



U.S. Department of Justice

Civil Division

Washington, D.C. 20530

JMK:jk:145-FOI-8672

April 13, 2006

Ann Beeson
American Civil Liberties Union
125 Broad Street, 18th Fl
New York, NY 10014-2400

Dear Ms. Beeson:

This letter is in response to your December 20, 2005 request, made pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. §552 for the following documents:

1) any presidential order(s) authorizing the NSA to engage in warrantless electronic surveillance and/or warrantless physical searches in the United States, created from September 11, 2001 to the present; and

2) any documents from September 11, 2001 to the present regarding matters specified in items one through seventeen of your letter.

Pursuant to your request, we conducted a search for responsive documents. Our cutoff date for our search is March 17, 2006. As a result of this search, we identified the following documents.

1. Documents which originated with the Office of Public Affairs and Office of the Attorney General consisting of:
 - a. The NSA Program to Detect and Prevent Terrorist Attacks: Myth v. Reality, January 27, 2006;
 - b. Prepared Remarks for Attorney General Alberto R. Gonzales at the Georgetown University Law Center;
 - c. Questions and Answers (Sen. Feingold and Attorney General Gonzales).

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These documents originated with offices for which the Office of Information and Privacy has responsibility for purposes of responding to record requests under the FOIA. Accordingly, I have referred these documents to that office for disclosure determinations and direct response to you. The contact information is as follows:

Melanie Ann Pustay, Deputy Director
Office of Information and Privacy
Department of Justice
Suite 11,050
1425 New York Avenue, N.W.
Washington, DC 20530-0001.

2. Documents originating with the Office of Legal Counsel (OLC):
 - a. January 19, 2006 White Paper;
 - b. Draft of White Paper;
 - c. Draft of Prepared Statement of Hon. Alberto R. Gonzales, Attorney General of the United States;
 - d. Draft Response to Questions From Chairman Spector;
 - e. Email from OLC.

We have referred these documents to the Office of Legal Counsel for disclosure determinations and direct response to you. The contact information for the Office of Legal Counsel is:

Elizabeth Farris, Supervisory Paralegal
Office of Legal Counsel
Department of Justice
Room 5515, 950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001.

3. Email originating with the Office of Intelligence and Policy Review (OPIR).

We are referring this communication to OPIR for a disclosure determination and direct response to you. The contact

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information is as follows:

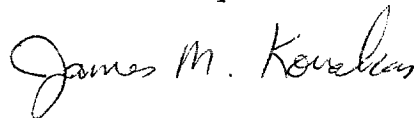
GayLa D. Sessoms, FOIA Coordinator
Office of Intelligence Policy and Review
Department of Justice
Room 6150, 950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001
(202) 514-5600.

4. We identified one internal Civil Division electronic communication consisting of a January 13, 2006 Email from a Civil Division attorney commenting on a draft of the White Paper.

This document is an internal Civil Division communication which falls within the inter-agency requirement for withholding under 5 U.S.C. §552(b)(5), and is exempt based upon the attorney work product, attorney-client, and deliberative process privileges incorporated within this exemption.

This letter constitutes the final action this office will take concerning your request. Because you have filed a lawsuit regarding your request, administrative appeal rights are not being provided.

Sincerely,



James M. Kovakas
Attorney In Charge
FOI/PA Office, Civil Division