

Exhibit D



U.S. Department of Justice

Office of Legal Counsel

Washington, D.C. 20530

October 27, 2011

Charlie Savage
N.Y. Times
1627 I Street, N.W.
Washington, D.C. 20006

Dear Mr. Savage:

This responds to your Freedom of Information Act request dated October 7, 2011, in which you seek, OLC “memorandums analyzing the circumstances under which it would be lawful for United States armed forces or intelligence community assets to target for killing a United States citizen who is deemed to be a terrorist.”

Pursuant to FOIA Exemptions One, Three and Five, 5 U.S.C. § 552(b)(1), (3) and (5), the Office of Legal Counsel neither confirms nor denies the existence of the documents described in your request. We cannot do so because the very fact of the existence or nonexistence of such documents is itself classified, protected from disclosure by statute, and privileged.

I am required by statute and regulation to inform you that you have the right to file an administrative appeal. Any administrative appeal must be received within 60 days of the date of this letter by the Office of Information Policy, United States Department of Justice, Flag Building, Suite 570, Washington, D.C. 20530-0001. Both the letter and the envelope should be clearly marked “Freedom of Information Act Appeal.”

Sincerely,

A handwritten signature in black ink, appearing to read "Paul P. Colborn".

Paul P. Colborn
Special Counsel