

## Central Intelligence Agency



Washington, D.C. 20505

Mr. Mark Zaid  
The James Madison Project  
1250 Connecticut Avenue, NW  
Suite 200  
Washington, D.C. 20036

DEC 19 2007

Reference: F-2008-00531

Dear Mr. Zaid:

On 10 December 2007 the office of the Information and Privacy Coordinator received your 9 December 2007 Freedom of Information Act (FOIA) request for copies of any and all:

- A. Records pertaining to the 2005 destruction of videotapes of the interrogations of Zayn Abidin Muhammed Hussein Abu Zubaida (a/k/a Abu Zubaydah) and Abd al-Rahim al-Nashiri.**
- B. Records, including correspondence, created after September 11, 2001, with Members of Congress or its committees, the 9/11 Commission ("National Commission on Terrorist Attacks Upon the United States") or the Department of Justice about (1) the existence of videotapes of interrogations of terrorist suspects; (2) requests for access to videotapes of interrogations of terrorist suspect; (3) warnings or instructions not to destroy any videotapes of interrogations of terrorist suspect; and/or (4) any investigation into this Agency's destruction of the tapes identified in (A).**
- C. Records of interrogatory or document production requests, or any records discussing CIA responses thereto, received as part of any criminal prosecutions that sought acknowledgment of the existence and/or copies of videotape interrogations of terrorist suspects since September 11, 2001.**
- D. Records of Freedom of Information Act requests received by this Agency after September 11, 2001, for copies of any records pertaining to videotape interrogations of terrorist suspects.**
- E. Records pertaining to (A) that specifically reflect the identity of the attorney within this Agency's Office of General Counsel who approved the destruction of the videotapes and any records setting forth the policy or legal analysis underlying that conclusion.**

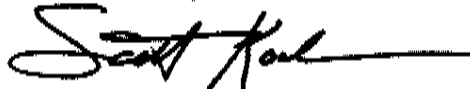
We have assigned your request the reference number above. Please use this number when corresponding so that we can identify it easily.

We accept your request and will process it according to the FOIA, 5 U.S.C. § 552, as amended, and the CIA Information Act, 50 U.S.C. § 431, as amended. Unless you object, we will limit our search to CIA-originated records existing through the date of this acceptance letter. As a matter of administrative discretion, we have waived any fees associated with the processing of your FOIA request.

You have requested expedited processing. We handle all requests in the order we receive them: that is, "first-in, first-out." We make exceptions to this rule only when a requester establishes a compelling need under the standards in our regulations. A "compelling need" exists: 1) when the matter involves an imminent threat to the life or physical safety of an individual, or 2) when a person primarily engaged in disseminating information makes the request and the information is relevant to a subject of public urgency concerning an actual or alleged Federal government activity. Your request does not demonstrate a "compelling need" under these criteria and, therefore, we deny your request for expedited processing.

The large number of FOIA requests CIA receives has created unavoidable delays making it unlikely that we can respond within the 20 working days the FOIA requires. You have the right to consider our honest appraisal as a denial of your request and you may appeal to the Agency Release Panel. A more practical approach would permit us to continue processing your request and respond to you as soon as we can. You will retain your appeal rights and, once you receive the results of our search, can appeal at that time if you wish. We will proceed on that basis unless you object.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Koch", with a long horizontal line extending to the right.

Scott Koch  
Information and Privacy Coordinator