

# The National Security Archive

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April 24, 2009

Delores M. Nelson  
Information and Privacy Coordinator  
Central Intelligence Agency  
Washington DC 20505

**Re: Appeal for F-2007-00118 / Archive #20061949CIA310**

Dear Ms. Nelson:

I am writing on behalf of Thomas Blanton, director of the National Security Archive. This letter constitutes an administrative appeal in accordance with the Freedom of Information Act (FOIA), 5 USC Sec. 552, of the Central Intelligence Agency (CIA) response to a FOIA request submitted October 16, 2006, asking for documents related in whole or in part to then CIA Director George Tenet's meeting with then National Security Advisor Condoleezza Rice on July 10, 2001 (**Attachment 1**). The CIA's response letter of March 11, 2009, said that the Agency considers responsive records properly classified in full under FOIA exemptions (b)(1), (b)(3), and (b)(5) (**Attachment 2**).

First, I would like to call the Panel's attention to the fact that information regarding the July 10, 2001 meeting between George Tenet and Condoleezza Rice has been made publicly available. In October 2006, both the *Washington Post* and the *New York Times* described the meeting, including the general substance of that meeting (**Attachments 3 and 4**), which has also been described in Bob Woodward's book, *State of Denial, Bush at War Part III*.

Previously classified records about terrorist threats in 2001 have already been declassified and made available to the public, and I have enclosed one such document—a January 2001 National Security Council memorandum to Condoleezza Rice (**Attachment 5**). This document provides significant factual detail, and the release of this document in 2004 did not cause harm to national security. It follows, therefore, that releasing materials about this July 2001 meeting will not cause harm to national security now, almost 8 years after September 11, 2001—the threat that was most likely the subject of the meeting.

An independent non-governmental research institute and library located at the George Washington University, the Archive collects and publishes declassified documents obtained through the Freedom of Information Act. Publication royalties and tax deductible contributions through The National Security Archive Fund, Inc. underwrite the Archive's budget.

APPROVED FOR RELEASE DATE: 02-Mar-2011

I also question the application of Exemption (b)(5) to documents related to this meeting, for several reasons. First, according to reports, there was no attorney present at the meeting, and therefore, the information cannot fall under any kind of attorney or work product privilege. Second, the meeting did not result in a policy decision. In fact, one complaint has been levied against Rice that she did not respond to the warnings by Tenet from this meeting or other meetings. Therefore, records related to this meeting should not be withheld on the basis of being "predecisional" as there was no decision made, no policy pursued. Finally, the meeting involved factual information (the imminent terrorist threat) in addition to recommendations about policy, and I urge the Agency Release Panel to make this distinction.

At this time, I would like to take this opportunity to remind the Agency Release Panel that the Freedom of Information Act mandates that an agency must release portions of a record that are not exempt if those nonexempt portions are "reasonably segregable." This particularly applies to the factual information that was relayed in the meeting between Tenet and Rice. I urge the Panel to fully execute this requirement, as mandated by law, and reconsider the withholding of this document.

As you review my appeal, please consider the recent Memorandum on the Freedom of Information Act issued by President Barack Obama on January 21, 2009, which directs all agencies to "adopt a presumption in favor of disclosure" and apply this presumption "to all decisions involving FOIA." President Obama also makes clear that "[t]he Government should not keep information confidential merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears." Pursuant to this directive, I ask that you consider whether the information withheld in response to my FOIA request should be released in light of the new presumption of disclosure.

Thank you for your attention to this matter.

Sincerely,



Yvette M. Chin  
FOIA Coordinator

# *Attachment 1*

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Central Intelligence Agency



Washington, D.C. 20505

March 11, 2009

Mr. Thomas Blanton  
The National Security Archive  
Gelman Library, Suite 701  
2130 H Street, NW  
Washington, D.C. 20037

Reference: F-2007-00118 / Archive #20061949CIA310

Dear Mr. Blanton:

This is a final response to your 16 October 2006 Freedom of Information Act (FOIA) request for all documents relating in whole or in part to then CIA Director George Tenet's meeting with then National Security Advisor Condoleezza Rice on 10 July 2001. We processed your request in accordance with the FOIA, 5 U.S.C. § 552, as amended, and the CIA Information Act, 50 U.S.C. § 431, as amended. Our processing included a search for records as described in our 25 July 2007 acceptance letter existing through the date of that letter.

We completed a thorough search for records responsive to your request and located material which we determined is properly classified and must be denied in its entirety on the basis of FOIA exemptions (b)(1), (b)(3), and (b)(5).

CIA Information and Privacy Coordinator Delores M. Nelson made this decision, which you may appeal to the Agency Release Panel, in my care, within 45 days from the date of this letter. Please include the basis of your appeal.

Sincerely,

Delores M. Nelson  
Information and Privacy Coordinator

20061949CIA310

RECNO:34851

3/17/2009

Tenet-Rice July 10, 2001 Meeting

CIA

SEQCOR:146065

FOISG: Blanton, Thomas

# *Attachment 2*

# The National Security Archive

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October 16, 2006

Scott A. Koch  
Information and Privacy Coordinator  
Central Intelligence Agency  
Washington, DC 20505

Re: Request under the FOIA, in reply refer to Archive# 20061949CIA310

Dear Mr. Koch:

Pursuant to the Freedom of Information Act (FOIA), I hereby request the following:

*All documents, including but not limited to cables, letters, memoranda, briefing papers, transcripts, summaries, notes, emails, reports, drafts, and intelligence documents relating in whole or in part to then CIA Director George Tenet's meeting with then National Security Advisor Condoleezza Rice on July 10, 2001.*

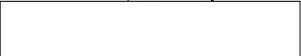
*This meeting is cited in Bob Woodward's book State of Denial: Bush at War Part III. It is also cited in an October 2, 2006, New York Times Article, "Records Show Tenet Briefed Rice on Al Qaeda Threat," by Philip Shenon and Mark Mazzetti as well as an October 3, 2006, Washington Post article, "Tenet Recalled Warning Rice," by Dan Eggen and Robin Wright. I've attached copies of both articles for your reference.*

If you regard any of these documents as potentially exempt from the FOIA's disclosure requirements, I request that you nonetheless exercise your discretion to disclose them. As the FOIA requires, please release all reasonably segregable non-exempt portions of documents. To permit me to reach an intelligent and informed decision whether or not to file an administrative appeal of any denied material, please describe any withheld records (or portions thereof) and explain the basis for your exemption claims.

As a representative of the news media, the National Security Archive qualifies for "representative of the news media" status under 5 U.S.C. Sec. 552(a)(4)(A)(ii)(II) and, therefore, may not be charged search and review fees. (See *National Security Archive v. U.S. Department of Defense*, 880 F.2d 1381 (D.C. Cir. 1989), *cert denied*, 110 S Ct. 1478 (1990)). This request is made as part of a scholarly and news research project that is intended for publication and is not for commercial use. For details on the Archive's research and extensive publication activities please see our website at [www.nsarchive.org](http://www.nsarchive.org).

To expedite the release of the requested documents, please disclose them on an interim basis as they become available to you, without waiting until all the documents have been processed. Please notify me before incurring any photocopying costs over \$100. If you have any questions regarding the identity of the records, their location, the scope of the request or any other matters, please call me at (202) 994-7000 or email me at [foiamail@gwu.edu](mailto:foiamail@gwu.edu). I look forward to receiving your response within the twenty day statutory time period.

Sincerely yours,

  
Thomas S. Blanton  
Executive Director

# *Attachment 3*



Records Show Tenet Briefed Rice on Al Qaeda Threat - New York Times

Page 1 of 3

**The New York Times**  
nytimes.com

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October 2, 2006

## Records Show Tenet Briefed Rice on Al Qaeda Threat

By PHILIP SHENON and MARK MAZZETTI

JIDDA, Saudi Arabia, Oct. 2 — A review of White House records has determined that George J. Tenet, then the director of central intelligence, did brief Condoleezza Rice and other top officials on July 10, 2001, about the looming threat from Al Qaeda, a State Department spokesman said Monday.

The account by Sean McCormack came hours after Ms. Rice, the secretary of state, told reporters aboard her airplane that she did not recall the specific meeting on July 10, 2001, noting that she had met repeatedly with Mr. Tenet that summer about terrorist threats. Ms. Rice, the national security adviser at the time, said it was “incomprehensible” she ignored dire terrorist threats two months before the Sept. 11 attacks.

Mr. McCormack also said records show that the Sept. 11 commission was informed about the meeting, a fact that former intelligence officials and members of the commission confirmed on Monday.

When details of the meeting emerged last week in a new book by Bob Woodward of The Washington Post, Bush administration officials questioned Mr. Woodward’s reporting.

Now, after several days, both current and former Bush administration officials have confirmed parts of Mr. Woodward’s account.

Officials now agree that on July 10, 2001, Mr. Tenet and his counterterrorism deputy, J. Cofer Black, were so alarmed about an impending Al Qaeda attack that they demanded an emergency meeting at the White House with Ms. Rice and her National Security Council staff.

According to two former intelligence officials, Mr. Tenet told those assembled at the White House about the growing body of intelligence the Central Intelligence Agency had collected pointing to an impending Al Qaeda attack. But both current and former officials took issue with Mr. Woodward’s account that Mr. Tenet and his aides left the meeting in frustration, feeling as if Ms. Rice had ignored them.

## Records Show Tenet Briefed Rice on Al Qaeda Threat - New York Times

Page 2 of 3

Mr. Tenet told members of the Sept. 11 commission about the July 10 meeting when they interviewed him in early 2004, but committee members said the former C.I.A. director never indicated he had left the White House with the impression that he had been ignored.

"Tenet never told us that he was brushed off," said Richard Ben-Veniste, a Democratic member of the commission. "We certainly would have followed that up."

Mr. McCormack said the records showed that, far from ignoring Mr. Tenet's warnings, Ms. Rice acted on the intelligence and requested that Mr. Tenet make the same presentation to Defense Secretary Donald H. Rumsfeld and Attorney General John Ashcroft.

But Mr. Ashcroft said by telephone on Monday evening that he never received a briefing that summer from Mr. Tenet.

"Frankly, I'm disappointed that I didn't get that kind of briefing," he said. "I'm surprised he didn't think it was important enough to come by and tell me."

The dispute that has played out in recent days gives further evidence of an escalating battle between the White House and Mr. Tenet over who should take the blame for such mistakes as the failure to stop the Sept. 11 attacks and assertions by Bush administration officials that Saddam Hussein was stockpiling chemical and biological weapons and cultivating ties to Al Qaeda.

Mr. Tenet resigned as director of central intelligence in the summer of 2004 and was honored that December with a Presidential Medal of Freedom during a White House ceremony. Since leaving the C.I.A., Mr. Tenet has stayed out of the public eye, largely declining to defend his record at the C.I.A. even after several government investigations have assailed the faulty intelligence that helped build the case for the Iraq war.

Mr. Tenet is now completing work on a memoir that is scheduled to be published early next year.

It is unclear how much Mr. Tenet will use the book to settle old scores, although recent books have portrayed Mr. Tenet both as dubious about the need for the Iraq war and angry that the White House has made the C.I.A. the primary scapegoat for the war.

In his book "The One Percent Doctrine," the journalist and author Ron Suskind quotes Mr. Tenet's former deputy at the C.I.A., John McLaughlin, saying that Mr. Tenet "wishes he could give that damn medal back."

In his own book, Mr. Woodward wrote that over time Mr. Tenet developed a particular dislike for Ms. Rice, and that the former C.I.A. director was furious when she publicly blamed the agency for allowing President Bush to make the false claim in the 2003 State of the Union Address that Saddam Hussein was pursuing nuclear materials in Niger.

"If the C.I.A., the Director of National Intelligence, had said 'take this out of the speech,' it would have been gone, without question," Ms. Rice told reporters in July 2003.

In fact, the C.I.A. had told the White House months before that the Niger intelligence was bogus and had managed to keep the claim out of an October 2002 speech that President Bush gave in Cincinnati.

More recently, Mr. Tenet has told friends that he was particularly angry when, appearing recently on Sunday talk shows, both Ms. Rice and Vice President Dick Cheney cited Mr. Tenet by name as the reason that Bush administration officials asserted that Mr. Hussein had stockpiles of banned weapons in Iraq and ties to Al Qaeda.

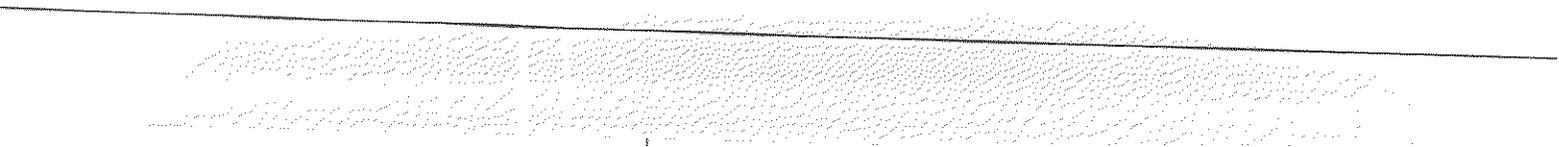
Mr. Cheney recalled during an appearance on "Meet the Press" on Sept. 10 of this year: "George Tenet sat in the Oval Office and the president of the United States asked him directly, he said, 'George, how good is the case against Saddam on weapons of mass destruction?' the director of the C.I.A. said, 'It's a slam dunk, Mr. President, it's a slam dunk.'"

*Philip Shenon reported from Jidda, Saudi Arabia, and Mark Mazzetti from Washington.*

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# *Attachment 4*



Tenet Recalled Warning Rice - washingtonpost.com

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washingtonpost.com

## Tenet Recalled Warning Rice

Former CIA Chief Told 9/11 Commission of Disputed Meeting

By Dan Eggen and Robin Wright  
Washington Post Staff Writers  
Tuesday, October 3, 2006; A03

Former CIA director George Tenet told the 9/11 Commission that he had warned of an imminent threat from al-Qaeda in a July 2001 meeting with Condoleezza Rice, adding that he believed Rice took the warning seriously, according to a transcript of the interview and the recollection of a commissioner who was there.

Tenet's statements to the commission in January 2004 confirm the outlines of an event in a new book by Washington Post Assistant Managing Editor Bob Woodward that has been disputed by some Bush administration officials. But the testimony also is at odds with Woodward's depiction of Tenet and former CIA counterterrorism chief J. Cofer Black as being frustrated that "they were not getting through to Rice" after the July 10, 2001, meeting.

Rice angrily rejected those assertions yesterday, saying that it was "incomprehensible" that she would have ignored such explicit intelligence from senior CIA officials and that she received no warning at the meeting of an attack within the United States.

Rice acknowledged that the White House was receiving a "steady stream of quite alarmist reports of potential attacks" during that period, but said the targets were assumed to be in the Middle East, including Saudi Arabia, Yemen, Israel and Jordan.

"What I am quite certain of, however, is that I would remember if I was told -- as this account apparently says -- that there was about to be an attack in the United States," Rice said. "The idea that I would somehow have ignored that I find incomprehensible."

The meeting has become the focus of a fierce and often confusing round of finger-pointing involving Rice, the White House and the 9/11 Commission, all of whom dispatched staffers to the National Archives and other locations yesterday in attempts to sort out what had occurred.

Members of the commission -- an independent, bipartisan panel created by Congress to investigate the Sept. 11, 2001, terror attacks -- have said for days that they were not told about the July 10 meeting and were angry at being left out. As recently as yesterday afternoon, both commission chairman Thomas H. Kean and vice chairman Lee Hamilton said they believed the panel had not been told about the July 10 meeting.

But it turns out that the panel was, in fact, told about the meeting, according to the interview transcript and Democratic commission member Richard Ben-Veniste, who sat in on the interview with Tenet. The meeting was not identified by the July 10 date in the commission's best-selling report.

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Tenet Recalled Warning Rice - washingtonpost.com

Page 2 of 3

Rice added to the confusion yesterday by strongly suggesting that the meeting may never have occurred at all -- even though administration officials had conceded for several days that it had. A State Department spokesman said later that while the meeting definitely happened, Rice and Tenet disputed Woodward's characterization of her response.

"The briefing was a summary of the threat reporting from the previous weeks," State Department spokesman Sean McCormack told reporters traveling with Rice in Jiddah, Saudi Arabia. "There was nothing new."

Despite this, McCormack said, Rice asked that Tenet provide the same briefing to Defense Secretary Donald H. Rumsfeld and then-U.S. Attorney General John D. Ashcroft. The two men received it by July 17, he said. McCormack was unable to explain why Rice felt the briefing should be repeated if it did not include new material.

Ashcroft said in an interview yesterday that he was never briefed by Tenet or Black about an imminent domestic threat.

"I didn't get called on by Black or Tenet if they were going around doing such briefings," Ashcroft said. "If in fact they were making visits to emphasize the severity of the domestic threat, I'm a little disappointed they didn't bring that information to my attention."

Neither Black nor Tenet has made any public comments about the assertions in Woodward's book. Woodward declined yesterday to comment in detail, saying only that he stood by his reporting.

Tenet gave testimony about the July 2001 meeting with Rice at his Langley headquarters office on Jan. 28, 2004, occasionally referring to charts and slides. Philip Zelikow, who at the time was the commission's executive director and now works for Rice, was present along with other commission staff members, according to Ben-Veniste and to a portion of the transcript, which was read to The Washington Post by an official with access to it.

At one point in the lengthy session, Tenet recalled a briefing he was given on July 10 by Black and his staff, according to the transcript. He said the information was so important that he quickly called for a car and telephoned Rice to arrange for a White House meeting to share what he had just learned, according to the transcript and Ben-Veniste.

According to the transcript, Tenet told Rice there were signs that there could be an al-Qaeda attack in weeks or perhaps months, that there would be multiple, simultaneous attacks causing major human casualties, and that the focus would be U.S. targets, facilities or interests. But the intelligence reporting focused almost entirely on the attacks occurring overseas, Tenet told the commission.

It was at this session that Tenet said "the system was blinking red," which became a chapter title in the commission report, according to the official who saw the transcript.

According to three people present at the session, including Ben-Veniste, Tenet believed that Rice responded seriously to what she had been told. "We particularly questioned him about whether he had the sense that Dr. Rice and the others on the White House side understood the gravity of what he was telling them," said Ben-Veniste, a former Watergate prosecutor. "He said that they believed that they did. . . . We asked him further whether Dr. Rice just shrugged this off, and he said he did not have such an impression."

Ben-Veniste's comments seem to contradict his own remarks over the weekend to the New York Times, in which he said that "the meeting was never mentioned to us." Ben-Veniste said yesterday that there was confusion between two different meetings and that the meeting described by Tenet is different in character from the one portrayed by Woodward.

Zelikow, who now works as one of Rice's closest aides as a State Department counselor, did not respond to a request for comment yesterday. He told the New York Times that none of the commission's witnesses had drawn attention to a July 10 meeting or had outlined the type of confrontation with Rice described by Woodward.

In comments to reporters, Rice also denied that she had endorsed ousting Rumsfeld at the end of Bush's first term, although she said she did tell President Bush that he might want to consider changing his entire foreign policy team.

"I did tell the president at one point that I thought maybe all of us should go, because we had fought two wars and had the largest terrorist attack in American history," Rice said. "When he asked me to be secretary of state, I said I think maybe you need new people. I don't know if that was somehow interpreted, but what I was actually talking about was me."

*Wright reported from Shannon, Ireland, and Jiddah, Saudi Arabia. Staff writer Walter Pincus contributed to this report.*

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# *Attachment 5*

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NATIONAL SECURITY COUNCIL  
WASHINGTON, D.C. 20504

30009

January 25, 2001

INFORMATION

MEMORANDUM FOR CONDOLEEZZA RICE

FROM: RICHARD A. CLARKE *RA*

SUBJECT: Presidential Policy Initiative/Review -- The Al-Qida Network

*Card;*  
Steve asked today that we propose major Presidential policy reviews or initiatives. We urgently need such a Principals level review on the al Qida network.

Just some Terrorist Group?

As we noted in our briefings for you, al Qida is not some narrow, little terrorist issue that needs to be included in broader regional policy. Rather, several of our regional policies need to address centrally the transnational challenge to the US and our interests posed by the al Qida network. By proceeding with separate policy reviews on Central Asia, the GCC, North Africa, etc. we would deal inadequately with the need for a comprehensive multi-regional policy on al Qida.

al Qida is the active, organized, major force that is using a distorted version of Islam as its vehicle to achieve two goals:

--to drive the US out of the Muslim world, forcing the withdrawal of our military and economic presence in countries from Morocco to Indonesia;

--to replace moderate, modern, Western regime in Muslim countries with theocracies modeled along the lines of the Taliban.

al Qida affects centrally our policies on Pakistan, Afghanistan, Central Asia, North Africa and the GCC. Leaders in Jordan and Saudi Arabia see al Qida as a direct threat to them. The strength of the network of organizations limits the scope of support friendly Arab regimes can give to a range of US

[REDACTED]

Classified by: Richard A. Clarke  
Reason: 1.5(d) (x6)  
Declassify On: 1/25/25  
Derived From: Multiple Sources

NSC DECLASSIFICATION REVIEW (E.O. 12958)  
/X/ Exempt in part and redact as shown  
by D.Sanborn Date 4/7/2004

2

policies, including Iraq policy and the Peace Process. We would make a major error if we underestimated the challenge al Qida poses, or over estimated the stability of the moderate, friendly regimes al Qida threatens.

Pending Time Sensitive Decisions

At the close of the Clinton Administration, two decisions about al Qida were deferred to the Bush Administration.

-- First, should we provide the Afghan Northern Alliance enough assistance to maintain it as a viable opposition force to the Taliban/al Qida? If we do not, I believe that the Northern Alliance may be effectively taken out of action this Spring when fighting resumes after the winter thaw. The al Qida 55<sup>th</sup> Brigade, which has been a key fighting force for the Taliban, would then be freed to send its personnel elsewhere, where they would likely threaten US interests. For any assistance to get there in time to effect the Spring fighting, a decision is needed now.

-- Second, should we increase assistance to Uzbekistan to allow them to deal with the al Qida/ IMU threat?

Operational detail, removed at the request of the CIA

Three other issues awaiting addressal now are:

--First, what the new Administration says to the Taliban and Pakistan about the importance we attach to ending the al Qida sanctuary in Afghanistan. We are separately proposing early, strong messages to both.

--Second, do we propose significant program growth in the FY02 budget for anti-al Qida operations by CIA and counter-terrorism training and assistance by State and CIA?

--Third, when and how does the Administration choose to respond to the attack on the USS Cole. That decision is obviously complex. We can make some decisions, such as the those above, now without yet coming to grips with the harder decision about the Cole. On the Cole, we should take advantage of the policy that we "will respond at a time, place, and manner of our own choosing" and not be forced into knee jerk responses.

3

Attached is the year-end 2000 strategy on al Qida developed by the last Administration to give to you. Also attached is the 1998 strategy. Neither was a "covert action only" approach. Both incorporated diplomatic, economic, military, public diplomacy and intelligence tools. Using the 2000 paper as background, we could prepare a decision paper/guide for a PC review.

I recommend that you have a Principals discussion of al Qida soon and address the following issues:

1. Threat Magnitude: Do the Principals agree that the al Qida network poses a first order threat to US interests in a number of regions, or is this analysis a "chicken little" over reaching and can we proceed without major new initiatives and by handling this issue in a more routine manner?

2. Strategy: If it is a first order issue, how should the existing strategy be modified or strengthened?

Two elements of the existing strategy that have not been made to work effectively are a) going after al Qida's money and b) public information to counter al Qida propaganda.

3. FY02 Budget: Should we continue the funding increases into FY02 for State and CIA programs designed to implement the al Qida strategy?

4. Immediate Decisions: Should we initiate funding to the Northern Alliance and to the Uzbek's?

Please let us know if you would like such a decision/discussion paper or any modifications to the background paper.

Concurrences by: Mary McCarthy, Dan Fried, Bruce Reidel, Don Camp

RC  
JR

Attachment

Tab A December 2000 Paper: Strategy for Eliminating the Threat from the Jihadist Networks of al-Qida: Status and Prospects

Tab B September 1998 Paper: Pol-Mil Plan for al-Qida

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\*\*\* TX REPORT \*\*\*  
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## FAX COVER SHEET

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From: Yvette M. Chin

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## FAX COVER SHEET

Date: April 28, 2009  
To: [Redacted] FOIPA (b)(3)  
Organization: CIA  
From: Yvette M. Chin

Number of pages (including cover sheet) 24

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Message: Appeal of 2007-00118  
Thanks for all your help!  
Yvette