

Electronic Frontier Foundation v. Office of the Director of National Intelligence and Department of Justice,
Case No. 08-02997-JSW

Records withheld by the Office of Legal Counsel

Group Number	Date	From	To	CC	Description	Pages	Exemption/ Privilege
1	Undated Est. 12-2007	John Eisenberg (OLC)			Classified handwritten notes taken during a closed meeting with congressional staff concerning FISA that reveal substance of NSA activities and content of classified DOJ legal opinions.	2	(b)(1): CI (b)(3): § 6 (b)(5): PC, DP
2	01/17/07	Tasia Scolinos (OPA)	Don Stewart (Senate); Brian Roehrkasse (OPA); White House staff	Steve Bradbury (OLC)	Inter-Congress/Executive Branch e-mail chain deliberating response to potential press inquiry concerning FISA amendments.	1	(b)(5): PC, DP
3	01/17/07	Don Stewart (Senate)	Tasia Scolinos (OPA); Brian Roehrkasse (OPA); White House staff	Steve Bradbury (OLC)	Inter-Congress/Executive Branch e-mail chain deliberating response to potential press inquiry concerning FISA amendments.	1	(b)(5): PC, DP
4	01/17/07	Steve Bradbury (OLC)	Brett Gerry (NSD); White House staff	Tasia Scolinos (OPA); Brian Roehrkasse (OPA)	E-mail chain deliberating matters relating to President's decision to end the Terrorist Surveillance program. References Brad Berenson.	3	(b)(5): DP
5	01/17/07	Dyone Mitchell (OLC)	Steve Bradbury (OLC); John Eisenberg (OLC)		Logistical e-mail. Partial release.	1	(b)(2): IP (b)(3): SM (b)(6): PI

6	01/24/07	Jeremy Bash (HPSCI)	NSA staff	Richard Hertling (OLA); Wyndee Parker (HPSCI); Vito Potenza (NSA); Sarah Roland (OLA); Steve Bradbury (OLC); Ken Wainstein (NSD); White House staff; NSA staff	Inter-Congress/Executive Branch e-mail from House staffer discussing briefing on TSP and congressional review of highly classified FISA court orders and related materials.	2	(b)(2): IP (b)(3): § 6 (b)(5): PC, DP
7	01/26/07	Steve Bradbury (OLC)	Andy Johnson (SSCI)		Inter-Congress/Executive Branch e-mail consisting of deliberations/negotiations re: provision of highly classified FISA court orders and related materials to SSCI.	1	(b)(5): PC, DP
8	01/26/07	Steve Bradbury (OLC)	Jeremy Bash (HPSCI)		Inter-Congress/Executive Branch e-mail consisting of deliberations/negotiations re: provision of highly classified FISA court orders and related materials to SSCI.	1	(b)(2): IP (b)(3): § 6 (b)(5): PC, DP
9	01/26/07	Steve Engel (OLC)	Kevin Marshall (OLC)	Steve Bradbury (OLC); John Elwood (OLC)	E-mail forwarding e-mail from Brad Berenson requesting assistance in preparing testimony concerning congressional authority to impose limits on the conduct of war, and expressing opinions and making recommendations with respect to that e-mail. RELEASED 05/12/09.	2	(b)(5): DP

10	01/26/07	Steve Bradbury (OLC)	Richard Hertling (OLA); Vito Potenza (NSA); NSA, ODNI, and White House staff	Kyle Sampson (OAG); William Moschella (OLA); Kenneth Wainstein (NSD); Brett Gerry (NSD); Matthew Olsen (NSD); John Eisenberg (OLC); Matthew Friedrich (OAG); White House staff	Intra-Executive Branch e-mail summarizing deliberations/negotiations with HPSCI staff regarding congressional access to highly classified FISA court orders and related materials.	1	(b)(2): IP (b)(3): § 6 (b)(5): PC, DP
11	01/27/07	Steve Bradbury (OLC)	Jeremy Bash (HPSCI)		Inter-Congress/Executive Branch e-mail chain consisting of deliberations/negotiations regarding HPSCI request for access to highly classified FISA court orders and related materials.	2	(b)(2): IP (b)(3): § 6 (b)(5): PC, DP
12	01/27/07	Steve Bradbury (OLC)	White House staff	ODNI, DOJ, NSA, and White House staff	Intra-Executive Branch e-mail summarizing deliberations/negotiations with SSCI and HPSCI staff regarding congressional access to highly classified FISA court orders and related materials.	1	(b)(2): IP (b)(3): § 6 (b)(5): PC, DP
13	01/29/07	Steve Bradbury (OLC)	Jeremy Bash (HPSCI)		Inter-Congress/Executive Branch e-mail chain consisting of deliberations/negotiations regarding HPSCI request for access to highly classified FISA court orders and related materials.	2	(b)(5): PC, DP

14	01/29/07	Steve Bradbury (OLC)	Jeremy Bash (HPSCI)	Donesa, Chris (HPSCI)	Inter-Congress/Executive Branch e-mail chain consisting of deliberations/negotiations regarding HPSCI request for access to highly classified FISA court orders and related materials.	2	(b)(5): PC, DP
15	01/29/07	Steve Bradbury (OLC)	Ben Powell (ODNI); White House staff	Kenneth Wainstein (NSD); Matthew Olsen (NSD); Brett Gerry (NSD); John Eisenberg (OLC); William Moschella (OLA); Kyle Sampson (OAG); Richard Hertling (OLA); Matthew Friedrich (OAG)	Intra-Executive Branch e-mail forwarding and requesting advice on e-mail chain consisting of deliberations/negotiations with HPSCI staffer regarding HPSCI request for access to highly classified FISA court orders and related materials.	2	(b)(2): IP (b)(3): § 6 (b)(5): PC, DP
16	01/29/07	Steve Bradbury (OLC)	Ben Powell (ODNI); ODNI, White House, and NSA staff	Kenneth Wainstein (NSD); Matthew Olsen (NSD); Brett Gerry (NSD); John Eisenberg (OLC); William Moschella (OLA); Kyle Sampson (OAG); Richard Hertling (OLA); Matthew Friedrich (OAG)	Intra-Executive Branch e-mail forwarding and requesting advice on e-mail chain consisting of deliberations/negotiations with HPSCI staffer regarding HPSCI request for access to highly classified FISA court orders and related materials.	2	(b)(2): IP (b)(3): § 6 (b)(5): PC, DP

17	01/30/07	Jeremy Bash (HPSCI)	Steve Bradbury (OLC)	Chris Donesa (HPSCI)	Inter-Congress/Executive Branch e-mail chain consisting of negotiations/deliberations with HPSCI staffer regarding HPSCI request for access to highly classified FISA court orders and related materials.	2	(b)(5): PC, DP
18	01/30/07	Steve Bradbury (OLC)	Andy Johnson (SSCI)	Louis Tucker (SSCI); Mike Davidson (SSCI); C. Healey (SSCI)	Inter-Congress/Executive Branch e-mail chain consisting of negotiations/deliberations with SSCI staffer regarding SSCI request for access to highly classified FISA court orders and related materials, and possible briefing on these materials.	2	(b)(5): PC, DP
19	01/30/07	Jack Livingston (SSCI)	Steve Bradbury (OLC)		Inter-Congress/Executive Branch e-mail chain consisting of negotiations/deliberations with SSCI staffer regarding SSCI request for access to highly classified FISA court orders and related materials.	2	(b)(5): PC, DP
20	01/30/07	Steve Bradbury (OLC)	Louis Tucker (SSCI)		Inter-Congress/Executive Branch e-mail chain discussing providing SSCI with access to highly classified FISA court orders and related materials.	1	(b)(5): PC, DP

21	01/30/2007	Steve Bradbury (OLC)	NSA and ODNI staff	Kenneth Wainstein (NSD); Brett Gerry (NSD); Matthew Olsen (NSD); John Eisenberg (OLC); Caroline Krass (OLC); Richard Hertling (OLA); Kyle Sampson (OAG); William Moschella (OLA); White House staff	Intra-Executive Branch e-mail forwarding and requesting advice on e-mail chain consisting of deliberations/negotiations with HPSCI staffer regarding HPSCI request for access to highly classified FISA court orders and related materials.	2	(b)(2): IP (b)(3): § 6 (b)(5): PC, DP
22	01/31/07	Steve Bradbury (OLC)	Jeremy Bash (HPSCI)	Chris Donesa (HPSCI)	Inter-Congress/Executive Branch e-mail chain consisting of deliberations/negotiations regarding HPSCI request for access to highly classified FISA court orders and related materials.	4	(b)(5): PC, DP
23	01/31/07	Louis Tucker (SSCI)	Steve Bradbury (OLC); A. Johnson (SSCI)	Michael Davidson (SSCI); C. Healey (SSCI)	Inter-Congress/Executive Branch e-mail chain reflecting negotiations/deliberations with SSCI staffers regarding SSCI request for access to highly classified FISA court orders and related materials, and possible briefing on these materials.	2	(b)(5): PC, DP

24	01/31/07	Steve Bradbury (OLC)	Ben Powell (ODNI); Kenneth Wainstein (NSD); Matthew Olsen (NSD); Brett Gerry (NSD); John Eisenberg (NSD); Caroline Krass (OLC); Richard Hertling (OLA); William Moschella (OLA); Kyle Sampson (OAG); NSA, ODNI, and White House staff		Intra-Executive Branch e-mail deliberating negotiations with HPSCI and SSCI staffers regarding requests for access to highly classified FISA court orders and related materials.	4	(b)(2): IP (b)(3): § 6 (b)(5): PC, DP
25	02/09/07	Steve Bradbury (OLC)	Jack Livingston (SSCI)		Inter-Congress/Executive Branch e-mail forwarding judicial opinion (attached) relating to TSP and referencing earlier conversation.	25	(b)(5): DP, PC
26	02/09/07	Steve Bradbury (OLC)	Ben Powell (ODNI); Kenneth Wainstein (NSD); Brett Gerry (NSD); Matthew Olen (NSD); John Eisenberg (OLC); Kyle Sampson (OAG); Matthew Friedrich (OAG); William Moschella (OLA); Richard Hertling (OLA); NSA, NSC, White House, and ODNI staff		Intra-Executive Branch E-mail summarizing conversation with SSCI staffer re: request by Senator to review highly classified FISA court orders and related materials.	1	(b)(2): IP (b)(3): § 6 (b)(5): PC, DP
27	02/13/07	Representative or agent of telecommunications company that shares common interest with United States in pending litigation.	Steve Bradbury (OLC); Vito Potenza (NSA)	Representatives or agents of telecommunications company that shares common interest with U.S. in pending litigation; John Eisenberg (OLC).	Logistical e-mail. Partial release.	1	(b)(2): IP (b)(3): SM, § 6 (b)(6): PI

28	02/15/07	NSA staff	Steve Bradbury (OLC)		Logistical e-mail. Partial release.	1	(b)(2): IP (b)(3): SM, § 6 (b)(6): PI
29	02/19/07	John Abegg (Senator McConnell)	John Eisenberg (OLC)		Inter-Congress/Executive Branch e-mail chain suggesting, analyzing, and deliberating edits to proposed FISA amendments.	2	(b)(2): IP (b)(5): PC, DP
30	02/19/07	Representative or agent of telecommunications company that shares common interest with U.S. in pending litigation	Steve Bradbury (OLC); NSA staff; Representative or agent of telecommunications company that shares common interest with U.S. in pending litigation	Representative or agent of telecommunications company that shares common interest with U.S. in pending litigation	Logistical e-mail. Partial release.		(b)(2): IP (b)(3): SM, § 6 (b)(6): PI
31	02/20/07	Jack Livingston (SSCI)	Steve Bradbury (OLC)		Inter-Congress/Executive Branch e-mail chain discussing Senator's access to highly classified FISA court order and related materials.	1	(b)(5): PC, DP
32	02/20/07	John Eisenberg (OLC)	John Abegg (Senator McConnell)		Inter-Congress/Executive Branch e-mail chain suggesting, analyzing, and deliberating edits to proposed FISA amendments.	4	(b)(2): IP (b)(5): PC, DP
33	02/20/07	John Eisenberg (OLC)	John Abegg (Senator McConnell); NSC staff	Robit Kumar (Senator McConnell); Sharon Soderstrom (Senator McConnell); Steve Bradbury (OLC)	Inter-Congress/Executive Branch e-mail chain suggesting, analyzing, and deliberating edits to proposed FISA amendments.	2	(b)(2): IP (b)(5): PC, DP

34	02/21/07	Representatives or agents of telecommunications company that shares common interest with U.S. in pending litigation	Representatives or agents of telecommunications company that shares common interest with U.S. in pending litigation	Steve Bradbury (OLC); NSA staff; telecommunications representatives sharing common interest with U.S. in pending litigation	E-mail re: meeting at Justice Command Center.	1	(b)(2): IP (b)(3): SM (b)(6): PI
35	02/22/07	John Eisenberg (OLC)	John Abegg (Senator McConnell)		Inter-Congress/Executive Branch e-mail chain suggesting, analyzing, and deliberating edits to proposed FISA amendment.	4	(b)(2): IP (b)(5): PC, DP
36	02/22/07	John Eisenberg (OLC)	John Abegg (Senator McConnell)		Inter-Congress/Executive Branch e-mail chain suggesting, analyzing, and deliberating edits to proposed FISA amendment.	4	(b)(2): IP (b)(5): PC, DP
37	02/22/07	Brett Gerry (NSD)	John Eisenberg (OLC); Carl Nichols (CIV)		Intra-Executive Branch e-mail summarizing conversation with Jon Abegg (Senator McConnell) re: possible edits to proposed FISA amendment, forwarding related e-mail chain, and deliberating possible edits.	4	(b)(2): IP (b)(5): PC, DP
38	02/23/07	John Abegg (McConnell)	John Eisenberg (OLC)	J. Livingston (Intelligence)	Inter-Congress/Executive Branch e-mail chain consisting of deliberations and suggestions regarding draft of proposed FISA reform legislation.	1	(b)(5): PC, DP (b)(6): PI
39	02/23/07	Andy Johnson (SSCI)	Brett Gerry (NSD); John Eisenberg (OLC); Matthew Olsen (NSD)	Davidson, M. (Intelligence); Livingston, J. (Intelligence)	Inter-Congress/Executive Branch e-mail forwarding SSCI request for classified materials.	1	(b)(3): § 6 (b)(5): PC, DP

40	02/23/07	John Abegg (Senator McConnell)	John Eisenberg (OLC)		Inter-Congress/Executive Branch e-mail requesting DOJ review of draft of proposed FISA reform legislation (attached).	4	(b)(5): PC, DP
41	02/27/07	Jack Livingston (SSCI)	John Eisenberg (OLC)		Inter-Congress/Executive Branch e-mail chain conveying and discussing copies of DOJ "fact sheets" on need for FISA amendments.	1	(b)(5): PC, DP
42	02/28/07	Jack Livingston (SSCI)	John Eisenberg (OLC)		Inter-Congress/Executive Branch e-mail chain re: request for copies of DOJ "fact sheets" concerning need for FISA amendments.	1	(b)(5): PC, DP
43	03/06/07	John Eisenberg (OLC)	Jack Livingston (SSCI)		Inter-Congress/Executive Branch e-mail forwarding draft of proposed FISA amendment (attached).	4	(b)(5): PC, DP
44	03/06/07	John Eisenberg (OLC)	John Eisenberg (OLC); Steve Bradbury (OLC); Carl Nichols (CIV); Brett Gerry (NSD)		Intra-Executive Branch e-mail chain deliberating request from SSCI staff for views on proposed FISA amendment.	1	(b)(5): PC, DP
45	03/07/07	Kathleen Rice (SSCI)	John Eisenberg (OLC)		Inter-Congress/Executive Branch e-mail re: DOJ comments on and Senate consideration of proposed FISA amendment. Upon further review, this document was determined to be nonresponsive to the request.	4	(b)(5): PC, DP

46	03/13/07	Steve Bradbury (OLC)	Representatives of telecommunications company that shares common interest with U.S. in pending litigation		E-mail exchange in contemplation of pending litigation between parties with a common interest in that litigation. E-mail providing information of possible relevance to defendant telecommunication company's arguments in that litigation.	2	(b)(3): SM (b)(5): WP, DP (b)(6): PI
47	04/09/07	Sarah Roland (OLA)	Steve Bradbury (OLC); Louis Tucker (SSCI); DNI official	Michael Lawrence; Ben Powell (ODNI); Kenneth Wainstein (NSD), Matt Olsen (NSD); Brett Gerry (NSD); John Eisenberg (OLC); Robert Tracci (OLA)	Inter-Congress/Executive Branch e-mail chain re: logistics and issues for presentation at meeting with Members of Congress concerning FISA amendments.	2	(b)(2): IP (b)(3): SM (b)(5): PC, DP (b)(6): PI
48	04/09/07	Kathleen Turner (ODNI)	Louis Tucker (SSCI)	NSA staff; Steve Bradbury (OLC); Benjamin Powell (ODNI)	Inter-Congress/Executive Branch e-mail discussing substance of upcoming meeting relating to FISA amendments. Partial release.	1	(b)(2): IP (b)(5): PC, DP (unasserted in part)
49	04/11/07	Steve Bradbury (OLC)	John Eisenberg (OLC)		E-mail re: possible call with telecommunications representative to discuss proposed amendments to FISA.	1	(b)(3): SM (b)(5): WP, PC (b)(6): PI
50	04/18/07	Lawan Robinson (OLC)	Steve Bradbury (OLC)		Logistical e-mail. Partial release.	1	(b)(2): IP (b)(3): SM (b)(6): PI

51	04/19/07	Representative of telecommunications company that shares common interest with U.S. in pending litigation	Steve Bradbury (OLC)	John Eisenberg (OLC)	E-mail chain consisting of communications between parties with a common interest in pending litigation in contemplation of that litigation. E-mail concerns matters relating to the FISA amendments that were of possible relevance to the pending litigation. Partial release.	2	(b)(3): SM (b)(5): WP, DP, PC (unasserted in part) (b)(6): PI
52	04/19/07	Representative of telecommunications company that shares common interest with U.S. in pending litigation	Steve Bradbury (OLC)		Logistical e-mail. Partial release.	1	(b)(2): IP (b)(3): SM (b)(6): PI
53	04/26/07	Brett Gerry (NSD)	John Elwood (OLC)	John Eisenberg (OLC)	Intra-Executive Branch e-mail re: preparation of response to request from House Judiciary Committee member for further briefings on matters of relevance to FISA reform legislation.	1	(b)(5): DP, PC, IBJDP
54	05/07/07	Steve Bradbury (OLC)	Richard Hertling (OLA); Sarah E. Roland (OLA)		Intra-Executive Branch e-mail discussing possibility of meeting with Senators, and proposal for such a meeting, with respect to matters relating to FISA amendments. Partial release.	2	(b)(5): PC, DP (unasserted in part)

55	05/08/07	Steve Bradbury (OLC)	Sarah Roland (OLA); Ben Powell (ODNI)	NSD staff; DNI staff; and NSA staff	Intra-Executive Branch e-mail discussing request of Senators to be briefed regarding matters relating to the FISA amendments. Partial release.	2	(b)(2): IP (b)(5): PC, DP (unasserted in part)
56	05/09/07	Louis Tucker (SSCI)	Steve Bradbury (OLC)		Inter-Congress/Executive Branch e-mail chain reflecting deliberations/negotiations re: providing classified DOJ legal opinions, classified pleadings filed with the Foreign Intelligence Surveillance Court Order, and related documents to SSCI.	3	(b)(5): PC, DP
57	05/09/07	Steve Bradbury (OLC)	John Eisenberg (OLC); Brett Gerry (NSD); Kenneth Wainstein (NSD)	Benjamin Powell (ODNI); Sarah Roland (OLA); Carl Nichols (OLC); Vito Potenza (NSA)	Intra-Executive Branch e-mail forwarding chain consisting of deliberations/negotiations re: providing classified DOJ legal opinions, classified pleadings filed with the Foreign Intelligence Surveillance Court Order, and related documents to SSCI.	2	(b)(2): IP (b)(3): § 6 (b)(5): PC, DP
58	05/31/07	Brett Gerry (NSD)	Mike Davidson (SSCI); John Eisenberg (OLC); ODNI staff		Logistical e-mail. Partial release.	1	(b)(2): IP (b)(5): PC (unasserted in part)
59	06/11/07	John Eisenberg (OLC)	Jeremy Bash (HPSCI); Brett Gerry (NSD)	Chris Donesa (HPSCI); Wyndee Parker (HPSCI)	Inter-Congress/Executive Branch e-mail re: scheduling legal briefing for HPSCI staff and discussing possible content of briefing.	2	(b)(5): PC, DP

60	07/27/07	Jack Livingston (SSCI)	Louis Tucker (SSCI); Ben Powell (ODNI); Brett Gerry (OLP); Matthew Olsen (NSD); Kenneth Wainstein (NSD); NSA, White House, and ODNI staff; various congressional staff		Inter-Congress/Executive Branch e-mail transmitting, describing, and requesting views on draft (attached) of proposed FISA amendments.	49	(b)(2): IP (b)(3): § 6 (b)(5): PC, DP
61	07/27/07	Chris Doneso (HPSCI)	Brett Gerry (OLP); John Eisenberg (OLC); Sarah Roland (OLA); Vito Potenza (NSA); ODNI staff; NSA staff		Logistical e-mail (letter attached). Partial release.	4	(b)(2): IP (b)(3): § 6 (b)(5): PC (unasserted in part)
62	07/30/07	Nick Rossi (HJC)	Ben Powell (ODNI); Steven Bradbury (OLC); Kathleen Turner (ODNI); congressional staff	Ben Powell (ODNI); congressional staff	Inter-Congress/Executive Branch e-mail discussing proposed agenda of future meeting relating to FISA amendments. Partial release.	3	(b)(2): IP (b)(5): PC, DP (unasserted in part)
63	07/30/07	K. Rice (SSCI)	Congressional staff; DNI staff; DOJ staff	Congressional staff; DNI staff	Inter-Congress/Executive Branch e-mail discussing proposed agenda of future meeting relating to FISA amendments. Partial release.	1	(b)(2): IP (b)(5): PC, DP (unasserted in part)
64	07/30/07	Nick Rossi (HJC)	Ben Powell (ODNI); Louis Tucker (SSCI); Jack Livingston (SSCI); Steve Bradbury (OLC); Brett Gerry (OLP)	Ben Powell (ODNI); Kathleen Rice (SSCI); Sarah Roland (OLA)	Inter-Congress/Executive Branch e-mail transmitting, and describing intra-Branch deliberations regarding, statement by a U.S. Senator (attached) concerning the TSP. Attachment released.	2	(b)(2): IP (b)(3): § 6 (b)(5): PC, DP

65	07/30/07	Jack Livingston (SSCI)	Ben Powell (ODNI); Steve Bradbury (OLC); Brett Gerry (OLP); Vito Potenza (NSA); Matthew Olsen (NSD); John Eisenberg (OLC); NSA staff	Kathleen Rice (SSCI) (SSCI)	Inter-Congress/Executive Branch e-mail transmitting, describing, and requesting views on draft of proposed FISA amendments (attached).	10	(b)(2): IP (b)(3): § 6 (b)(5): PC, DP
66	08/01/07	Jack Livingston (SSCI)	Steve Bradbury (OLC); Brett Gerry (OLP)		Inter-Congress/Executive Branch e-mail transmitting and describing draft FISA amendments (attached).	21	(b)(5): PC, DP
67	08/02/07	Steve Engel (OLC)	Matthew Johnson (SJC)		Inter-Congress/Executive Branch e-mail chain discussing DOJ personnel involved in FISA negotiations and legislative process.	1	(b)(5): PC, DP
68	08/04/07	Chris Donesa (HPSCI)	John Eisenberg (OLC)		Inter-Congress/Executive Branch e-mail chain consisting of deliberations with respect to FISA amendments.	1	(b)(2): IP (b)(5): PC, DP
69	08/04/07	Chris Donesa (HPSCI)	John Eisenberg (OLC)		Inter-Congress/Executive Branch e-mail chain consisting of deliberations with respect to FISA amendments.	1	(b)(5): PC, DP
70	08/07/07	Chris Donesa (HPSCI)	Ben Powell (ODNI); Brett Gerry (OLP); Matthew Olsen (NSD); John Eisenberg (OLC); Sarah E. Roland (OLA); Vito Potenza (NSA); NSA and ODNI staff		Inter-Congress/Executive Branch e-mail forwarding letter (attached) from Rep. Hoeskstra to the <i>New York Times</i> re: editorial on FISA. Attachment released.	5	(b)(2): IP (b)(3): § 6 (b)(5): PC, DP

71	08/08/07	Jeremy Bash (HPSCI)	Ben Powell (ODNI); Vito Potenza (NSA); Matthew Olsen (NSD); Brett Gerry (OLP); John Eisenberg (OLC)	Wyndee Parker (HPSCI); Chris Donesa (HPSCI); Mike Delaney (HPSCI); Ashley Lowry (HPSCI)	Inter-Congress/Executive Branch e-mail discussing inter-branch deliberations, logistics for HPSIC staff briefing concerning FISA implementation, as well as staff access to classified information.	1	(b)(2): IP (b)(3): § 6 (b)(5): PC, DP
72	08/20/07	Wyndee Parker (HPSCI)	John Eisenberg (OLC)	Perry Apelbaum; Jeremy Bash (HPSCI); Mike Delaney (HPSCI); Sarah Roland (OLA); Matthew Olsen (NSD); Steve Bradbury (OLC)	Inter-Congress/Executive Branch e-mail seeking update on HPSCI request for FISA-related documents and logistics for meeting to discuss those requests.	1	(b)(2): IP (b)(5): PC, DP
73	08/21/07	Jack Livingston (HPSCI)	Kenneth Wainstein (NSD); Steve Bradbury (OLC); Brett Gerry (OLP); John Eisenberg (OLC); Ben Powell (ODNI); Valerie Caproni (FBI); Vito Potenza (NSA); NSA officials	Kathleen Rice (SSCI) (Intelligence)	Inter-Congress/Executive Branch e-mail transmitting, describing, and requesting views on drafts of proposed FISA amendments (attached).	64	(b)(2): IP (b)(3): § 6 (b)(5): PC, DP
74	10/02/07	Representative of telecommunications company that shares common interest with U.S. in pending litigation	Ben Powell (ODNI); Carl Nichols (CIV); Steven Bradbury (OLC); White House staff		E-mail in contemplation of pending litigation exchanged between parties with a common interest in that litigation. The e-mail seeks guidance with respect to congressional request for information that could have relevance to the pending litigation.	8	(b)(3): SM (b)(5): WP, DP (b)(6): PI

75	10/11/2007	Carl Nichols (CIV)	John Eisenberg (OLC); Brett Gerry (OLP); Ben Powell (ODNI); Tony Coppelino (CIV)		E-mail discussing deliberations with representatives of telecommunications companies that shared common interest with U.S. in pending litigation. Deliberations concern the details of provisions of the FISA reform legislation that are of potential relevance to the pending litigation.	2	(b)(3): SM (b)(5): WP, DP, PC (b)(6): PI
76	10/25/07	Ben Powell (ODNI)	Steve Bradbury (OLC); John Eisenberg (OLC); Brett Gerry (OLP)		Intra-Executive Branch e-mail discussing conversation between DNI and Senator regarding FISA amendments.	1	(b)(2): IP (b)(5): PC, DP
77	11/02/07	NSA staffer	Brian A. Benczkowski (OLA); Matthew Olsen (DOJ); ODNI staff	Kenneth Wainstein (NSD); John Eisenberg (OLC); DNI staff; NSA staff	Intra-Executive Branch e-mail chain consisting of deliberations relating to congressional strategy with respect to FISA amendments and possible briefing of Members of Congress on matters relating to FISA amendments.	4	(b)(2): IP (b)(3): § 6 (b)(5): PC, DP
78	12/13/2007	John Eisenberg (OLC)			Classified handwritten notes taken during closed meeting with U.S. Senators concerning proposed FISA amendments that reveal substance of NSA activities and content of classified DOJ legal opinions.	3	(b)(1): CI (b)(3): § 6 (b)(5): PC, DP

79	12/15/07	Steve Bradbury (OLC)	Brett Gerry (NSD); Kenneth Wainstein (NSD); John Demers (NSD); Carl Nichols (CIV); Brian Benczkowski (OLA); John Eisenberg (OLC)	Steve Bradbury (OLC)	Intra-DOJ e-mail consisting of deliberations regarding FISA reform legislation. E-mail also relays (1) substance of internal congressional deliberations relating to FISA amendments and (2) communications with a telecommunications company representative in contemplation of pending litigation and regarding matters relating to the FISA amendments that were of relevance to that litigation.	1	(b)(5): PC, DP, WP
80	12/15/07	Representative of telecommunications company that shares common interest with U.S. in pending litigation	Steve Bradbury (OLC)		Logistical e-mail. Partial release.	1	(b)(2): IP (b)(3): SM (b)(6): PI
81	12/17/07	Steve Bradbury (OLC)	Brett Gerry (NSD); Kenneth Wainstein (NSD); John Demers (NSD); Carl Nichols (CIV); Brian Benczkowski (OLA); John Eisenberg (OLC)	Steve Bradbury (OLC)	Intra-DOJ e-mail consisting of deliberations regarding FISA reform legislation. E-mail also relays (1) substance of internal congressional deliberations relating to FISA amendments and (2) communications with a telecommunications company representative in contemplation of pending litigation and regarding matters relating to the FISA amendments that were of relevance to that litigation.	1	(b)(5): PC, DP, WP

82	12/17/07	Kathleen Turner (ODNI)	Brian Benczkowski (OLC); Carl Nichols (CIV); Kenneth Wainstein (NSD); Brett Gerry (NSD); NSA staffers	Benjamin Powell (ODNI); other ODNI staff	Intra-Executive Branch e-mail discussing deliberations with Senator relating to FISA amendments.	2	(b)(2): IP (b)(3): § 6 (b)(5): PC, DP
83	01/16/08	Jack Livingston (HPSCI)	John Demers (NSD); John Eisenberg (OLC)	Kathleen Rice (SSCI)	Inter-Congress/Executive Branch e-mail chain discussing views of a Member of Congress on proposed FISA amendments and forwarding deliberations between congressional staffers on draft of proposed FISA amendments.	3	(b)(5): PC, DP
84	01/16/08	Jack Livingston (HPSCI)	John Demers (NSD); John Eisenberg (OLC)		Inter-Congress/Executive Branch e-mail transmitting, describing, and requesting views on draft of proposed FISA amendments (attached).	2	(b)(5): PC, DP
85	01/16/08	John Eisenberg (OLC)	Carl Nichols (CIV)		Intra-Executive Branch e-mail forwarding e-mail from Jack Livingston (HPSCI) re views of a Member of Congress on proposed FISA amendments.	2	(b)(5): PC, DP
86	01/17/08	Alissa Starzak (SSCI)	John Eisenberg (OLC); John Demers (NSD); Jack Livingston (SSCI); Kathleen Rice (SSCI)	Chris Healey (SSCI); Mike Davidson (SSCI)	Inter-Congress/Executive Branch e-mail transmitting, describing, and requesting views on proposed FISA amendments (attached).	40	(b)(2): IP (b)(5): PC, DP

87	01/17/08	John Eisenberg (OLC)	Brett Gerry (NSD)		Intra-Executive Branch e-mail forwarding e-mail from Alissa Starzack (SSCI) transmitting, describing, and requesting views on proposed FISA amendments.	3	(b)(2): IP (b)(5): PC, DP
88	01/23/08	N/A	Calendar Entry		Scheduling calls with U.S. Senators to discuss proposed FISA amendments. RELEASED 05/12/09.	1	(b)(5): PC, DP
89	01/24/08	Alissa Starzak (SSCI)	John Demers (NSD); Ben Powell (ODNI); Vito Potenza (NSA); John Eisenberg (OLC); NSA staff	C. Healey (SSCI); M. Davidson (SSCI)	Inter-Congress/Executive Branch e-mail transmitting, describing, and requesting views on proposed FISA amendment.	1	(b)(3): § 6 (b)(5): PC, DP
90	01/28/08	Steve Bradbury (OLC)	Representatives of telecommunications company that shares common interest with U.S. in pending litigation		E-mail in contemplation of pending litigation between parties with a common interest in that litigation. E-mail comments on relevance of proposed FISA reform legislation to the pending litigation.	1	(b)(3): SM (b)(5): WP, PC, DP (b)(6): PI
91	01/31/08	Mike Davidson (SSCI)	John Demers (NSD)	Matthew Olsen (NSD); Jack Livingston (SSCI); Chris Healey (SSCI); Katheen Rice (SSCI); Alissa Starzack (SSCI); John Eisenberg (OLC)	Inter-Congress/Executive Branch e-mail chain consisting of deliberations and negotiations with respect to proposed FISA amendments and possible revisions thereto.	4	(b)(5): PC, DP

92	01/31/08	Kathleen Rice (SSCI)	Ben Powell (ODNI); John Demers (NSD)	Jack Livingston (SSCI); John Eisenberg (OLC)	Inter-Congress/Executive Branch e-mail transmitting, describing, and requesting views on proposed FISA amendment.	128	(b)(5): PC, DP
93	02/05/08	Mike Davidson (SSCI)	John Eisenberg (OLC)	John Demers (NSD); Jack Livingston (SSCI)	Inter-Congress/Executive Branch e-mail chain consisting of deliberations and negotiations with respect to proposed FISA amendments, and recommending revisions thereto.	7	(b)(5): PC, DP
94	02/09/08	Jack Livingston (SSCI)	Louis Tucker (SSCI); Kathleen Rice (SSCI); White House staff	John Demers (NSD); John Eisenberg (OLC); John Abegg (McConnell); White House staff	Inter-Congress/Executive Branch e-mail chain reflecting deliberations and negotiations with respect to proposed FISA amendments, and revisions thereto.	1	(b)(2): IP (b)(5): PC, DP
95	02/09/08	Jack Livingston (SSCI)	Louis Tucker (SSCI); Kathleen Rice (SSCI); White House staff	John Demers (NSD); John Eisenberg (OLC); John Abegg (McConnell); White House staff	Inter-Congress/Executive Branch e-mail chain reflecting deliberations and negotiations with respect to proposed FISA amendments, and revisions thereto.	1	(b)(2): IP (b)(5): PC, DP
96	02/12/08	Louis Tucker	Jack Livingston (SSCI); Kathleen Rice (SSCI); White House staff	John Demers (NSD); John Eisenberg (OLC); John Abegg (McConnell); White House staff	Inter-Congress/Executive Branch e-mail chain reflecting deliberations and negotiations with respect to proposed FISA amendments, and revisions thereto.	1	(b)(2): IP (b)(5): PC, DP

97	02/15/08	Mike Davidson (SSCI)	Benjamin Powell (ODNI); John Demers (NSD); John Eisenberg (OLC); Carl Nichols (CIV); Brett Gerry (OLP); NSA staff	Jack Livingston (SSCI); C. Healey (SSCI); Kathleen Rice (SSCI) (Intelligence); Alissa Starzak (SSCI); Mary DeRosa (HJC); Nick Rossi (HJC)	Inter-Congress/Executive Branch e-mail re: proposed meetings to deliberate proposed amendments to FISA.	1	(b)(5): PC, DP (b)(3): IP
98	02/28/08	N/A	Calendar Entry		Scheduling calls with Members of Congress to discuss proposed FISA amendments. RELEASED 05/12/09.	1	(b)(5): PC, DP
99	02/28/08	N/A	Calendar Entry		Scheduling calls with Members of Congress to discuss proposed FISA amendments. RELEASED 05/12/09.	1	(b)(5): PC, DP
100	02/29/08	N/A	Calendar Entry		Scheduling calls with Members of Congress to discuss proposed FISA amendments. RELEASED 05/12/09.	1	(b)(5): PC, DP
101	02/29/08	N/A	Calendar Entry		Scheduling calls with Members of Congress to discuss proposed FISA amendments. RELEASED 05/12/09.	1	(b)(5): PC, DP
102	03/05/08	N/A	Calendar Entry		Scheduling calls with Members of Congress to discuss proposed FISA amendments. RELEASED 05/12/09.	1	(b)(5): PC, DP
103	03/05/08	N/A	Calendar Entry		Scheduling calls with Members of Congress to discuss proposed FISA amendments. RELEASED 05/12/09.	1	(b)(5): PC, DP

104	03/05/08	N/A	Calendar Entry		Scheduling calls with Members of Congress to discuss proposed FISA amendments. RELEASED 05/12/09.	1	(b)(5): PC, DP
105	03/18/08	Mike Davidson (SSCI)	Jack Livingston (SSCI); Ben Powell (ODNI); John Demers (NSD); Carl Nichols (CIV); Vito Potenza (NSA); Kathleen Rice (SSCI); Mary DeRosa (SJC); Nick Rossi (SJC); Zulima Espinel (SJC); Matthew Solomon (SJC)	Chris Healey (SSCI); Alissa Starzak (SSCI)	Inter-Congress/Executive Branch e-mail chain discussing deliberations and negotiations with respect to proposed FISA amendments.	4	(b)(2): IP (b)(3): § 6 (b)(5): PC, DP
106	04/04/08	John Demers (NSD)	Jack Livingston (SSCI); Mike Davidson (SSCI); Ben Powell (ODNI); John Eisenberg (OLC); Carl Nichols (CIV); Vito Potenza (NSA); NSA and congressional staffer	Congressional staff	Inter-Congress/Executive Branch e-mail chain discussing proposed FISA amendments and related deliberations and negotiations and setting up meeting to discuss issues further. Partial release.	3	(b)(2): IP (b)(3): § 6 (b)(5): PC, DP (unasserted in part)
107	04/08/08	John Demers (NSD)	Ben Powell (ODNI); Mike Davidson (SSCI)	Carl Nichols (CIV); John Eisenberg (OLC); Vito Potenza (NSA); NSA staff; ODNI staff; congressional staffers	Logistical e-mail. Partial release.	1	(b)(2): IP (b)(3): § 6 (b)(5): PC (unasserted in part)
108	04/15/08	Jack Livingston (SSCI)	Mike Davidson (SSCI); Ben Powell (ODNI); John Demers (NSD); John Eisenberg (OLC); Carl Nichols (CIV); Vito Potenza (NSA); Kathleen Rice (SSCI) Mary DeRosa (SJC); Nick Rossi (SJC); Zulima Espinel (SJC); Matthew Solomon (SJC)	Chris Healey (SSCI); Alissa Starzak (SSCI); Wyndee Parker (HPSCI); Louis Tucker (SSCI)	Inter-Congress/Executive Branch e-mail chain discussing deliberations and negotiations with respect proposed FISA amendments.	1	(b)(2): IP (b)(3): § 6 (b)(5): PC, DP

109	04/15/08	Mike Davidson (SSCI)	Ben Powell (ODNI)	DOJ; NSA; DNI; and congressional staff	Inter-Congress/Executive Branch e-mail consisting of deliberations regarding FISA amendments. Partial release.	2	(b)(2): IP (b)(3): § 6 (b)(5): PC, DP (unasserted in part)
110	04/15/08	John Demers (NSD)	Mike Davidson (SSCI); Ben Powell (ODNI)	DNI, NSA, DOJ, and congressional staff	Inter-Congress/Executive Branch e-mail consisting of deliberations regarding FISA amendments. Partial release.	2	(b)(2): IP (b)(3): § 6 (b)(5): PC, DP (unasserted in part)
111	04/15/08	Ben Powell (ODNI)	Mike Davidson (SSCI)	DOJ staff; DNI staff; NSA staff; congressional staff	Inter-Congress/Executive Branch e-mail consisting of deliberations regarding FISA amendments. Partial release.	2	(b)(2): IP (b)(3): § 6 (b)(5): PC, DP (unasserted in part)
112	04/16/08	John Elwood (OLC)	Steve Bradbury (OLC); Jake Phillips (OLC)		Intra-OLC e-mail expressing opinion on inquiry from Brad Berenson concerning status of OLC opinion unrelated to FISA issues.	1	(b)(5): DP

113	4/21/08	Louis Tucker (SSCI)	Jack Livingston (SSCI); Ben Powell (ODNI); John Demers (NSD); Carl Nichols (CIV); Vito Potenza (NSA); Kathleen Rice (SSCI); Mary DeRosa (SJC); Nick Rossi (SJC); Zulima Espinel (SJC); Matthew Solomon (SJC); Mike Delaney (HPSCI); Jeremy Bash (HPSCI); Wyndee Parker (HPSCI); other congressional staff; White House staff		Inter-Congress/Executive Branch e-mail chain discussing deliberations and negotiations with respect proposed FISA amendments.	2	(b)(2): IP (b)(3): § 6 (b)(5): PC, DP (b)(6): PI
114	04/25/08	John Elwood (OLC)	Paul Colborn (OLC)	Steve Bradbury (OLC); Steve Engel (OLC)	Intra-OLC e-mail expressing opinion with respect to inquiry from Brad Berenson concerning preparation of testimony for "Secret Law" congressional hearing.	2	(b)(5): DP
115	04/25/08	Steve Bradbury (OLC)	John Eisenberg (OLC)		Intra-OLC e-mail making recommendation with respect to inquiry from Brad Berenson concerning preparation of testimony for "Secret Law" congressional hearing.	1	(b)(5): DP

Legend

Government components

CIA – Central Intelligence Agency

DOJ – Department of Justice

 OAG – Office of the Attorney General

 ODAG – Office of the Deputy Attorney General

 OLA – Office of Legislative Affairs

 OLC – Office of Legal Counsel

 OLP – Office of Legal Policy

 OPA – Office of Public Affairs

 NSD – National Security Division

 CIV – Civil Division

FISA – Foreign Intelligence Surveillance Act

HJC – House Judiciary Committee

HPSCI – House Permanent Select Committee on Intelligence

NSA – National Security Agency

ODNI – Office of the Director of National Intelligence

SJC – Senate Judiciary Committee

SSCI – Senate Select Committee on Intelligence

Exemptions

§ 6: Section six of the National Security Act of 1959, as amended, 50 U.S.C. § 402 note.

CI: Classified information

DP: Deliberative process privilege

IP: Internal personnel rules and practices

PC: Presidential communications privilege

PI: Personal information

SM: Sources and methods protected from unauthorized disclosure by the National Security Act of 1947, as amended. *See* 50 U.S.C § 403-1(i)

WP: Attorney work-product doctrine

Other

FISA: Foreign Intelligence Surveillance Act

TSP: Terrorist Surveillance Program