

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

April 11, 2014

Matthew Kownacki Judicial Watch

Via Email only to mkownacki@judicialwatch.org

Re: Judicial Watch v. DoD, 13-cv-1343 (JDB)

Dear Mr. Kownacki,

Please find attached the final release in response to your June 7, 2013, FOIA request for "[a]Il records concerning, regarding, or relating to Admiral McRaven's 2011 directive to purge USSOCOM systems of all records related to the operation leading to the death of Usama bin laden on or about May 1, 2011."

As you are aware, since our production on January 31, 2014, DoD conducted a more comprehensive search to ensure the identification of any and all responsive records. The attached records are the result of that search. To address your objection to our previous determination that the majority of the email from Admiral McRaven was not responsive to your request, we have processed the entirety of each record. We continue to assert the validity of the other redactions. Again, the recipients and senders of most of the emails have been withheld under FOIA Exemptions 6 and 3, pursuant to 10 U.S.C. 130(b), which allows for the withholding of the names of personnel in overseas, sensitive, or routinely deployable units. The redactions on the CIA memo are proper under Exemption 3, pursuant to 50 U.S.C. 3507. The other redactions within the responsive records were made pursuant to FOIA Exemption 1, to withhold information the unauthorized disclosure of which reasonably could be expected to cause serious damage to the national security , pursuant to Executive Order 13526, Sections 1.2(a)(2) ("secret" classification level); 1.4(a) (military operations). These redactions either relate to classification markings, the release of which could reveal classified information, or would reveal which component(s) of USSOCOM participated in the mission, which remains a classified fact.

Sincerely,

Mark H. Herrington Associate Deputy General Counsel Office of Litigation Counsel

Encl: As stated. cc: Michael Bekesha, Esq. (<u>mbekesha@judicialwatch.org</u>) Judicial Watch



Email #1

From: Sent:	McRaven, Bill H VADM Friday, May 13, 2011 5:09 PM	
To:	(b)(3)(10 USC 130b), (b)(6)	
	(b)(6), (b)(3)(10 USC	
Cc:	(b)(6), (b)(3)(10 USC 130b)	
	(b)(6), (b)(3)(10 USC 130b)	
Subject: Attachments:	OPSEC Guidance / Neptune Spear Dir Panetta Memo.pdf	
Follow Up Flag: Flag Status:	Follow up Flagged	
Categories:	Long Term	
CLASSIFICATION: SE	CRET	

CLASSIFICATION: SECRET CAVEATS: NONE TERMS: NONE

#### Gentlemen,

Despite the abundance of open source media reporting, Operation Neptune's Spear remains classified. It was, and remains, a Title 50 mission. Director, Central Intelligence Agency, is the release authority for all Neptune's Spear related material.

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One particular item that I want to emphasize is photos; particularly UBLs remains. At this point - all photos should have been turned over to the CIA; if you still have them destroy them immediately or get them to the<sup>(b)(1)1.4a</sup>

Official briefings. There will continue to be an appetite for official briefings from within our own DoD, IA, and governmental circles. If these are requested of individuals or units that were part of the mission (b)(1)1.42 route this request through the We will be realistic about these requests.

There will be an official CIA- Center for the Study of Intelligence (CSI) / <sup>(b)(1)1.4a</sup> Joint venture that will take place in the coming weeks to capture AAR points and the historical nature of the event. This will be led by CSI ICW w/ our <sup>(b)(1)1.4a</sup> team. My intent is that we will fully and openly participate in this joint venture with our CIA partners.

Page lof 3

# Email #1

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Freedom of Information Act (FOIA) Guidance. We are currently working with USSOCOM on FOIA responses. My intent is for all requests for information received by <sup>(b)(1)1.4a</sup> about this operation be referred, without comment, to USSOCOM.

I am <u>exceedingly proud</u> of your performance during this mission. But, we need to protect those operators and that participated in the mission to ensure their safety and the safety of their families.

Thanks, McRaven

DERIVED FROM: MANUAL 380-5 DECLASSIFY ON: 25 YEARS FROM DATE OF SOURCE DATE OF SOURCE: 1 MAY 2006

CLASSIFICATION W/O ATCH: SECRET CAVEATS W/O ATCH: NONE TERMS W/O ATCH: NONE

CLASSIFICATION: SECRET CAVEATS: NONE TERMS: NONE

Page Zof 3

Email #1

#### UNCLASSIFIED



OPA Notice Office of Public Affairs Sent by: 50 USC 3507



Subject Message from the Director: Learning From Our Success

05/09/2011 10:04 AM

As we have made clear both inside and outside the ClA over the past week, the operation that found and killed Usama Bin Ladin demonstrates the very best in intelligence collection, analysis, targeting, collaboration, and, I would even say, imagination. This success was years in the making and of tremendous historic significance. We have an obligation to learn all we can from it and apply those lessons to future operations.

I have asked the Center for the Study of Intelligence, our Agency's think tank, to examine and record the keys to this operation's success. The Center's multidisciplinary experts—historians, intelligence practitioners in all mission areas, and lessons-learned specialists—will conduct interviews, examine the documentation, and write a report so that CIA officers of today and tomorrow can fully understand how we solved one of the most difficult intelligence puzzles of our time, and, ultimately accomplished one of the greatest successes in Agency history.

There is no doubt in my mind that the CIA will benefit from this study, that officers from every Directorate will learn valuable lessons from it, and that they will apply those lessons toward future success. Plus, I can guarantee you, it's one hell of a story.

Lcon E. Panetta

UNCLASSIFIED

Pase 3 of 3

Ensil #2

McRaven, Bill H VADM

Friday, May 13, 2011 5:09 PM (b)(6), (b)(3)(10 USC 130b)

From: Sent: To:

Cc:

Subject: Attachments: OPSEC Guidance / Neptune Spear Dir Panetta Memo.pdf

CLASSIFICATION: SECRET CAVEATS: NONE TERMS: NONE

Gentlemen,

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Page 1 of 3

Email # 2

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DERIVED FROM: MANUAL 380-5 DECLASSIFY ON: 25 YEARS FROM DATE OF SOURCE DATE OF SOURCE: 1 MAY 2006

CLASSIFICATION W/O ATCH: SECRET CAVEATS W/O ATCH: NONE TERMS W/O ATCH: NONE

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Page Zot 3

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UNCLASSIFIED



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Leon E. Panctta

UNCLASSIFIED

Page 3of 3

Enail # 3

From: Sent: To: Subject:

(Uesoay May 17, 2011 5:07 PM (b)(6), (b)(3)(10 USC 130b) RE: OPSEC Guidance / Neptune Spear (SECRET)

 $^{(b)(6)}$  –yes, he saw it. Thx vr (b)(6)

From: (b)(6), (b)(3)(10 USC 130b)

Sent: Monday, May 16, 2011 10:25 AM

To: (b)(6) Cc:

Subject: FW: OPSEC Guidance / Neptune Spear

(b){6}

CLASSIFICATION: SECRET CAVEATS: NONE TERMS: NONE

Sir -

FYI. MG Votel would have seen this as part of the @GO distro list. v/r(b)(6)



From: McRaven, Bill H VADM Sent: Friday, May 13, 2011 5:09 PM To:(b)(6). (b)(3)(10 USC 130b) Cc: (b)(6). (b)(3)(10 USC 130b)

Subject: OPSEC Guidance / Neptune Spear

CLASSIFICATION: SECRET CAVEATS: NONE TERMS: NONE

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Page lof 3

## Email #3

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Thanks, McRaven

Page 2 of 3

Email #3

DERIVED FROM: MANUAL 380-5 DECLASSIFY ON: 25 YEARS FROM DATE OF SOURCE DATE OF SOURCE: 1 MAY 2006

CLASSIFICATION W/O ATCH: SECRET CAVEATS W/O ATCH: NONE TERMS W/O ATCH: NONE

CLASSIFICATION: SECRET CAVEATS: NONE TERMS: NONE

DERIVED FROM: MANUAL 380-5 DECLASSIFY ON: 25 YEARS FROM DATE OF SOURCE DATE OF SOURCE: 1 MAY 2006

CLASSIFICATION W/O ATCH: SECRET CAVEATS W/O ATCH: NONE TERMS W/O ATCH: NONE

CLASSIFICATION: SECRET CAVEATS: NONE TERMS: NONE

Classification: SECRET Caveats: NONE

Pase 3 of 3

Email # 4

From: Sent: To:

Cc:

(b)(6), (b)(3)(10 USC 130b)

Friday, May 13, 2011 7:04 PM McRaven, Bill H VADM; (b)(6), (b)(3)(10 USC 130b) b)(6), (b)(3)(10 USC

(b)(6), (b)(3)(10 USC 130b)

#### Subject:

RE: OPSEC Guidance / Neptune Spear

CLASSIFICATION: SECRET CAVEATS: NONE TERMS: NONE

Ack all Sir, and wilco.



(b)(1)1.4a



From: McRaven, Bill H VADM Sent: Friday, May 13, 2011 5:09 PM To: (b)(6). (b)(3)(10 USC 130b) Cc: (b)(6). (b)(3)(10 USC 130b)

Subject: OPSEC Guidance / Neptune Spear

CLASSIFICATION: SECRET CAVEATS: NONE TERMS: NONE

Gentlemen,

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Page 10#3

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Page Z of 3

Email #4

DERIVED FROM: MANUAL 380-5 DECLASSIFY ON: 25 YEARS FROM DATE OF SOURCE DATE OF SOURCE: 1 MAY 2006

CLASSIFICATION W/O ATCH: SECRET CAVEATS W/O ATCH: NONE TERMS W/O ATCH: NONE

CLASSIFICATION: GECRET CAVEATS: NONE TERMS: NONE

DERIVED FROM: MANUAL 380-5 DECLASSIFY ON: 25 YEARS FROM DATE OF SOURCE DATE OF SOURCE: 1 MAY 2006

CLASSIFICATION: SECRET CAVEATS: NONE TERMS. NONE

Page 3 of 3

Emil #5

From: Sent: To: Subject: (b)(6), (b)(3)(10 USC 130b) Monday, May 16, 2011 3:09 PM McRaven, Bill H VADM RE: OPSEC Guidance / Neptune Spear

CLASSIFICATION: SECRET CAVEATS: NONE TERMS: NONE

Understand all sir, willco.



From: McRaven, Bill H VADM Sent: Friday, May 13, 2011 5:09 PM To: (b)(6), (b)(3)(10 USC 130b) Cc: (b)(6), (b)(3)(10 USC 130b)

Subject: OPSEC Guidance / Neptune Spear

CLASSIFICATION: SECRET CAVEATS: NONE TERMS: NONE

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(b)(1)1.4a Pasc 1 of 3

Email #5

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Thanks, McRaven

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CLASSIFICATION W/O ATCH: SECRET CAVEATS W/O ATCH: NONE TERMS W/O ATCH: NONE

CLASSIFICATION: SECRET CAVEATS: NONE TERMS: NONE

DERIVED FROM: MANUAL 380-5 DECLASSIFY ON: 25 YEARS FROM DATE OF SOURCE DATE OF SOURCE: 1 MAY 2006

Page Z of 3

Emil \$5

CLASSIFICATION: SECRET CAVEATS: NONE TERMS: NONE

Pase 3 of 3

Email #6

From: Sent: To: Cc: (b)(6), (b)(3)(10 USC 130b)

Thursday, May 12, 2011 4:15 PM McRaven, Bill H VADM (b)(6), (b)(3)(10 USC 130b)

Subject: Attachments: Draft OPSEC Guidance Attached -OPSEC Guidance / Neptune Spear

CLASSIFICATION: SECRET CAVEATS: NONE TERMS: NONE

Sir - per discussion in the car w/ you -

The and I drafted this for internal use for the (b)(1)1.4a Internal to the command for OPSEC Guidance related to MS

Recommend especially given the interest from CIA for capturing this for historical / lessons learned ICW our (b)(1) 1.4a

CSI / CIA memo from DIR Panetta attached to base document.

Attached Email ready to send w/ draft remarks and addressees. Pending questions -



DERIVED FROM: MANUAL 380-5 DECLASSIFY ON: 25 YEARS FROM DATE OF SOURCE DATE OF SOURCE: 1 MAY 2006

CLASSIFICATION W/O ATCH: SECRET CAVEATS W/O ATCH: NONE TERMS W/O ATCH: NONE

CLASSIFICATION: SECRET CAVEATS: NONE TERMS: NONE

Page 1 of 4

Email #6		
То:	(b)(6), (b)(3)(10 USC 130b)	
Cc:		
Subject: Attachments:	OPSEC Guidance / Neptune Spear Dir Panetta Memo.pdf	

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Page 2054

## Email # 6

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Pase 3 of Y

Emil #6

#### UNCLASSIFIED



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**OPA** Notice



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UNCLASSIFIED

Pase 4 of 4

Encil #7

From: Sent: To: Cc: Subject: Attachments: (b)(6), (b)(3)(10 USC 130b) Friday. May 13, 2011 4:21 PM

**OPSEC** Guidance **OPSEC Guidance / Neptune Spear** 

CLASSIFICATION: SECRET CAVEATS: NONE TERMS: NONE

Sir - attached email; the Chief and I scrubbed w/ the JAG one final time. this.

is good w/



From: (b)(6), (b)(3)(10 USC 130b) Sent: Friday, May 13, 2011 2:10 PM To: (b)(6). (b)(3)(10 USC 130b) Cc: Subject: OPSEC Guidance

CLASSIFICATION: SECRET CAVEATS: NONE TERMS: NONE

(b)(6)

caught two typos. Here it is again.

From: McRaven, Bill H VADM Sent: Friday, May 13, 2011 11:55 AM To: (b)(6). (b)(3)(10 USC 130b) Subject: OPSEC Guidance

CLASSIFICATION: SECRET CAVEATS: NONE TERMS: NONE

(b)(6)

I am ready to send out the below guidance, but I wanted to ensure there wasn't anything else you wanted to add.

Page lot 3

Email #7

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lage 20+3

Email #7

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DERIVED FROM: MANUAL 380-5 DECLASSIFY ON: 25 YEARS FROM DATE OF SOURCE DATE OF SOURCE: 1 MAY 2006

CLASSIFICATION: SECRET CAVEATS: NONE TERMS: NONE

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DERIVED FROM: MANUAL 380-5 DECLASSIFY ON: 25 YEARS FROM DATE OF SOURCE DATE OF SOURCE: 1 MAY 2006

CLASSIFICATION W/O ATCH: SECRET CAVEATS W/O ATCH: NONE TERMS W/O ATCH: NONE

CLASSIFICATION: SECRET CAVEATS: NONE TERMS: NONE

Page 3 of 3

Emil #8		
To:	(b)(6), (b)(3)(10 USC 130b)	
Cc:		
Subject: Atlachments:	OPSEC Guidance 10)(1)1.40 Neptune Spear Dir Panetta Memo.pdf	

Gentlemen,

Section 148 Temains classified. It was, and remains, a Title 50 mission. Director, Central Intelligence Agency, is the release authority for all Neptune's Spear related material.

Classification Guidance: Operation Neptune's Spear material remains SECRET NOFORN. All related material produced by CIA remains classified as originally marked <sup>(b)(1)1.4a</sup> Several Special Access Programs were involved during the mission and remained protected by those SAP caveats.

One particular item that I want to emphasize is photos; particularly UBLs remains. At this point - all photos should have been turned over to the CIA; if you still have them destroy them immediately or get them to the <sup>(b)(1)1.4a</sup>

Official briefings. There will continue to be an appetite for official briefings from within our own DoD, IA, and governmental circles. If these are requested of individuals or units that were<sup>(b)(1)1.4a</sup> route this request through the We will be realistic about these requests.

There will be an official CIA- Center for the Study of Intelligence (CSI) <sup>(b)(1)1.4a</sup> Joint venture that will take place in the coming weeks to capture AAR points and the historical nature of the event. This will be led by CSI ICW w/ our <sup>(b)(1)1.4a</sup> team. My intent is that we will fully and openly participate in this joint venture with our CIA partners.

The cover term, Neptune's Spear, is unclassified.

Administrative Guidance: Participants can reference <u>Operation Neptune's Spear</u> in OERs, NCOERs, FITREPs and award recommendations. Avoid specific references to the target, the target location, or SAP protected assets involved.

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## Email #8

Public Affairs Guidance: Do not entertain journalist queries. Refer all media interviews requests to the SOCOM Public Affairs Office.

Freedom of Information Act (FOIA) Guidance. We are currently working with USSOCOM on FOIA responses. My intent is for all requests for information received (b)(1)1.4a about this operation be referred, without comment, to USSOCOM.

I am <u>exceedingly proud</u> of your performance during this mission. But, we need to protect those operators and that participated in the mission to ensure their safety and the safety of their families.

Thanks, McRaven

Page 2 of 3

Email #8

UNCLASSIFIED



OPA Notice Office of Public Affairs Sent by: 50 USC 3507



Subject Message from the Director: Learning From Our Success

05/09/2011 10:04 AM

As we have made clear both inside and outside the CIA over the past week, the operation that found and killed Usama Bin Ladin demonstrates the very best in intelligence collection, analysis, targeting, collaboration, and, I would even say, imagination. This success was years in the making and of tremendous historic significance. We have an obligation to learn all we can from it and apply those lessons to future operations.

I have asked the Center for the Study of Intelligence, our Agency's think tank. to examine and record the keys to this operation's success. The Center's multidisciplinary experts—historians, intelligence practitioners in all mission areas, and lessons-learned specialists—will conduct interviews, examine the documentation, and write a report so that CIA officers of today and tomorrow can fully understand how we solved one of the most difficult intelligence puzzles of our time, and, ultimately accomplished one of the greatest successes in Agency history.

There is no doubt in my mind that the CIA will benefit from this study, that officers from every Directorate will learn valuable lessons from it, and that they will apply those lessons toward future success. Plus, I can guarantee you, it's one hell of a story.

Leon E. Panetta

UNCLASSIFIED

Page 3 of 3

EMAI # 9

From: (b)(3)10 USC & 130b, (b)(6) Sent: Friday, August 05, 2011 10:40 PM To: (b)(3)10 USC & 130b, (b)(6) (b)(3)10 USC & 130b, (b)(6) (b)(3)10 USC & 130b, (b)(6) Cc: (b)(3)10 USC & 130b, (b)(6)

Subject: ONS Directive (LIMDIS)

CLASSIFICATION SECRET CAVEATS NOFORN(b)(1)1.4a TERMS NONE

Commanders,

This is directive in nature and is intended for immediate execution and compliance. (b)(1)1.4a VADM McRaven directed all units to consolidate any data or documents pertaining to Operation Neptune's Spear (ONS). Due to the prescribed command and control, and the limited task organization which compnsed the force, you are in a unique situation where you and members of your command were involved in the operation, but your headquarters and subordinate units have no authorization to hold or store any of the data associated with ONS; and more specifically, the target associated with ONS. There are several actions that need to be completed in order to ensure the (b)(1)1.4a have met ADM Olson's and LTG Votel's quidance:

- 1. Data Collection, All data associated with ONS, to include all digital documents, emails, etc. will be collected and consolidated. Any hard-copy documents, imagery, etc. still in your possession should also be consolidated. Once consolidated, all data should be placed on a stand-alone / secure server or limited access portal site, and categorized for reporting to (b)(1)1.4a A final sweep of all servers, computers, and digital storage devices within your command will be conducted to ensure no one (service member, civilian employee, contractor, etc.) has any data or documents related to ONS. This will be completed NLT 31 August. Once data collection is complete, we can complete reclassification work (b)(1)1.4a and conduct the transfer of your data to data archives at (b)(1)1.4a Any known possession of videos or photos from ONS is considered CCIR (call immediately to the (b)(1)1.4a COS or ACOS). Once all units confirm compliance, will conduct a server search of subordinate HQs to confirm the removal of ONS material.
- Briefings. No one is authorized to conduct briefings about ONS. Any requests to conduct briefings to
  Distinguished Visitors will be routed through the COS and approved by a (b)(1)1.4a
   The approved
  slide presentation will be provided by this headquarters to your command, and you will ensure deletion /
  destruction of the brief when complete.
- 3. Awards. There are some individual awards which are still in the approval process at (b)(1)1.4a (b)(1)1.4

Acknowledge receipt

(b)(3)10 USC & 130b, (b)(6)

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CLASSIFICATION: SECRET CAVEATS (b) (1) (A) CLASSIE TERMS: NONE

DERIVED FROM DECLASSIFY ON: 25 YEARS FROM DATE OF SOURCE DATE OF SOURCE: 1 MAY 2006

CLASSIFICATION: SECRET CAVEATS TERMS: NONE

DERIVED FROM (b) (1) (A) CLASSIFIED BY (b) (6) DECLASSIFY ON: 25 YEARS FROM DATE OF ORIGINATION DATE OF SOURCE: 20121011

#### CONTAINS

\*\*IF YOU RECEIVED THIS EMAIL IN ERROR, NOTIFY THE SENDER IMMEDIATELY. DO NOT COPY OR FURTHER DISSEMINATE WITHOUT EXPLICIT PERMISSION FROM THE SENDER OR YOUR LOCAL (b) (1) (A) THE PROGRAM CONTROL OFFICER!\*\*

From: McRaven, Bill H VADM Sent: Friday, May 13, 2011 5:09 PM To: (b)(3)10 USC & 130b, (b)(6) Cc: (b)(3)10 USC & 130b, (b)(6) (b)(3)10 USC & 130b, (b)(6) (b)(3)10 USC & 130b, (b)(6)

Subject: OPSEC Guidance / Neptune Spear

CLASSIFICATION: SECRET CAVEATS: NONE TERMS: NONE

Gentlemen,

Despite the abundance of open source media reporting, Operation Neptune's Spear remains classified. It was, and remains, a Title 50 mission. Director, Central Intelligence Agency, is the release authority for all Neptune's Spear related material.

Classification Guidance: Operation Neptune's Spear material remains SECRET NOFORN. All related material produced by CIA remains classified as originally marked **10**<sup>(1)(1)14a</sup> Several Special Access Programs were involved during the mission and remained protected by those SAP caveats.

One particular item that I want to emphasize is photos; particularly UBLs remains. At this point - all photos should have been turned over to the CIA; if you still have them destroy them immediately or get them to the (b)(1)1.48

Official briefings. There will continue to be an appetite for official briefings from within our own DoD, IA, and governmental circles. If these are requested of individuals or units that were part of the mission (b)(1)1.43 route this request through the We will be realistic about these requests.

There will be an official CIA- Center for the Study of Intelligence (CSI) /<sup>(b)(1)1.4a</sup> Joint venture that will take place in the coming weeks to capture AAR points and the historical nature of the event. This will be led by CSI ICW w/ our<sup>(b)(1)1.4a</sup> team. My intent is that we will fully and openly participate in this joint venture with our CIA partners.

The cover term, Neptune's Spear, is unclassified.

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Public Affairs Guidance: Do not entertain journalist queries. Refer all media interviews requests to the SOCOM Public Affairs Office.

Freedom of Information Act (FOIA) Guidance. We are currently working with USSOCOM on FOIA responses. My intent is for all requests for information received by <sup>(b)(1)1.4a</sup> about this operation be referred, without comment, to USSOCOM.

1 am <u>exceedingly proud</u> of your performance during this mission. But, we need to protect those operators and that participated in the mission to ensure their safety and the safety of their families.

Thanks, McRaven

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CLASSIFICATION W/O ATCH: SECRET CAVEATS W/O ATCH: NONE TERMS W/O ATCH: NONE

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CLASSIFICATION SECRET CAVEATS NONE TERMS NONE

## (b)(1)1.4a SECRET / Info Clean Up Plan

#### ธศากา ส.ศ.

### **Briefs**

- Get all briefs to either the portal or S: Drive
- Ensure no briefings/ slides etc are left on you hard drive

## Email

- Save all email to your functional account mailbox. Those who don't have a functional account will create a Personal folder on the shared drive S: Drive<sup>(b)(1)1.4a</sup> with all NS related emails. Personal Folders should be labeled NS yourlastname.

will clean all functional accounts off of BAF server and get all emails

will move all .pst's and briefs to a removeable hard drive (b)(6)1.4a

HD.

### Portal

-Upon direction/from will begin pulling access for personnel to the restricted portal site

#### (b)(1)1.4a

### Email

Shared Drive -Link to

will store onto one

(b)(1)1.4a

- Save all email to your functional account. Those who don't have a functional account will create a Personal folder on the shared drive with all NS related emails. Folders should be labeled be

NS vourlastname