

# **Exhibit B**

**Exhibit B - Exemption 5 Priority Legal Documents**

#	Bates Number	Date(s)	Vaughn Document Description	Vaughn Description of Withheld Information
1	ICE FOIA 10-2674.0010794 - ICE FOIA 10-2674.0010800	10/2/2010	Memo from the Deputy Principal Legal Advisor to Beth Gibson	Deliberations and legal opinions regarding SC becoming mandatory in 2013
2	ICE FOIA 10-2674.0003008 - ICE FOIA 10-2674.0003022	10/4/2010	Emails between SC and ICE OPLA	Discussion regarding attached pre-decisional draft of new language describing the manner in which SC program operates. Attached draft memo also discusses legal authority for the proposition that participation in Secure Communities will be mandatory in 2013.
3	ICE FOIA 10-2674.0009132 - .0009145	10/2/2010	Draft Memorandum from OPLA to Beth Gibson	Legal analysis of the mandatory nature of the 2013 Secure Communities deployment
4	ICE FOIA 10-74.0002534 ICE FOIA 10-74.0002547	10/01/2010, 10/02/2010	Email between ICE senior leadership and among OPLA attorneys with one attachment —a draft OPLA memo entitled “Secure Communities —Mandatory in 2013.”	Email between ICE senior leadership for the purpose of seeking review of a predecisional draft of SC promotional materials. The draft SC promotional materials did not reflect any final agency policy or position. The draft memo contains legal advice provided by OPLA and did not reflect any final agency policy or position.

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5	ICE FOIA 10-2674.0002522 ICE FOIA 10-2674.0002533	10/01/2010, 10/02/2010	Email among OPLA attorneys with one attachment –a draft OPLA memo entitled “Secure Communities–Mandatory in 2013.”	Email between OPLA attorneys containing draft legal opinion regarding whether SC will be mandatory in 2013. The draft OPLA email contains legal advice and did not reflect any final agency policy or position. The draft memo contains legal advice provided by OPLA and did not reflect any final agency policy or position.
6	ICE FOIA 10-74.0002548 ICE FOIA 10-74.0002555	10/01/2010, 10/04/2010	Email among OPLA attorneys containing a draft OPLA memo entitled “Secure Communities –Mandatory in 2013.”	Email between OPLA attorneys containing draft legal opinion regarding whether SC will be mandatory in 2013. The OPLA email contains legal advice provided by OPLA and did not reflect any final agency policy or position.
7	ICE FOIA 10-2674.0010839- ICE FOIA 10-2674.0010849	10/1/2010	Email from Associate Legal Advisor to OPLA team	Deliberation and discussion of legal issues surrounding mandatory participation by 2013
8	ICE FOIA 10-2674.0002509 ICE FOIA 10-2674.0002521	10/1/2010	Email between ICE senior leadership and among OPLA attorneys with one attachment –a draft OPLA memo entitled “Secure Communities –Mandatory in 2013.”	Email between ICE senior leadership for the purpose of seeking review of a predecisional draft of SC promotional materials. The draft SC promotional materials did not reflect any final agency policy or position. The draft memo contains legal advice provided by OPLA and did not reflect any final agency policy or position.
9	ICE FOIA 10-2674.0003740 - ICE FOIA 10- 2674.0003748	9/30/2010	Draft memorandum from OPLA attorneys.	Draft memorandum with prepared to discuss issues related to the mandatory nature of SC in 2013.

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10	ICE FOIA 10-2674.0002686 - ICE FOIA 10-2674.0002693	12/15/2010	Draft document from OPLA attorneys to OPLA leadership related to Secure Communities deployment.	The draft memo contains legal advice provided by OPLA and did not reflect any final agency policy or position.
11	ICE FOIA 10-2674.0002666 - ICE FOIA 10-2674.0002675	10/2/2010	Draft document from OPLA to ICE senior leadership related to Secure Communities deployment.	The draft memo contains legal advice provided by OPLA and did not reflect any final agency policy or position.
12	ICE FOIA 102674.0013854- ICE FOIA 10-2674.0013860	9/29/2010	Document entitled, "Secure Communities Opt Out Memo.doc"	Draft legal guidance by ICE lawyers on SC.
13	ICE FOIA 10-2674.0012494 - ICE FOIA 10-2674.0012503	10/2/2010	Draft memo on Secure Communities becoming mandatory in 2013	Draft document contains legal deliberation and advice from OPLA staff regarding SC becoming mandatory by 2013.
14	ICE FOIA 10-2674.0002713 - ICE FOIA 10-2674.0002721	10/2/2010	Draft document from OPLA to ICE senior leadership related to Secure Communities deployment.	The draft memo contains legal advice provided by OPLA and did not reflect any final agency policy or position.
15	ICE FOIA 10-2674.0002676 - ICE FOIA 10-2674.0002685	10/2/2010	Draft document from OPLA to ICE senior leadership related to Secure Communities deployment.	The draft memo contains legal advice provided by OPLA and did not reflect any final agency policy or position.
16	ICE FOIA 10-2674.0011360- 0011365	9/7/2010	Opt Out Memorandum between OPLA ELD to the Principal Legal Advisor	The draft material of the legal justification for interoperability and whether or not participation is mandatory. These discussions were deliberative of the final form of the draft and did not reflect any final agency policy or position and consisted of the privileged legal counsel from attorneys advising their client.

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17	ICE FOIA 10-2674.0003754 - ICE FOIA 10-2674.0003759	9/7/2010	Draft of a legal memorandum prepared by OPLA	Draft internal memorandum containing deliberations and legal advice about the policies and procedures for SC, including options for states that wish to "Opt-Out." The deliberations and legal advice did not reflect any final agency policy or position.
18	ICE FOIA 10-2674.0003162 - ICE FOIA 10-2674.0003169	9/16/2010	Email among ICE Office of the Principal Legal Advisor (OPLA) attorneys with one attachment	Memorandum discussing whether a law enforcement agency may "opt out" of the SC initiative and email communications among attorneys regarding the memorandum and reflecting client-supplied information.
19	ICE FOIA 10-2674.0013894 - ICE FOIA 10-2674.0013896	10/1/2010	Email exchange between the ICE Office of the Director, OPLA and SC Program Office	Draft paper seeking to identify a new manner in which to describe the program to the public so that the agency's description more accurately reflects the manner in which SC operates
20	ICE FOIA 10-2674.0003023 - ICE FOIA 10-2674.0003026	10/12/2010	Emails and attachment between SC and ICE OPLA	Discussion regarding attached pre-decisional draft of new language describing the manner in which SC program operates.