

## 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]II 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. (mbekesha@judicialwatch.org)

Judicial Watch



From:

McRaven, Bill H VADM

Sent:

Friday, May 13, 2011 5:09 PM

To:

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

Cc:

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

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

Subject:

OPSEC Guidance / Neptune Spear

Attachments:

Dir Panetta Memo.pdf

Follow Up Flag: Flag Status:

Follow up Flagged

Categories:

Long Term

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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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)1.4a

We will be realistic about these requests.

There will be an official CIA- Center for the Study of Intelligence (CSI) / 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 (b)(1)1.48 team. My intent is that we will fully and openly participate in this joint venture with our CIA partners.

Page lof 3

Erail =1

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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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 (b)(1)1.42 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

#### UNCLASSIFIED



OPA Notice
Office of Public Affairs
Sent by:

To 50 USC 3507 cc bcc

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.

Leon E. Panetta

UNCLASSIFIED

Page 3 of 3

Eneil #2

From: Sent: McRaven, Bill H VADM

To:

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

Cc:

Subject:
Attachments:

OPSEC Guidance / Neptune Spear

Dir Panetta Memo.pdf

CLASSIFICATION: SECRET

CAVEATS: NONE TERMS: NONE

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Page 1 of 3

Enail & Z

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CLASSIFICATION: SEGRET CAVEATS; NONE TERMS: NONE

Page Zof 3

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(b)(3)50 USC 3507

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Leon E. Panetta

UNCLASSIFIED

Page 3 of 3

Enail # 3

From:

(b)(6)

Sent:

(Uesday May 17, 2011 5:07 PM (b)(6), (b)(3)(10 USC 130b)

To:

Subject:

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

CLASSIFICATION: SECRET

CAVEATS: NONE TERMS. NONE

Sir -

FYI. MG Votel would have seen this as part of the @GO distro list.

V/F (b)(6)

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

From: McRaven, Bill H VADM Sent: Friday, May 13, 2011 5:09 PM

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

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

Subject: OPSEC Guidance / Neptune Spear

**CLASSIFICATION: SECRET** 

CAVEATS: NONE TERMS: NONE

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Page 1 of 3

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Thanks, McRaven

Page 2 of 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

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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

Classification: SECRET

Caveats: NONE

From:

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

Sent:

To:

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

Cc:

(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)(6)

(b)(1)1.4a

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

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 10+3

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Page Z of 3

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DECLASSIFY ON: 25 YEARS FROM DATE OF SOURCE

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TERMS W/O ATCH: NONE

CLASSIFICATION: GEGRET

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

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

Sent:

Monday, May 16, 2011 3:09 PM

McRaven, Bill H VADM

Subject:

RE: OPSEC Guidance / Neptune Spear

CLASSIFICATION: SECRET CAVEATS: NONE

TERMS: NONE

Understand all sir, willco.

(p)(e)

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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CLASSIFICATION: SECRET CAVEATS: NONE TERMS: NONE

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DATE OF SOURCE: 1 MAY 2006

Page Z of 3

CLASSIFICATION: SECRET

CAVEATS: NONE TERMS: NONE

Page 3 of 3

From:

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

Sent:

Thursday, May 12, 2011 4:15 PM

To: Cc:

McRaven, Bill H VADM (b)(6), (b)(3)(10 USC 130b)

Subject:

Draft OPSEC Guidance Attached -

Attachments:

**OPSEC Guidance / Neptune Spear** 

CLASSIFICATION: SECRET

CAVEATS: NONE TERMS: NONE

Sir - per discussion in the car w/ you -

(b)(1)1.4a and I drafted this for internal use for the (b)(1)1.4a

Internal to the command

for OPSEC Guidance related to

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 -

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

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DATE OF SOURCE: 1 MAY 2006

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

CLASSIFICATION: SECRET

CAVEATS: NONE TERMS: NONE

Page 1 of 4

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

Cc:

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

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(b)(1)1.4a

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To 50 USC 3507 cc bcc

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UNCLASSIFIED

Page 4 of 4

Encil #7

From:

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

Sent:

Friday, May 13, 2011 4:21 PM b)(6), (b)(3)(10 USC 130b)

To: Cc:

Subject:

**OPSEC Guidance** 

Attachments:

**OPSEC Guidance / Neptune Spear** 

CLASSIFICATION: SEGRET CAVEATS: NONE TERMS: NONE

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

is good w/

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

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

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

Page 10+3

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

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CAVEATS: NONE TERMS: NONE

Page 3 of 3

To:	(b)(6), (b)(3)(10 USC 130b)
Cc:	
Subject: Attachments:	OPSEC Guidance (6)(1)11.42  Neptune Spear

Gentlemen,

Despite the abundance of open source media reporting, Operation Neptune's 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 (b)(1)1.4a 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

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 We will be realistic about these requests.

There will be an official CIA- Center for the Study of Intelligence (CSI) 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 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.

Page 1 of 3

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)1.48 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

#### UNCLASSIFIED



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

To 50 USC 3507

boc

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

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



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 comprised 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 guidance.

- 2. 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)1.4a This required our Awards section to keep a limited number of narratives for the awards still not approved. The cutoff date for submission of any ONS-related awards is 12 August. Additionally, provide a complete list of all personnel within your command whose awards are still outstanding on that date. The and (b)(1)1.4a will also provide you guidance to ensure that individual orders for the PUCs are presented in a manner to protect the units and the individuals involved with the operation.

Acknowledge receipt.



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DATE OF SOURCE 1 MAY 2006

CLASSIFICATION GECRET

CAVEATS

TERMS NONE

DERIVED FROM.

DECLASSIFY ON: 25 YEARS FROM DATE OF SOURCE

DATE OF SOURCE: 1 MAY 2006

CLASSIFICATION SECRET

CAVEATS

TERMS NONE

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DECLASSIFY ON: 25 YEARS FROM DATE OF SOURCE

DATE OF SOURCE, 1 MAY 2006

CLASSIFICATION: SECRET

CAVEATS: (b) (1) (A)

TERMS NONE

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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) 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

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I am exceedingly proud 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** 

CLASSIFIED BY: (b)(3)10 USC & 130b. (b)(6)

DECLASSIFY ON: 25 YEARS FROM DATE OF SOURCE

DATE OF SOURCE: 01 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: (b)(1)1.4a CLASSIFIED BY (b)(3), (b)(3)10 USC & 130b, (b)(6) DECLASSIFY ON 25 YEARS FROM DATE OF SOURCE

DATE OF SOURCE, 01 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 (b)(1)1.4a

CLASSIFII BY: (b)(3)10 USC & 130b, (b)(6) DECLASSIFY ON 25 YEARS FROM DATE OF SOURCE

DATE OF SOURCE: 01 MAY 2006

CLASSIFICATION SECRET CAVEATS NONE TERMS: NONE

# Info Clean Up Plan

#### (6)(1)1 4a

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

## **Portal**

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

## (b)(1)1.4a

## **Email**

- -Link to Shared Drive
- 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 yourlastname
- will store onto one