UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN CIVIL LIBERTIES UNION, *et al.*,	)	
Plaintiffs,	)	
v.	)	**Civil Action No. 10-436 (RMC)**
CENTRAL INTELLIGENCE AGENCY,	)	
Defendant.	)	

OPINION

The Central Intelligence Agency (CIA) engages in covert actions in foreign countries on behalf of the United States and, by necessity, practice, and statute, keeps its activities secret. The American Civil Liberties Union and the American Civil Liberties Union Foundation (collectively ACLU) are concerned about CIA activities overseas. Relying on the See ACLU v. Dep't of Justice, 808 F. Supp. 2d 280 (D.D.C. 2011) (*Drones I*). Thereafter various government officials made public statements about a U.S. operational role in drone strikes. The D.C. Circuit reversed and ordered CIA to begin the FOIA process anew. *See ACLU v. CIA*, 710 F.3d. 422, 430 (D.C. Cir. 2013) (*Drones II*).

On remand, ACLU narrowed its request, and CIA searched for and acknowledged the existence of twelve legal memoranda and thousands of classified intelligence products responsive to the narrowed request. CIA released a redacted version of a classified DOJ White Paper, but has withheld the other eleven legal memoranda and all of the intelligence products on

the basis that disclosing these records would compromise classified, statutorily-protected, and

Coordinator[3] seeking "records pertaining to the use of unmanned aerial vehicles ('UAVs')—commonly referred to as 'drones' and including the MQ–1 Predator and MQ–9 Reaper—by CIA and the Armed Forces for the purpose of killing targeted individuals." CIA 1st Mot. [Dkt. 15], Declaration of Mary Ellen Cole (Cole Decl.), Ex. A (Jan. 13, 2010 FOIA Request) at 2. ACLU specifically requested all records containing ten categories of information:

> 1. The "legal basis in domestic, foreign and international law upon which unmanned aerial vehicles" can be used to execute targeted killings, including who may be targeted with this weapon system, where and why;
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> 2. . . . .[4]
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> 3. The "selection of human targets for drone strikes and any limits on who may be targeted by a drone strike;"
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> 4. "[C]ivilian casualties in drone strikes," including measures to limit civilian casualties;
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> 5. The "assessment or evaluation of individual drone strikes after the fact," including how the number and identities of victims are determined;
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> 6. "[G]eographical or territorial limits on the use of UAVs to kill targeted individuals;"
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> 7. The "number of drone strikes that have been executed for the purpose of killing human targets, the location of each such strike,

[3] ACLU submitted the same January 13, 2010 FOIA request to the Department of Defense (DOD), Department of Justice (DOJ), DOJ's Office of Legal Counsel (OLC), and Department of State (State). ACLU originally sued DOD, DOJ, and State. *See* Compl. ¶¶ 9–11 (filed 3/16/10). The Amended Complaint added CIA as a co-defendant. *See* Am. Compl. [Dkt. 11] ¶ 12 (filed 6/1/10). The parties stipulated to dismissal the complaint against DOD, DOJ, and State on October 26, 2011. *See* Stipulation [Dkt. 38]. This Opinion addresses only the FOIA request to CIA.

[4] During the first round of summary judgment briefing, ACLU abandoned its request for information in categories 1(b) and 2, both of which concerned records on the understanding, cooperation or involvement of foreign governments in drone strikes. *See* Pls. Opp'n to CIA 1st Mot. [Dkt. 20] at 3.

CIA moved for summary judgment on October 1, 2010, arguing that it could neither confirm nor deny the existence of responsive records. ACLU opposed, citing *inter alia*, a May 18, 2009 response to a question by then-CIA Director Leon J. Panetta after a speech, about the United States' use of drone strikes in Pakistan. Director Panetta responded:

> On the first issue, obviously because these are covert and secret operations I can't go into particulars. I think it does suffice to say that these operations have been very effective because they have been very precise in terms of the targeting and it involved a minimum of collateral damage. I know that some of the—sometimes the criticisms kind of sweep into other areas from either plane attacks or attacks from F–16s and others that go into these areas, which do involve a tremendous amount of collateral damage. And sometimes I've found in discussing this that all of this is kind of mixed together. But I can assure you that in terms of that particular area, it is very precise and it is very limited in terms of collateral damage and, very frankly, it's the only game in town in terms of confronting and trying to disrupt the al-Qaeda leadership.

Pl. Opp'n to CIA 1st Mot. [Dkt. 20], Declaration of Alexander Abdo, Ex. B (May 18, 2009 Panetta Remarks at the Pacific Council on International Policy) at 10. ACLU also quoted from an interview Director Panetta gave to the Washington Post. *Id.*, Ex. C at 1 ("In an interview with the Washington Post, Mr. Panetta described the drone strikes in Pakistan as 'the most aggressive operation that CIA has been involved in in our history.'") (quoting Joby Warrick & Peter Finn, *Al-Qaida Crippled as Leaders Stay in Hiding, CIA Chief Says*, Wash. Post, Mar. 17, 2010).

This Court granted CIA's Motion for Summary Judgment on September 9, 2011, finding that CIA's *Glomar* response was justified under FOIA Exemption 3 based on the non-disclosure provisions of the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C. § 403–4 *et seq.* (CIA Act), and the National Security Act of 1947, as amended, 50 U.S.C. § 401

et seq. (the NSA). *See Drones I*, 808 F. Supp. 2d at 287–93.[6] With respect to Director Panetta's comments, the Court found that:

> [C]omments by Director Panetta did not officially disclose the CIA's involvement in the drone strike program . . . . Even if Director Panetta were speaking squarely on the issue of drone strikes, he never acknowledged the CIA's involvement in such program. That Director Panetta acknowledged that such a program exists and he had some knowledge of it, or that he was able to assess its success, is simply not tantamount to a specific acknowledgment of the CIA's involvement in such program, nor does it waive the CIA's ability to properly invoke Glomar.

Id. at 294 (citing *Wilner v. NSA*, 592 F.3d 60, 70 (2d Cir. 2009) (other citations omitted)). This Court noted that "Plaintiffs seek exactly what is *not* publicly available—an official CIA acknowledgment of the fact that it is or is not involved in the drone strike program." *Id.* at 296 (citing *Public Citizen v. Dep't of State*, 11 F.3d 198, 201 (D.C. Cir. 1993)). This Court also ruled that CIA's *Glomar* response was independently authorized under FOIA Exemption 1 based on Executive Order 13526, as well as the potential damage to national security that could occur by providing insight into CIA's foreign intelligence activities. *Id.* at 298–301.

ACLU filed its notice of appeal on November 9, 2011. Thereafter, on January 30, 2012, President Obama appeared on a live internet video forum, and stated:

> I think that we have to be judicious in how we use drones. But understand that probably our ability to respect the sovereignty of other countries . . . is enhanced by the fact that we are able to pinpoint-strike an al Qaeda operative in a place where the capacities of th[e] military in that country may not be able to get them. So obviously a lot of these strikes have been . . . going after al Qaeda suspects who are up in very tough terrain along the border between Afghanistan and Pakistan.

[6] The CIA Act exempts CIA from "any . . . law which require[s] the publication or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency." 50 U.S.C. § 403g. The NSA mandates that the "Director of National Intelligence shall protect intelligence sources and methods from unauthorized disclosure." 50 U.S.C. § 403–1(i)(1).

President Obama Hangs out with America, White House Blog (Jan. 30, 2012), http://www.whitehouse.gov/blog/2012/01/30/president-obama-hangs-out-america (last visited June 18, 2015); The White House, *Your Interview with the President—2012*

id. at 430 (quoting Cole Decl. ¶ 12); *see also id.* at 431 ("In short, although the President and Messrs. Brennan and Panetta did not say that the CIA possesses responsive documents, what they did say makes it neither 'logical' nor 'plausible' to maintain that the Agency does not have any documents relating to drones.").

The Circuit remanded for this Court to determine "'whether the *contents*—as distinguished from the *existence*—of the officially acknowledged records may be protected from disclosure by Exemptions 1 and 3.'" *Id.* at 432 (quoting *Wolf v. CIA*, 473 F.3d 370, 380 (D.C. Cir. 2007)). The Circuit instructed that, "with the failure of the CIA's broad

> to a limited category of documents, coupled with a *Vaughn* index for the remainder.

Drones II, 710 F.3d at 433–34.[8]

C. Additional Disclosures

After *Drones II*, the Executive Branch continued to declassify and disclose previously-classified information. *See* CIA 2nd Mot. [Dkt. 49], Declaration of Martha Lutz (Lutz Decl. I) ¶¶ 15-16. On May 22, 2013, Attorney General Eric Holder wrote to Senator Patrick J. Leahy, Chairman of the Senate Judiciary Committee, regarding counterterrorism

and that the President "authorized the declassification of this action, and the deaths of three other Americans in drone strikes, to facilitate transparency and debate on this issue and to dismiss some of the more outlandish claims that have been made").

D. New York Litigation

The analogous FOIA litigation in New York, referenced above, was brought by ACLU and the New York Times in the Southern District of New York, seeking records from multiple agencies regarding drone strikes on U.S. citizens. *See New York Times Co. v. Dep't of Justice*, No. 11-cv-9336 (CM) (S.D.N.Y. filed Dec. 20, 2011), *Am. Civ Civ (e)4a20, 2[-12(Tm)-[- ae8(of)-ceCL*

> After remand,
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> the Government redacted and released one additional OLC memorandum related to a contemplated operation against Anwar al-Aulaqi and one classified DOJ White Paper on the same subject. With respect to all responsive OLC memoranda, the district court has upheld the Government's withholdings in their entirety. The defendants have filed motions for summary judgment with respect to the remaining documents in dispute.

CIA 3rd Mot. [Dkt. 67-1] at 8 n.4. Proceedings continue before the U.S. District Court of the Southern District of New York.

E. Revised FOIA Request Here

In this case, o

additional materials about U.S. Government strikes that was not routinely compiled for analytical purposes." *Id*. However, "the parties agreed that only the four specific types of intelligence products would be subject to the litigation." *Id*. ACLU filed no response or objection to the CIA's clarifying Notice.

On November 25, 2014, CIA filed a third motion for summary judgment, Dkt. 67, acknowledging that its search yielded records responsive to ACLU's narrowed request. In total, CIA identified twelve documents responsive to ACLU's request for legal memoranda and thousands of intelligence products responsive to the four types of intelligence products covered by ACLU's request. *See* CIA 3rd Mot., Declaration of Martha M. Lutz (Lutz Decl. II) [Dkt. 67-2] ¶¶ 8, 9. CIA asserts that, with one exception, "disclosure of these documents would compromise classified, statutorily-protected, and privileged information." Lutz Decl. II ¶ 7. CIA invokes FOIA Exemptions 1, 3, and 5 to protect these records. *Id*. ¶ 7. CIA has also filed a classified declaration of Ms. Lutz for *ex parte, in camera* review. *See* Notice of Classified Lodging [Dkt. 68]. ACLU filed a cross-motion for summary judgment, Dkt. 70, arguing that CIA has not justified its withholding of responsive records. ACLU asks the Court to review the legal memoranda *in camera* to determine if any must be released and to direct CIA to segregate and disclose "strike metadata"

Cross-Mot. For Summ. J. [Dkt. 69] at 32 (Opp'n). ACLU does not challenge the adequacy of CIA's search for responsive records.

F. Supplemental Authority

On February 12, 2014, ACLU filed a Notice of Supplemental Authority for the

bear the burden of proof at trial." *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986). In ruling on a motion for summary judgment, a court must draw all justifiable inferences in the nonmoving party's favor and accept the nonmoving party's evidence as true. *Anderson*, 477 U.S. at 255. A nonmoving party, however, must establish more than "[t]he mere existence of a scintilla of evidence" in support of its position. *Id.* at 252.

In a FOIA case, a district court decides de novo whether an agency properly withheld information under a claimed exemption. *Mead Data Cent., Inc. v. Dep't of Air Force*, 566 F.2d 242, 251 (D.C. Cir. 1977). "The underlying facts are viewed in the light most favorable to the [FOIA] requester," *Weisberg v. U.S. Dep't of Justice*, 705 F.2d 1344, 1350 (D.C. Cir. 1983), and the exemptions are narrowly construed, *FBI v. Abramson*, 456 U.S. 615, 630 (1982).

FOIA cases are typically and appropriately decided on motions for summary judgment. *Miscavige v. IRS*, 2 F.3d 366, 368 (11th Cir. 1993); *Rushford v. Civiletti*, 485 F. Supp. 477, 481 n.13 (D.D.C. 1980), *aff'd*, *Rushford v. Smith*, 656 F.2d 900 (D.C. Cir. 1981). In a FOIA case, a district court may award summary judgment solely on the basis of information provided by the agency in affidavits when the affidavits describe "the documents and the justifications for nondisclosure with reasonably specific detail, demonstrate that the information withheld logically falls within the claimed exemption, and are not controverted by either contrary evidence in the record nor by evidence of agency bad faith." *Military Audit Project v. Casey*, 656 F.2d 724, 738 (D.C. Cir. 1981). Affidavits submitted by the agency to demonstrate the adequacy of its response are presumed to be in good faith. *Ground Saucer Watch, Inc. v. CIA*, 692 F.2d 770, 771 (D.C. Cir. 1981). An agency must demonstrate that "each document that falls within the class requested either has been produced, is unidentifiable, or is wholly [or partially]

exempt" from FOIA's requirements. *Goland v. CIA*, 607 F.2d 339, 352 (D.C. Cir. 1978) (internal quotation marks and citation omitted). "Ultimately, an agency's justification for invoking a FOIA exemption is sufficient if it appears 'logical' or 'plausible.'" *Larson v. Dep't of State*, 565 F.3d 857, 862 (D.C. Cir. 2009) (quoting *Wolf*, 473 F.3d at 374–75).

FOIA also requires that "[a]ny reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt." 5 U.S.C. § 552(b)(9); *see also Oglesby v. Dep't of Army*, 79 F.3d 1172, 1176 (D.C. Cir. 1996). Reasonably segregable information—that is, information that can be separated from the exempt portions of a document—must be produced unless the non-exempt portions are "inextricably intertwined with exempt portions." *Trans-Pacific Policing Agreement v. Customs Serv.*, 177 F.3d 1022, 1027 (D.C. Cir. 1999); *Juarez v. Dep't of Justice*, 518 F.3d 54, 61 (D.C. Cir. 2008) ("[D]ocuments may be withheld in their entirety when non-exempt portions are inextricably intertwined with exempt portions.") (internal quotations omitted). A district court has "'an affirmative duty to consider the segregability issue sua sponte.'" *Id*. at 60.

III. ANALYSIS

The question is whether ACLU can obtain certain legal memoranda concerning the U.S. Government's use of drone strikes and four type of records "routinely compiled by the CIA for analytical purposes containing charts or compilations about U.S. Government strikes sufficient to show" the detailed information requested on covert government actions. *See* CIA Notice at 1.

[Dkt. 49-

Declarations, the Court finds that CIA's response to ACLU's revised FOA -8((r)3(e)4(s)-1(qu)-1(pons) C)-13t

be expected to harm national security.[12] *See* Opp'n at 25-27, 29-

government drone strikes, concern the foreign relations or foreign activities of the United States.

"concern[] the U.S. Government's use of armed drones to carry out premeditated killings." CIA Notice at 1. ACLU does not contend that drone strikes are not an intelligence activity or method (or possibly reveal sources), nor could it. Thus, it is entirely logical and plausible that the legal analyses in the withheld memoranda pertain to intelligence activities, sources, and methods. *See Larson*, 565 F.3d at 862 ("Ultimately, an agency's justification for invoking a FOIA exemption is sufficient if it appears 'logical' or 'plausible.'") (internal citation omitted).

ACLU's sweeping assertion that CIA can exempt itself from FOIA simply by linking any kind of record to foreign activities is unfounded. The argument overlooks the three other classification requirements of E.O. 13526 (none of which ACLU contests here), including that CIA demonstrate that the disclosure of withheld records "could reasonably be expected to cause identifiable or describable damage to the national security." E.O. 13526 § 1.4. These

location of each strike, and the identities of those killed if known." CIA Notice at 1. Such details could reveal the scope of the drone program, its successes and limitations, the "methodology behind the assessments and the priorities of the Agency" and more. *See* Lutz Decl. II ¶ 25. The Court has no doubt that this kind of detail would reveal intelligence activities, sources, and methods and is properly protected under Exemption 1.

CIA alternately designated the intelligence products containing charts and compilations as relating to the "foreign relations and foreign activities of the United States," another protected category listed in Section 1.4 of E.O. 13526. *See Reply* [Dkt. 72] at 5; Lutz Decl. ¶¶ 14, 18. ACLU did not object to this designation. *See generally* Opp'n at 29-*See R Tc 0 Tw [(t)-1.9Hpk*

among those who make them within the Government." *Dep't of Interior v. Klamath Water Users Protective Ass'n*, 532 U.S. 1, 9 (2001); *accord Tax Analysts v. Internal Revenue Serv.*, 117

memoranda themselves is unnecessary. The classified Lutz Declaration has provided the information on which a privileged determination would be made. As a result, the Court is fully satisfied that the cited privileges have been validly invoked and applied. Accordingly, the Court concludes th

exemption." *Wolf*, 473 F.3d at 378. ACLU bears the burden of demonstrating that the information it seeks has been officially acknowledged. *See id*.; *Afshar*, 702 F.2d at 1130 ("[A]a plaintiff asserting a claim of prior disclosure must bear the initial burden of pointing to specific information in the public domain that appears to duplicate that being withheld.").

ACLU argues that the government has officially acknowledged basic facts about the drone program and information about the program's legal basis; therefore, ACLU concludes that *some* of the records CIA seeks to withhold must be released because the government has waived any FOIA exemptions with regard to such records. *See* Opp'n at 19-25. CIA denies that any of the withheld records has been officially acknowledged and dismisses ACLU's argument as speculative. *See* Reply at 10-11 (citing Lutz Decl. II ¶¶ 22-25). The Court finds that none of the requested information is available through an official disclosure and, accordingly, CIA has not waived its validly invoked FOIA exemptions with respect to the withheld records.

1. No Waiver of FOIA Exemptions as to Charts and Compilations

Pursuant to its revised FOIA request, ACLU seeks "records routinely compiled by the CIA for analytical purposes containing *charts or compilations* about U.S. Government strikes sufficient to show the *identity of* the intended *targets*, assessed number of *people killed*, *dates*, status of *those killed*, *agencies* involved, the *location* of each strike, and the *identities of those killed* if known." CIA Notice at 1 (emphasis added). ACLU argues that the government has officially acknowledged basic facts about U.S. involvement in drone strikes: (1) "[t]he government has acknowledged that it uses drones to carry out targeted killings overseas . . . in Yemen, Pakistan, and Somalia;" (2) "[t]he government has acknowledged that both the DOD and CIA have an *intelligence interest* in the use of drones to carry out targeted killings;" (3) "[t]he government has acknowledged that both the DOD and the CIA have an *operational role* in drone

strikes;" (4) "[t]he government has acknowledged that Anwar al-Aulaqi was targeted, and that U.S. drone strikes have killed two other U.S. citizens in Yemen;" and (5) "[t]he government has officially disclosed the bases on which the government placed Anwar al-Aulaqi on the 'terrorist list' and determined that al-Aulaqi was a legitimate target of lethal force." Opp'n at 20-22 (emphasis in original).

Many of these allegedly disclosed facts are not relevant to the immediate FOIA request. Whether the government has acknowledged that CIA has an intelligence interest in drone strikes or an operational role in drone strikes will not aid ACLU. At best, these alleged disclosures identify the general nature of CIA's connection to drone strikes. By contrast, ACLU has requested granular details about every drone strike recorded on CIA charts or compilations. *See* CIA Notice at 1. Further, ACLU did not request information regarding the factual basis for the government's decision to place Anwar al-Aulaqi on the "terrorist list" or the government's determination that he was a legitimate target of lethal force. *See id*. Because none of the information requested by ACLU matches these alleged factual disclosures, such disclosures do not constitute a waiver of the FOIA exemptions validly invoked here. *See ACLU v. DoD*, 628 F.3d at 620 ("information requested must match the information previously disclosed").

ACLU also incorrectly cites Eric Holder's May 22, 2013 letter to Senator Patrick Leahy to support its claim that the government has officially acknowledged that U.S. drone

death, Mr. Holder stated that the individuals were killed by "U.S. counterterrorism operations." *Id*. Mr. Holder's statements about counterterrorism operations plainly do not "match" the specific information ACLU requested about drone strikes and are insufficient as a matter of fact and law to compel disclosure of any of the withheld intelligence products. *See ACLU v. DoD*, 628 F.3d at 620.

With respect to the remaining alleged disclosures, ACLU attempts to string together snippets of facts from various sources in the hopes that such information collectively is "as specific as" and "matches" the info

The FOIA plaintiff in *Assassination Archives & Research Ctr. v. CIA* sought release of a CIA-prepared multivolume compendium of information on "Cuban Personalities," which included "personality profiles of, or biographic data on, a number of Cuban individuals." 334 F.3d at 56. The plaintiff argued that CIA waived any applicable FOIA exemption because the biographies of several Cuban nationals had been released under the John F. Kennedy Assassination Records Collection Act (JFK Act), codified at 44 U.S.C. § 2107 note. *Id*. at 59. The plaintiff proffered the declaration of a University of Maryland associate professor who stated, "[a] very high percentage of this volume of documents concerned Cuba, Cuban exiles and Cuban exile organizations and that, in his judgment, the overwhelming majority of Cuban personalities in whom the CIA has had an interest have been disclosed under the JFK Act." *Id*. at 60-61 (international quotation marks omitted). The Circuit acknowledged that "it may be that some information disclosed pursuant to the JFK Act is included in the Compendium," but nonetheless concluded that the plaintiff had not met its burden to "show that information duplicates the contents of the Compendium." *Id*. at 60. The Circuit emphasized that the professor's declaration was deficient because it "made no *specific* showing that any of the JFK Act disclosures revealed information that is as specific as and matches that included in the Compendium." *Id*. at 61 (internal quotation marks omitted).

As with the FOIA plaintiffs in *Public Citizen* and *Assassination Archive*, ACLU has merely pointed to alleged disclosures of vaguely similar information, but has failed to identify officially disclosed information that "precisely track[s]" or "duplicates" the information it has requested. *See Assassination Archive*, 334 F.3d at 60. ACLU has identified public

statements regarding U.S. drones strikes in

the very meeting to which the requested documents related. *See Public Citizen*, 11 F.3d at 201. The *Assassination Archives* FOIA plaintiff failed to carry its burden despite the release of information under the JFK Act about Cuban nationals. *See Assassination Archives*, 334 F.3d at 60-

in Yemen against a U.S. citizen," Anwar al-Aulaqi. Lutz Decl. II ¶ 22. Beyond the DOJ White Paper, CIA "determined that, based on [a] page-by-page, line-by-line review of the record, some information in the DOJ Classified White Paper remains currently and properly classified" and that "the redacted information goes beyond what has been publicly disclosed." *Id*. ¶¶ 22-23. Ms. Lutz affirmed that there has been no official acknowledgment of the remaining legal memoranda. *Id*. ¶ 24.

ACLU argues that CIA has waived its FOIA exemptions as to some of the withheld legal memoranda, or portions thereof, because the government has already disclosed its analysis of 18 U.S.C. § 1119 (the statute that makes it a crime for "a national of the United States, [to] kill [] or attempt[] to kill a national of the United States while such national is outside

has not met its burden to show that there has been official acknowledgment of any of the

ACLU requests that the Court direct CIA to segregate and disclose the particular factual information it requested, *i.e.*, the "identity of the intended targets, assessed number of people killed, dates, status of those killed, agencies involved, the location of each strike, and the identities of those killed if known," Lutz Decl. II ¶ 6. *See* Opp'n at 32. CIA explains that it conducted a page-by-page and line-by-line review of the materials responsive to ACLU's request. *See* Lutz Decl. II ¶ 31. CIA released portions of the DOJ White Paper and otherwise "determined that there is no reasonably segregable, non-exempt portions of documents that can be released without potentially compromising classified information, intelligence sources and methods, and/or material protected by privilege." *Id*. The three Lutz Declarations provide a reasonably detailed justification that any non-exempt material cannot be segregated and released. Moreover, the Court concludes that any isolated words or phrases that might not be redacted for release would be meaningless. The Court finds that CIA has demonstrated that it has not withheld any segregable, non-exempt materials and therefore denies ACLU's request that it order CIA to do so.

IV. CONCLUSION

For the reasons set forth above, the Court will grant CIA's Motion for Summary Judgment and deny ACLU's Cross-Motion for Summary Judgment. A memorializing Order accompanies this Opinion.

Date: June 18, 2015

/s/
ROSEMARY M. COLLYER
United States District Judge