



DEPARTMENT OF DEFENSE
OFFICE OF GENERAL COUNSEL
1600 DEFENSE PENTAGON
WASHINGTON, DC 20301-1600

20-cv-8349
20-F-0996
20-F-0997

Professor Harold Hongju Koh
Peter Gruber Rule of Law Clinic, Yale Law School
P.O. Box 209090
New Haven, CT 06520-9090

Through Counsel

Dec 11, 2020

Dear Professor Koh:

This is the final response to your April 21, 2020 Freedom of Information Act (“FOIA”) requests, which were assigned case number 20-F-0996 and 20-F-0997.

For the data requested in items 2 and 3 of 20-F-0996, Acting Secretary of Defense, Christopher C. Miller, who has original classification authority, has determined that such data is currently and properly classified under section 1.4(a) (military plans or operations) and 1.4(d) (foreign relations or foreign activities of the United States) of Executive Order (“EO”) 13526 and thus exempt from release pursuant to Exemption 1 of the FOIA.

Similarly, certain information contained in the enclosed 20 pages, responsive to 20-F-0997, has been withheld under Exemption 1 because that information is currently and properly classified under section 1.4(a) and 1.4(d) of EO 13526.

Appellate rights are moot as the request is currently in litigation. If you have any questions, please contact Ilan Stein at 212-637-2525 or ilan.stein@usdoj.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Herrington", written over a horizontal line.

Mark Herrington
Associate Deputy General Counsel
(Litigation Counsel)

Enclosure:
As Stated

