



U.S. Department of Justice

Office of Information Policy

Telephone: (202) 514-3642

Washington, D.C. 20530

AUG 25 2010

Ms. Charlotte Dennett
The Robert Jackson Steering Committee
c/o Lawrence Velvel
500 Federal Street
Andover, MA 01810

Re: AG/10-R0619
CLM:VRB:NCJ

Dear Ms. Dennett:

This responds to your Freedom of Information Act (FOIA) request dated January 7, 2010, which was received in this Office on March 5, 2010, in which you requested (1) the Office of Professional Responsibility's (OPR) report regarding the performance of Bush administration lawyers in the Office of Legal Counsel from 2002-2007; (2) the first OPR report on the performance of Bush administration lawyers in OLC, completed in December 2008; and (3) the January 19, 2009 letter from former Attorney General Michael Mukasey and former Deputy Attorney General Mark Filip to OPR regarding its December 2008 report. Your letter was originally directed to the Department of Justice's Office of Professional Responsibility, which then forwarded your request to this Office, for processing on behalf of the Office of the Attorney General.

With regard to item (1) of your request, as you are aware the OPR report entitled "Investigation into the Office of Legal Counsel's Memoranda Concerning Issues Relating to the Central Intelligence Agency's Use of 'Enhanced Interrogation Techniques' on Suspected Terrorists" is now available, in partially redacted form, on the House Judiciary Committee's website at http://judiciary.house.gov/issues/issues_OPRReport.html. Please be advised that this report, in which certain information is being withheld pursuant to Exemptions 1, 3, 5 and 6 of the FOIA, 5 U.S.C. § 552(b)(1), (3), (5) and (6), is currently the subject of litigation in ACLU v DOJ, No. 10-0123 (D.D.C.). Exemption 1 pertains to information that is properly classified in the interest of national security pursuant to Executive Order 13526. Exemption 3 pertains to information exempted from release by statute, in this instance the National Security Act of 1947, 50 U.S.C. § as amended, and the Central Intelligence Agency Act of 1949, 50 U.S.C. § as amended. Exemption 5 pertains to certain inter- and intra-agency information protected by the deliberative process, attorney work-product, attorney-client and presidential communications privileges. Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties. For your information, an additional eleven pages of the final report have recently been released with certain information now unredacted. Copies of these eleven pages are enclosed.

With regard to items (2) and (3) of your request, please be advised that other documents associated with the OPR report are also available, some with redactions, on the House Judiciary Committee's website.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001. Your appeal must be received within sixty days from the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in black ink, appearing to read "Carmen L. Mallon", with a long horizontal flourish extending to the right.

Carmen L. Mallon
Chief of Staff

Enclosures