



U.S. Department of Justice

Office of Legal Counsel

Washington, D.C. 20530

March 15, 2012

Jameel Jaffer
Deputy Legal Director
American Civil Liberties Union
125 Broad St., 18th Floor
New York, New York 10004

Dear Mr. Jaffer:

This letter responds to your Freedom of Information Act (FOIA) request to the Office of Legal Counsel (OLC) dated May 31, 2011. We understand that the ACLU has stipulated in *ACLU v. FBI*, 11 Civ. 7562 (S.D.N.Y.), that the request is limited to OLC legal opinions and memoranda concerning or interpreting Section 215 of the USA Patriot Act. We have searched OLC's files and found two documents that are responsive to your request. We are withholding the documents pursuant to FOIA Exemption Five, 5 U.S.C. § 552(b)(5). They are protected by the deliberative process privilege, and they are not appropriate for discretionary release.

In addition, in response to your FOIA request, the Office of Information Policy has referred one document to OLC for direct response to the ACLU. That document is the same as one of the two documents described above.

Although I am aware that your request is the subject of ongoing litigation and appeals are not ordinarily acted on in such situations, I am required by statute and regulation to inform you of your right to file an administrative appeal. Any administrative appeal must be received within 60 days of the date of this letter by the Office of Information Policy, United States Department of Justice, Flag Building, Suite 570, Washington, D.C. 20530-0001. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

Paul P. Colborn
Special Counsel