorrow's 2:30pm

b2
b3

Please include Ken Wainstein, Matt Olsen, Brett Gerry, and John Eisenberg of DOJ on this. NSD will be taking the lead for DOJ on the April 17 FISA modernization hearing. Thanks!

From: [redacted] mailto:[redacted]
Sent: Monday, April 09, 2007 5:37 PM
To: Louis Tucker
Cc: [redacted]; Bradbury, Steve; Benjamin Powell
Subject: Re: Tomorrow's 2:30pm

b3
b2

Louis: Yes we are aware an will indeed plan to do that. Thanks.

Kathleen Turner
Director of Legislative Affairs
Office of the Director of National Intelligence

b6

-----"Tucker, L \ (Intelligence\)" [redacted] wrote: -----

b6

b2/b3

To: [redacted]
From: "Tucker, L \ (Intelligence\)" [redacted] <Steve.Bradbury@usdoj.gov>
Date: 04/09/2007 03:23PM
Subject: Tomorrow's 2:30pm

/Steve,

Just to close the loop on tomorrow's mtg regarding the open FISA modernization hearing to follow the next Tuesday: our expectation is that you will be presenting 1. areas that are classified and members need to stay away from 2. your recommendation of sensitive areas that are not necessarily classified but are best left for closed session because discussion in those areas may expose sensitive equities

5/19/2008

47

Beyond that we're free to hear from you on other thoughts on this issue. Thanks,

Louis

(Steve - I don't have any e-mails on file from your leg folks so I'm sending this to you; thanks)

Louis Tucker

Minority Staff Director

Senate Select Committee on Intelligence

[]

b6

Farris, Bette

From: @dni.gov
Sent: Monday, April 09, 2007 5:37 PM
To: Louis Tucker
Cc: [] Bradbury, Steve; Benjamin Powell
Subject: Re: Tomorrow's 2:30pm

~~(b)(2)~~ b2
~~(b)(6)~~

b3

Louis: Yes we are aware an will indeed plan to do that. Thanks.

Kathleen Turner
Director of Legislative Affairs
Office of the Director of National Intelligence

b6 ~~(b)(2)~~

~~(b)(6)~~ b6

-----"Tucker, L \ (Intelligence\)" @SSCI.Senate.Gov> wrote: -----

To: <@dni.gov>, []
From: "Tucker, L \ (Intelligence\)" [] <Steve.Bradbury@usdoj.gov>
Date: 04/09/2007 03:23PM @SSCI.Senate.Gov>] b6
Subject: Tomorrow's 2:30pm

b3 b2
b6

Kathleen/Michael/Steve,

Just to close the loop on tomorrow's mtg regarding the open FISA modernization hearing to follow the next Tuesday: our expectation is that you will be presenting 1. areas that are classified and members need to stay away from 2. your recommendation of sensitive areas that are not necessarily classified but are best left for closed session because discussion in those areas may expose sensitive equities

Beyond that we're free to hear from you on other thoughts on this issue. Thanks,

Louis

(Steve - I don't have any e-mails on file from your leg folks so I'm sending this to you; thanks)

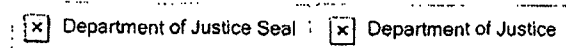
Louis Tucker

Minority Staff Director

Senate Select Committee on Intelligence

b6

~~(b)(6)~~



FOR IMMEDIATE RELEASE
FRIDAY, APRIL 13, 2007
<http://www.usdoj.gov/>

NSD
(202) 514-2007
TDD (202) 514-1888

Fact Sheet: Title IV of the Fiscal Year 2008 Intelligence Authorization Act, Matters Related to the Foreign Intelligence Surveillance Act

For over two decades, the Foreign Intelligence Surveillance Act (FISA), as amended, has served as an important framework in the nation's ability to collect foreign intelligence information, while simultaneously protecting the civil liberties of Americans. FISA provides the legal framework through which the Intelligence Community lawfully collects information about those who pose national security threats to our country. FISA helps those in the Intelligence Community catch spies, international terrorists, and others who seek to do harm to the United States, its citizens and its allies.

Today, following over a year of coordinated effort among the Intelligence Community and the Department of Justice a bill is being submitted to Congress to request long overdue changes to FISA. The proposed legislation's core objective is to bring FISA up to date with the revolution in telecommunications technology that has taken place since 1978, while continuing to protect the privacy interests of persons located in the United States.

This legislation is important to ensure that FISA continues to serve the nation as a means to protect our country from foreign security threats, while also continuing to protect the valued privacy interests and civil liberties of persons located in the United States. The Director of National Intelligence, together with the Attorney General, will work with Congress to ensure enactment of this important proposal to keep America safe.

Key Provisions of this Bill Are:

- Updating the definition of electronic surveillance to account for the sweeping changes in telecommunications technology that have taken place.
 - The proposed legislation is technology neutral. In contrast to the 1978 statute, which contains central provisions that are tied to specific communications technologies, this proposal is not tied to specific technology we have today. That way, as telecommunications technology develops over time - - which it surely will do - - FISA will not run the risk of becoming out of date.
- Protecting civil liberties and privacy interests and improving our intelligence capabilities by focusing FISA on people located in the United States.
 - Revolutions in telecommunications technology have brought within FISA's scope communications that Congress did not intend to be covered—and, as a result, extensive resources are now expended obtaining court approval for acquiring communications that do not directly or substantially involve the privacy interests of Americans. Restoring FISA to

its original focus will enhance our intelligence capabilities while allowing the Intelligence Community to devote more resources to protecting the privacy interests of people in the United States.

- Improving the way the United States does business with communications providers.
 - The country's communications providers are important partners in the ability of the United States Government to protect our national security. The proposed legislation includes needed authority both to protect those carriers when they do comply with lawful requests under FISA, and to enable providers to cooperate with authorized intelligence activities.
- Streamlining the FISA process.
 - Numerous Congressional and Executive Branch reviews of the FISA process have recommended that the FISA process be made more efficient, and the Department of Justice has made major strides in recent years in improving its practices and procedures. The proposal would make several changes to improve further the efficiency of the FISA process, including extending the period of authorization for non-United States persons, which will allow the Department and the FISA Court to concentrate more scarce resources to the cases that concern United States persons.
- Reflecting today's national security threats.
 - The Bill seeks to update FISA to reflect today's national security threats. One of those threats is the proliferation of weapons of mass destruction. This legislation will allow the Intelligence Community to obtain FISA authority to better protect the nation against proliferators.
- Adding an additional definition of an agent of a foreign power for non-U.S. persons whom the Government believes possess significant intelligence information, but whose relationship to a foreign power is unclear.
 - This proposed change would apply only to non-United States persons in the United States, and collection of information from such an individual would be subject to the approval of the FISA Court.

###

07-247

Farris, Bette

From: [REDACTED]
Sent: Thursday, April 19, 2007 12:12 PM
To: Bradbury, Steve
Cc: Eisenberg, John
Subject: RE:

(b)(3) [REDACTED]

thanks. I look forward to John's email.

[REDACTED]
]]
PRIVILEGED ATTORNEY WORK PRODUCT
DO NOT FORWARD

[REDACTED]
(b)(3), (b)(6)

From: Bradbury, Steve [mailto:Steve.Bradbury@usdoj.gov]
Sent: Thursday, April 19, 2007 9:09 AM
To: [REDACTED]
Cc: Eisenberg, John
Subject: RE:

The DOJ Web site posting is a description of the FISA modernization legislation that the Administration submitted to Congress last week. I believe that bill is public. The third bullet refers to two separate aspects of the legislation. First, the legislation contains a provision that would give carriers immunity from civil liability for assistance they are alleged to have provided the Government since 9/11 in support of the communications intelligence activities of the United States. Second, in connection with the proposed new definition of "electronic surveillance" for FISA purposes, the legislation includes a provision that would enable the Attorney General to compel assistance from carriers in connection with foreign intelligence activities that fall outside the new definition (and for which, therefore, an order of the FISA Court would not be available); this provision would permit carriers to challenge the AG order in court. By copy of this message, I'll ask John Eisenberg to send along to you the relevant provisions from our legislation. I hope that's helpful. Steve

[REDACTED]

From: [REDACTED]
Sent: Thursday, April 19, 2007 9:01 AM
To: Bradbury, Steve
Subject:

(b)(3) [REDACTED]

Steve:

Here is the web reference. See item number 3.

Thanks

5/13/2008

[REDACTED]

[REDACTED]

(b) (3), (b) (6)

PRIVILEGED ATTORNEY WORK PRODUCT
DO NOT FORWARD

Farris, Bette

From:

] (b)(3), ~~(b)(7)~~

Sent: Thursday, April 19, 2007 9:01 AM

To: Bradbury, Steve

Attachments: #07-247 04-13-07 Fact Sheet Title IV of the Fiscal Year 2008 Intelligence Authorization Act, Matters Related to the Foreign Intelligence Surveillance Act.htm

Steve:

Here is the web reference. See item number 3. *MB*

Thanks

[Handwritten scribble]

[Handwritten scribble]

(b)(3), (b)(6)

PRIVILEGED ATTORNEY WORK PRODUCT
DO NOT FORWARD

6/23/2008

52

Hughes, Richard

N/A

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

From: Tucker, L (Intelligence)
To: Bradbury, Steve
Sent: Wed May 09 18:36:04 2007
Subject: Re: TSP Document Request

[@SSCI.Senate.Gov]

b6

Steve, your below is corect. Additionally, the other two issues we have not yet discussed and he wants to hear directly from the AG on the reasons for all 3, don't assume it's because he disagrees.

Louis

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

From: Bradbury, Steve <Steve.Bradbury@usdoj.gov>
To: Tucker, L (Intelligence)
Cc: Roland, Sarah E <Sarah.E.Roland@usdoj.gov>
Sent: Wed May 09 18:28:59 2007
Subject: Re: TSP Document Request

Louis: I understood from Vice Chairman Bond's statement at the last hearing that he did not support the Chairman's request that we disclose to the Committee item (2), the DOJ legal opinions. It's one thing to brief the Committee on our legal analysis supporting particular intelligence activities, which we have done; it's another thing entirely to disclose actual deliberative legal advice, in which the Executive Branch has significant and legitimate confidentiality interests. I believe I explained that at the last hearing, and I was convinced that the Vice Chairman recognized and respected that position. Please confirm, if you're able, and I'll discuss these matters with the AG. Thanks. Steve

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

From: Tucker, L (Intelligence)
To: Bradbury, Steve
CC: Roland, Sarah E

[@SSCI.Senate.Gov]

b6

Sent: Wed May 09 18:13:32 2007
Subject: FW: TSP Document Request

Steve,

Let's talk about the below; Bond requests that the AG come by to speak with him soon on this. Thanks,

Louis

From: Livingston, J (Intelligence)
Sent: Wednesday, May 09, 2007 5:24 PM
To: Tucker, L (Intelligence)
Subject: FW: TSP Document Request

Here is what we're waiting on.

From: Healey, C (Intelligence)
Sent: Wednesday, May 09, 2007 4:30 PM
To: Livingston, J (Intelligence); Davidson, M (Intelligence)
Subject: FW: TSP Document Request

Jack -

Mike asked me to get back to you on this. With respect to documents, we are waiting on:

- 1) the President's authorizations of the TSP (as the program evolved);
- 2) the DOJ legal opinions;
- 3) the classified legal pleadings of the government in the various proceedings.

We may also be waiting for answers to various QFRs. I haven't yet checked to see if we received complete answers.

Chris

Hughes, Richard

From: Gerry, Brett (NSD) [REDACTED] @usdoj.gov
Sent: Thursday, May 31, 2007 9:08 AM
To: [REDACTED] Davidson, M (Intelligence); Eisenberg, John; [REDACTED]
Subject: RE: A few minutes before or after this afternoon's FISA discussion

(b)(2)
(b)(6)

After would be slightly preferable for me too, but we could do it either way.

From: [REDACTED]
Sent: Thursday, May 31, 2007 9:07 AM
To: Davidson, M (Intelligence); Gerry, Brett (NSD); John Eisenberg; [REDACTED]
Subject: Re: A few minutes before or after this afternoon's FISA discussion

(b)(2)
(b)(6)

Sure, perhaps we could do after FISA meeting.

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

From: "Davidson, M \ (Intelligence\)" [REDACTED] sci.senate.gov
Sent: 05/31/2007 08:48 AM AST
To: Gerry, Brett \ (NSD\)" [REDACTED] @usdoj.gov>; Eisenberg, John" [REDACTED] <John.Eisenberg@usdoj.gov>; [REDACTED]
Subject: A few minutes before or after this afternoon's FISA discussion

(b)(2)
(b)(6)

[REDACTED] Brett, John, Ben and Kathleen, [REDACTED]

If you happen to arrive a few minutes before this afternoon's 2 pm FISA discussion, or have a few minutes after, I have a thought and question in relation to next Thursday's hearing here, and about a couple of other June hearing matters.

Mike