

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

# CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON

Plaintiff,

V.

UNITED STATES DEPARTMENT OF JUSTICE

Defendants.

Civ. No. 1:18-cv-0007-TSC

## DECLARATION OF VANESSA R. BRINKMANN

I, Vanessa R. Brinkmann, declare the following to be true and correct:

1. I am Senior Counsel in the Office of Information Policy (OIP), United States Department of Justice (DOJ or “the Department”). In this capacity, I am responsible for supervising handling of the Freedom of Information Act (FOIA) requests subject to litigation processed by the Initial Request Staff (IR Staff) of OIP. The IR Staff of OIP is responsible for processing FOIA requests seeking records from within OIP and from six senior leadership offices of the DOJ, specifically the Offices of the Attorney General (OAG), Deputy Attorney General (ODAG), Associate Attorney General (OASG), Legal Policy (OLP), Legislative Affairs (OLA), and Public Affairs (PAO). The IR Staff determines whether records responsive to access requests exist and, if so, whether they can be released in accordance with the FOIA. In processing such requests, the IR Staff consults with personnel in the senior leadership offices and, when appropriate, with other components within the DOJ, as well as with other Executive Branch agencies.

2. I make the statements herein on the basis of personal knowledge, as well as information provided to me by others within the Executive Branch of the Federal Government

with knowledge of the types of records at issue in this case, and on information acquired by me in the course of performing my official duties.

**I. Plaintiff's Initial FOIA Request to OIP**

3. On December 13, 2017, Plaintiff submitted a FOIA request to OIP, seeking from DOJ's senior leadership offices "all communications concerning the decision to invite reporters to DOJ on December 12, 2017, for the purpose of sharing with them private text messages sent during the 2016 presidential campaign by two former FBI investigators on Special Counsel Robert Mueller's team." This request went on to say that it "includes, but is not limited to: (1) communications with reporters regarding this meeting; (2) communications within DOJ about whether, when, and how to share the text messages with reporters including, *inter alia*, the Office of the Inspector General, the Attorney General, the Office of Legislative Affairs, the Deputy Attorney General, the Associate Attorney General, the Office of Public Affairs, and any individual within the senior leadership offices of DOJ; and (3) communications with any member of Congress and/or their staff regarding this matter." This request further sought "documents reflecting who made the decision to release this material to reporters on the evening of December 12, 2017." A copy of this FOIA request is attached hereto as Exhibit A.

4. By letter dated December 22, 2017, OIP acknowledged Plaintiff's FOIA request on behalf of OAG, ODAG, OASG, PAO, and OLA and confirmed the following tracking numbers: DOJ-2018-001492 (AG),<sup>1</sup> DOJ-2018-001537 (DAG), DOJ-2018-001538 (ASG), DOJ-2018-001539 (PAO), DOJ-2018-001540 (OLA). In this acknowledgement letter, OIP noted that Plaintiff had requested expedited processing of its request pursuant to the Department's standard involving "[a] matter of widespread and exceptional media interest in which there exist possible

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<sup>1</sup> Please note that the tracking number for OAG was later reassigned as DOJ-2018-002590 (AG).

questions about the government's integrity which affect public confidence." See 28 C.F.R. § 16.5(e)(1)(iv) (2017). OIP informed Plaintiff that its request had been directed to the Director of Public Affairs, who makes the decision whether to grant or deny expedition processing under this standard. See id. § 16.5(e)(2). A copy of OIP's acknowledgement letter to Plaintiff is attached hereto as Exhibit B.

5. On January 3, 2018, Plaintiff filed suit. See Complaint, ECF No. 1.

6. By letter dated January 3, 2018, OIP sent Plaintiff a second acknowledgement letter by facsimile, informing Plaintiff that its request for expedited processing had been granted. The coversheet accompanying OIP's second acknowledgement letter indicates the letter was successfully transmitted by facsimile. In this acknowledgement letter, OIP further advised Plaintiff that its FOIA request had been placed in OIP's expedited processing track. A copy of OIP's second acknowledgement letter, along with a copy of the facsimile coversheet are attached hereto as Exhibit C.

## **II. OIP's Responses to Plaintiff's FOIA Request**

7. By letter dated April 30, 2018, OIP provided its first interim response to Plaintiff's FOIA request. OIP informed Plaintiff that searches had been conducted in OAG, ODAG, OASG, OLA, and PAO and that fourteen pages containing records responsive to Plaintiff's request were appropriate for release with excisions made pursuant to Exemptions 5 and 6 of the FOIA, 5 U.S.C. § 552(b)(5) and (b)(6). A copy of OIP's first interim response letter, dated April 30, 2018, is attached hereto as Exhibit D.

8. By letter dated June 1, 2018, OIP provided its second interim response to Plaintiff's FOIA request. Pursuant to this response, OIP provided Plaintiff an additional twenty-eight pages containing records responsive Plaintiff's request, some with excisions made pursuant to

Exemption 6 of the FOIA, 5 U.S.C. § 552(b)(6). A copy of OIP's second interim response letter, dated June 1, 2018, is attached hereto as Exhibit E.

9. By letter dated June 29, 2018, OIP provided its third interim response to Plaintiff's FOIA request. Pursuant to this response, OIP provided Plaintiff an additional 143 pages containing records responsive Plaintiff's request, some with excisions made pursuant to Exemptions 5 and 6 of the FOIA, 5 U.S.C. § 552(b)(5) and (b)(6). Furthermore, OIP withheld 124 pages in full pursuant to Exemption 5 of the FOIA, 5 U.S.C. § 552(b)(5). A copy of OIP's third interim response letter, dated June 29, 2018, is attached hereto as Exhibit F.

10. By letter dated July 2, 2018, OIP provided its final response to Plaintiff's FOIA request. Pursuant to this response, OIP provided Plaintiff an additional twenty-seven pages containing records responsive Plaintiff's request, some with excisions made pursuant to Exemptions 5, 6, and 7(C) of the FOIA, 5 U.S.C. § 552(b)(5), (b)(6) and (b)(7)(C). Furthermore, OIP withheld an additional seven pages in full pursuant to Exemption 5 of the FOIA, 5 U.S.C. § 552(b)(5). A copy of OIP's final response letter, dated July 2, 2018, is attached hereto as Exhibit G.

11. By email dated August 24, 2018, Department counsel provided Plaintiff with two pages containing records responsive Plaintiff's request, which OIP previously withheld in full. After further review, OIP determined that the records within these pages could be released in part. These records contained excisions made pursuant to Exemptions 5, and 6 of the FOIA, 5 U.S.C. § 552(b)(5) and (b)(6). A copy of Department counsel's email, dated August 24, 2018, is attached hereto as Exhibit H.

12. By letter dated September 14, 2018, OIP provided a supplemental response to Plaintiff's request, which contained records located by OIP as part of a re-run search subsequent



to a technical issue. In this release, OIP did not initially process duplicative records contained within the production. Plaintiff subsequently requested that OIP do so, and as a matter of discretion, OIP processed the duplicate records. Department counsel then re-released this material. Pursuant to these responses, OIP provided Plaintiff forty-six pages containing records responsive to Plaintiff's request, some with excisions made pursuant to Exemptions 5 and 6 of the FOIA, 5 U.S.C. § 552(b)(5) and (b)(6). A copy of OIP's supplemental response letter, dated September 14, 2018, is attached hereto as Exhibit I.

13. By letter dated October 12, 2018, OIP provided its final supplemental response to Plaintiff's FOIA request. Pursuant to this response, OIP provided Plaintiff an additional forty-nine pages containing records responsive to Plaintiff's request, some with excisions made pursuant to Exemptions 6 of the FOIA, 5 U.S.C. § 552(b)(6). A copy of OIP's final supplemental response letter, dated October 12, 2018, is attached hereto as Exhibit J.

### **III. Description of OIP's Standard Search Methods**

14. As previously mentioned in paragraph 1, OIP processes FOIA requests on behalf of itself and six senior leadership offices of the Department of Justice. OIP makes determinations upon receipt of a FOIA request, both as to the appropriate senior leadership office or offices in which to conduct initial records searches, and the records repositories and search methods to use in conducting records searches on behalf of the designated senior leadership offices.

Assessments of where responsive records are likely maintained are based on a review of the content of the request itself and the nature of the records sought therein, as well as our familiarity with the types and location of records that each senior leadership office maintains, discussions with knowledgeable personnel in the senior leadership offices, and any research that OIP staff may conduct on the topic of the request.

15. In order to ensure that reasonably thorough records searches are conducted, during the course of processing a given FOIA request, OIP continually assesses whether other (both current and former) staff members' records should be searched, or whether supplemental or alternative search methods (such as targeted inquiries to knowledgeable leadership office staff regarding the existence of records not identified via "keyword" searches) should be used, and will initiate such additional searches as appropriate. This assessment is based on OIP's review of records that are located in the initial records searches, discussions with Department personnel, or other pertinent factors. In sum, OIP records searches are conducted in an agile and comprehensive manner, and the various search steps undertaken by OIP staff in response to a given request work in tandem to achieve a complete records search.

16. When searching the records of leadership office custodians identified as having potentially responsive material, OIP staff employ any one of a variety of search methods, or a combination of methods, depending on the factors at hand and on the type of records systems implicated in the search. Potentially responsive records may be located in unclassified or classified email systems, computer hard drives (electronic documents), and/or hard copy (paper) files.

A. Unclassified Email Systems and Computer Hard Drives

17. Unclassified email records (which today comprise the bulk of records identified in response to FOIA requests processed by OIP) and computer hard drives are searched using a sophisticated electronic system which remotely searches through a given custodian's entire email collection and hard drive to isolate and locate potentially responsive records within that collection of electronic records, using search parameters that are provided by OIP staff. This same system then serves as the review platform by which OIP staff review the records retrieved

using those initial search parameters. This platform allows broad search terms to be used initially and then for OIP staff to run more targeted, secondary searches within the gathered universe to identify records responsive to each request. If and when secondary searches are conducted, the parameters used are based on a variety of factors, including keywords/search terms and contextual or background information provided in the request letter, topical research conducted on the request subject, discussions with knowledgeable officials within the Department, and on OIP's review of the initial search results which allows OIP to identify common terms and phrasing that is actually employed by records custodians on the topic of the request. This two-tiered search approach leverages the technological advancements of the electronic search and review system and, by enabling a broad initial search followed by a focused secondary search, allows OIP staff to conduct thorough, precise, and informed searches of unclassified email systems.

#### B. Text Messages

18. Consistent with the standard procedures described in paragraphs above, OIP sent search notifications to OAG, ODAG, OASG, OLA, and PAO, which provided records custodians with the details of the request and instructions to identify any additional records, such as text messages, that would not be captured by OIP's remote search. If those points of contact inform OIP that custodians in their Offices may maintain these additional records that are potentially responsive to a FOIA request, OIP takes the appropriate steps to conduct additional searches for the specified records. Further, OIP engages in a dynamic search process and follows leads as they arise, including leads uncovered in during the review of records located in other search repositories, or even in other FOIA searches, to the extent those leads indicate the existence of additional potentially responsive records.

19. In the course of reviewing text messages retrieved in response to another FOIA request, OIP identified text messages that were potentially responsive to Plaintiff's request. Consistent with OIP's standard practice of responding to search leads, OIP then reached out to initiate an additional search for text messages within PAO. OIP also engaged in further discussion with its point of contact in PAO to confirm that no other custodians possessed additional potentially responsive records. Throughout this process, there has been no indication that any custodian in a component outside PAO maintains text messages responsive to this request.

C. Departmental Executive Secretariat

20. The Departmental Executive Secretariat (DES) is the official records repository of OAG, ODAG, OASG, and OLA and maintains records of all formal, controlled, unclassified correspondence sent to or from those Offices from January 1, 2001, to the present day. Moreover, the DES is used to track internal Department correspondence sent through formal channels, as well as certain external correspondence including Departmental correspondence with Congress.

21. Records received by the designated senior leadership offices are entered into DES's Intranet Quorum (IQ) database by trained analysts. The data elements entered into the system include such items as the date of the document, the date of receipt, the sender, the recipient, as well as a detailed description of the subject of the record. In addition, entries are made that, among other things, reflect what action is to be taken on the records, which component has responsibility for that action, and when that action should be completed. Keyword searches of the electronic IQ database may then be conducted by utilizing a single search parameter or

combinations of search parameters. Search parameters may include the subject, organization, date, name, or other keywords.

#### **IV. Searches Conducted by OIP in Response to Plaintiff's Request**

22. Upon review of Plaintiff's request OIP determined that it was appropriate to search for potentially responsive records within the five Offices specified in Plaintiff's request—OAG, ODAG, OASG, PAO, and OLA. As OIP's search progressed, OIP located potentially responsive emails reflecting conversations between ODAG and the Office of Privacy and Civil Liberties (OPCL).<sup>2</sup> This suggested that additional potentially responsive records may reasonably be expected to be located in an electronic search of OPCL custodians' records, and OIP therefore determined that it was appropriate to conduct an additional search within OPCL. In order to capture all potentially responsive records, OIP conducted broad searches of unclassified email records and computer hard drives within these six Offices, as well as the DES.

##### **A. Search of OAG, ODAG, OASG, PAO, OLA and OPCL Email and Hard Drives**

23. OIP initiated its search efforts on January 3, 2017. Remote electronic searches of email and computer files of OAG, ODAG, OASG, PAO, OLA, and OPCL officials were performed for a total of seventy-one records custodians. These seventy-one records custodians included every staff member employed in OAG, ODAG, OASG, PAO, OLA, and OPCL at the time of the search initiation, as well as additional selected senior officials employed at the time of the events relevant to this request, but who had since left the Department prior to the initiation of OIP's electronic searches. Moreover, consistent with the standard procedures as described above, OIP sent search notifications to these six Offices, providing records custodians with the details of the request and instructions to identify any additional records, such as text and voice

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<sup>2</sup> Within the Department's organizational structures, OPCL falls under the umbrella of ODAG.

messages, or material maintained within a classified system, that would not be captured by OIP's remote search. OPCL notified OIP that it possessed paper records containing handwritten notes and provided scanned copies to OIP for review. Other than the text messages described below, no further such records (i.e., records not captured by OIP's remote searches) were ultimately identified among these six Offices.

24. For OAG, ODAG, OASG, PAO, and OLA, the initial search parameters used were the date range of January 20, 2017 to January 4, 2018, and the terms "Strzok," "Lisa Page," and the term combinations: (1) "text" (and any variation thereof) in combination with the terms "FBI," "Federal Bureau of Investigation," "OSC," or "Special Counsel," or (2) "message" (and any variation thereof) in combination with the terms "FBI," "Federal Bureau of Investigation," "OSC," or "Special Counsel."

25. For OPCL, the initial search parameters used were the date range of December 12, 2017 to January 4, 2018, and the terms "Strzok," "Lisa Page," and the term combinations: (1) "text" (and any variation thereof) in combination with the terms "FBI," "Federal Bureau of Investigation," "OSC," or "Special Counsel." After reviewing the results of the initial OAG, ODAG, OASG, PAO, and OLA searches, and after consultation with personnel within PAO, OIP determined that it was appropriate to focus the search on the timeframe beginning December 12, 2017. OIP also determined that the inclusion of the term "message" was not reasonably likely to capture any additional responsive records because each responsive record including the term "message" also included the term "text." Further, the use of the term "message" only served to capture a substantial number of nonresponsive records. The date range and terms used in the OPCL searches were chosen based on OIP's initial review of potentially responsive records from OAG, ODAG, OASG, PAO, and OLA, which indicated that any OPCL email or computer files

regarding the subject of the request could reasonably be expected to fall within that more limited date range and could reasonably be expected to use these phrases, and on discussions between OIP and knowledgeable Department staff regarding the nature of OPCL's involvement in the subject of Plaintiff's request.

26. As described previously, these initial searches gathered a broad set of records from across the entire collection of email and computer files for the relevant custodians.

27. After learning of a technical issue affecting the data against which these searches were run, OIP worked closely with its electronic search support team in the Justice Management Division's (JMD) Office of the Chief Information Officer (OCIO) to re-run the above searches. *See* Brinkmann Declaration, ECF No. 15-1. With regard to the re-run electronic searches in OAG, ODAG, OASG, PAO, and OLA, JMD used the same parameters described in paragraph 24 for the same custodians. This re-run search also gathered a broad set of records from across the entire collection of email and computer files for the relevant custodians.

28. With regard to OPCL, OIP determined that its previous search was adequate because the technical issue described above did not affect searches of emails solely involving accounts within OPCL, ODAG, and certain other DOJ offices. OIP made this determination as to the scope of the technical issue based on discussions and coordination with JMD/OCIO. OIP further determined that OPCL discussed this matter only internally or with ODAG, based on our review of the previously-located records themselves and based on direct discussions with OPCL staff. Further, given OPCL's limited size, and the limited scope of their work, OIP had previously had direct conversations with OPCL to ensure that it located all records, including email and electronic files. As such, OIP was confident it had already taken all steps reasonably necessary to capture all responsive OPCL records.

### B. Text Message Search

29. After learning that potentially responsive text message records existed, OIP initiated its text message search efforts on August 30, 2018. OIP worked with its point of contact in PAO who conducted a manual review of text message conversations belonging to the sole custodian believed to have potentially responsive text messages. This entailed reading through this custodian's text conversations with those persons she would be reasonably likely to discuss this topic with, including reporters and other DOJ staff, for the time period leading up to and following the meeting with reporters on December 12, 2017. This point of contact read through each individual text message within these parameters to assess their responsiveness to Plaintiff's request. With one exception, this custodian did not possess any responsive text messages between herself and other DOJ staff. Specifically, on one occasion, a reporter texted both the primary custodian and a second custodian simultaneously. The second custodian did not respond, and OIP confirmed that this second custodian did not possess additional responsive text message records. Moreover, the PAO point of contact also canvassed other PAO staff to inquire whether any of those individuals may have potentially responsive text messages – all of whom responded in the negative. Accordingly, OIP only reviewed the primary custodian's text message records.

### C. Search of the Departmental Executive Secretariat

30. In addition to the email, hard drive, and text message searches described above, a member of OIP conducted a search for records responsive to Plaintiff's FOIA request in the electronic database of the DES which, as described above, is the official records repository of all formal correspondence of OAG, ODAG, OASG, and OLA. OIP's search of the DES was conducted using the search terms "text message" and "text messages." These terms were chosen



because any formal correspondence regarding the text messages could reasonably be expected to use these phrases. The timeframe of this search was consistent with OIP's OPCL email and hard drive searches discussed above.

D. Results of the Email, Hard Drive, Text Message and DES Searches

31. In total, as a result of these email, hard drive, and DES searches, OIP located a large number of potentially responsive records in its searches, and after a manual review of each record, determined that 343 pages contained records responsive to Plaintiff's request. After the searches were re-run, OIP determined that an additional forty-six pages of records were responsive, although multiple records contained within these pages were duplicates of records in the initial 343 pages. As a result of OIP's text message search, OIP determined that forty-nine pages of records were responsive to Plaintiff's request.

E. Additional Steps Taken To Assess Existence of Potentially Responsive Records

32. As mentioned above, OIP continually assesses whether other records systems or search methods should be used. As part of this process, OIP determined that it would be appropriate to conduct an additional search within the records of OPCL, and OIP proceeded to do so. Additionally, after OIP learned of the existence of responsive text messages belonging to one custodian in PAO, OIP had further discussions with its point of contact in PAO, who then in turn had discussions with staff members within PAO to confirm that no additional custodians had potentially responsive text messages. After the initial review of documents from all six Offices was complete, there was no further indication that responsive records might also be located on classified systems, in other records repositories, or in other DOJ components.

**V. Summary and Adequacy of OIP's Records Searches**

33. In sum, the searches conducted for this request fully reflect the agile, dynamic, and comprehensive search process OIP conducts in response to FOIA requests. In this case, OIP conducted an initial search for records relating to the decision to invite reporters to DOJ on December 12, 2017, for the purpose of sharing with them private text messages sent during the 2016 presidential campaign by two FBI individuals on Special Counsel Robert Mueller's team. The timeframe of this initial search for documents was January 20, 2017 to January 4, 2018, and was later narrowed to December 12, 2017 to January 4, 2018 after OIP further assessed its records and conferred with knowledgeable personnel. The scope of that search included, as appropriate, searches of the unclassified email and hard drives of seventy-one identified officials, as well as the electronic database of the DES, to locate records responsive to Plaintiff's request. Upon examination of the initial search results, OIP determined that it was reasonably likely that a separate office (OPCL) may reasonably be expected to maintain additional responsive records. OIP followed this lead, initiated a subsequent search, located additional records, and processed these records for release to Plaintiff. When OIP initiated its electronic searches, OIP also informed each of its client Offices about this FOIA request and requested that its points of contacts in each Office inform OIP of any additional records that may exist and that would otherwise not have been captured by this search. These conversations resulted in the identification of additional records processed in response to Plaintiff's request, such as handwritten notes.

34. Upon learning that a technical issue may have affected the searches conducted in response to this request, OIP had discussions with other Offices in DOJ as to the scope of the technical issue, and determined that additional searches were necessary in response to Plaintiff's

request. Through these subsequent electronic searches, further records were located and processed for release to Plaintiff. When OIP later learned through processing the records located in response to a different FOIA request that text messages potentially responsive to Plaintiff's request could exist, OIP had further discussions with its point of contact and conducted an additional search for potentially responsive text messages, which also resulted in additional records being processed and released to Plaintiff. Further, OIP routinely engaged with its client Offices to confirm the results of its searches.

35. Based on my experience with the Department, my familiarity with the records maintained by the leadership offices, discussions with knowledgeable staff, as well as my understanding of the scope of Plaintiff's request, and information gathered from the documents themselves, I aver that OIP's searches were reasonably calculated to uncover all potentially responsive records and that all files likely to contain relevant documents were searched.

#### **VI. Explanation of Information Withheld by OIP Pursuant to Exemption 5**

36. Pursuant to an email from Plaintiff dated October 18, 2018, Plaintiff stated that the only exemption-related matters remaining at issue are (1) "all Exemption 5 claims" and (2) the "names of DOJ officials above the career level whose names were redacted pursuant to Exemption 6." OIP did not withhold the names of any DOJ officials above the career level.<sup>3</sup> Accordingly, this explanation of the withheld material is limited to "all Exemption 5 claims." OIP withheld a total of 129 pages in full, and thirty-three pages in part, pursuant to Exemption 5. All reasonably segregable, nonexempt information from these records were disclosed to Plaintiff.

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<sup>3</sup> Where OIP or other components with equities in these records did apply privacy redactions pursuant to FOIA Exemptions 6 or 7(C), these redactions were applied to email addresses and phone numbers and to the names of lower level career employees.

37. This declaration is intended to be read in tandem with the corresponding Vaughn Index (“Index”) prepared by OIP, filed contemporaneously, and attached hereto as Exhibit H. This Index contains descriptions of records withheld in full and records withheld in part. For clarity of presentation and discussion, each fully- or partially-withheld record has been organized into a corresponding category. The records at issue are also attached to the Index for ease of reference. The designated record categories and applicable FOIA Exemption 5 privilege(s) for each record category are as follows:

Records Withheld in Full (129 pages):

- “*Draft Transcript/Notes*” (3 pages): Exemption 5 (Deliberative Process Privilege)
- “*Memorandum Providing Legal Advice*” (5 pages): Exemption 5 (Attorney-Client and Deliberative Process Privileges)
- “*Draft Legal Memoranda*” (116 pages): Exemption 5 (Attorney-Client and Deliberative Process Privileges)
- “*Handwritten Notes Reflecting Advisory Discussions*” (5 pages): Exemption 5 (Attorney-Client and Deliberative Process Privileges)

Records Withheld in Part (32 pages):

- “*Deliberative Discussions Regarding Congressional Requests*” (4 pages): (Deliberative Process Privilege)
- “*Deliberative Discussions Regarding Press Coverage and Press Inquiries*” (8 pages): (Deliberative Process Privilege)
- “*Deliberative Discussions Regarding a Reporter’s Statement*” (1 page): (Deliberative Process Privilege)
- “*Deliberative Discussions and Draft Statements Related to Press Inquiries*” (8 pages): (Deliberative Process Privilege)
- “*Deliberative Discussions Regarding the Drafting of a Legal Memorandum*” (8 pages): (Deliberative Process Privilege)
- “*Deliberative Discussion Regarding Privacy Redactions*” (1 page): (Deliberative Process Privilege)
- “*Deliberative Handwritten Notes*” (2 pages): (Deliberative Process Privilege)

### A. Exemption 5

38. Exemption 5 of the FOIA exempts from mandatory disclosure “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.” 5 U.S.C. § 552(b)(5). As discussed in detail below, all of the information withheld by OIP pursuant to Exemption 5 is protected in full or in part pursuant to the deliberative process privilege. Moreover, 126 of these pages are protected in full pursuant to the attorney-client privilege (in addition to the deliberative process privilege) of Exemption 5.

### B. Exemption 5: Inter-/Intra-Agency Threshold

39. In order to withhold records from release pursuant to Exemption 5 of the FOIA, the records must be inter- or intra-agency records. Here, all information withheld from Plaintiff pursuant to this exemption consists of communications and working drafts generated by, exchanged within, and wholly internal to, the DOJ. As such, they are “inter-/intra-agency” documents within the threshold of FOIA Exemption 5.

### C. Exemption 5: Deliberative Process Privilege

40. OIP has protected information within the following records categories pursuant to the deliberative process privilege: “*Deliberative Discussions Regarding Congressional Requests*”; “*Deliberative Discussions Regarding Press Coverage and Press Inquiries*”; “*Deliberative Discussions Regarding a Reporter’s Statement*”; “*Deliberative Discussions and Draft Statements Related to Press Inquiries*”; “*Deliberative Discussions Regarding the Drafting of a Legal Memorandum*”; “*Deliberative Discussion Regarding Privacy Redactions*”; “*Deliberative Handwritten Notes*”; “*Draft Transcript/Notes*”; “*Memorandum Providing Legal Advice*”; “*Draft Legal Memoranda*”; and, “*Handwritten Notes Reflecting Advisory Discussions*”.

41. The deliberative process privilege is intended to protect the decision-making process of government agencies from public scrutiny in order to enhance the quality of agency decisions. To be protected by the deliberative process privilege, the information at issue must be both “pre-decisional” and “deliberative.” If pre-decisional, deliberative communications were to be routinely released to the public, Department employees would be much more cautious in their discussions with each other and in providing all pertinent information and viewpoints to agency decision-makers in a timely manner. This lack of candor would seriously impair the Department’s ability to foster forthright, internal discussions necessary for efficient and proper Departmental decision-making.

*i. Withheld in Part: Deliberative Discussions Regarding Congressional Requests*

42. This category of records consists of internal email communications among OLA staff or between FBI and ODAG staff. Within each of these sets records, DOJ staff are discussing Congressional requests, which sought, in part, the text messages between FBI employees Lisa Page and Peter Strzok. OIP withheld portions of records of discussion among OLA staff, which took place following an inquiry from Congress which referenced press access to the text messages. However, no material withheld by OIP from the subsequent internal discussion relates to the decision to share the text messages with the press. The withheld material instead consisted of suggestions for how to respond to this Congressional request, in addition to planning, assessments, and requests for additional information needed to prepare for this response.

43. The records consisting of discussions between ODAG and FBI were created after the Page/Strzok text messages were shared with reporters and contained discussions about outstanding requests from Congress. This discussion made a passing reference to the fact that the text messages were shared with the press. This discussion otherwise predominantly consisted

of planning for how to respond to and prioritize Congressional requests, including suggestions for how to respond and requests for additional information to aid in the decision-making process.

44. The material withheld within this category of records is pre-decisional because it consists of discussions that were antecedent to final statements or responses being issued to Congress. The withheld material is deliberative because it contains evaluative discussion, suggestions, and preliminary assessments for how the Department could or might plan to respond to these Congressional requests.

45. See, *infra*, subparts VI.C.viii and VI.C.ix, for discussion regarding harms that would come to the deliberative process if this material were released and regarding the steps OIP took to release all reasonably segregable, non-exempt information, respectively.

*ii. Withheld in Part: Deliberative Discussions Regarding Press Coverage and Press Inquiries*

46. This category of records consists of internal email communications among PAO staff or between Office of the Inspector General (OIG) and ODAG staff. Within each of these sets of records, DOJ staff are discussing press inquiries and news coverage regarding the Department's decision to share Page/Strzok text messages with reporters. Specifically, OIP withheld deliberations as to how best to respond to individual discrete press questions about (1) a query asking for DOJ's response to a statement from a Member of Congress, (2) a query regarding the reasoning for a particular redaction made on the Page/Strzok text messages themselves prior to their provision to the press, and (3) a query asking for a clarification of a statement by the Deputy Attorney General. In each instance, PAO, OIG, or ODAG staff are reacting in real time, sharing their opinions and suggestions for how best to respond to discrete press inquiries and how to address ongoing and quickly-developing news coverage.

47. The material withheld in this category of records is pre-decisional because it consists of discussions that were antecedent to final responses to press inquiries or final decisions regarding the best course of action to take in response to press coverage. The withheld material is deliberative because it contains evaluative discussion, preliminary opinions based on limited information, and requests for additional information to aid in the decision-making process.

48. See, *infra*, subparts VI.C.viii and VI.C.ix, for discussion regarding harms that would come to the deliberative process if this material was released and regarding the steps OIP took to release all reasonably segregable, non-exempt information, respectively.

*iii. Withheld in Part: Deliberative Discussions Regarding a Reporter's Statement*

49. This category of records consists of an internal email communication among PAO staff. Within this email record a member of PAO's staff shares her impressions regarding a statement made by a reporter on Twitter, which discussed the fact that DOJ invited reporters to view the Page/Strzok page text messages. This staff member offered a suggestion for how to handle this and future such statements.

50. The material withheld in this category of records is pre-decisional because it consists of a discussion that was antecedent to a final decision or response to this statement and to then-potential future similar statements. The withheld material is deliberative because it consists of impressions and proposals for potential future responses to statements made by reporters.

51. See, *infra*, subparts VI.C.viii and VI.C.ix, for discussion regarding harms that would come to the deliberative process if this material was released and regarding the steps OIP took to release all reasonably segregable, non-exempt information, respectively.



*iv. Withheld in Part: Deliberative Discussions and Draft Statements Related to Press Inquiries*

52. This category of records consists of internal email communications among PAO staff, between PAO and ODAG staff, or between OIG and ODAG staff. This category of records is substantially similar to the category discussed, *supra*, in subpart VI.C.ii, consisting of additional instances where DOJ staff are preparing to press inquiries and/or news coverage regarding the Department's decision to share Page/Strzok text messages with reporters. The difference between the categories is that this category of records includes draft press statement language crafted by DOJ staff, which by its very nature constitutes suggestions and opinions for how to address this subject to the public, in response to press coverage, and press inquiries. These records also include the impressions and advice of other staff regarding these drafts, as well as proposed changes to them.

53. The material withheld in this category of records is pre-decisional because it consists of draft language and discussions that were antecedent to the issuing of a finalized press statement, the issuing of final responses to press inquiries, or final decisions regarding the best course of action to take in response to press coverage. The withheld material is deliberative because it contains suggested draft language, proposed changes to that language, evaluative discussion, and opinions.

54. See, *infra*, subparts VI.C.viii and VI.C.ix, for discussion regarding harms that would come to the deliberative process if this material was released and regarding the steps OIP took to release all reasonably segregable, non-exempt information, respectively.

*v. Withheld in Part: Deliberative Discussions Regarding the Drafting of a Legal Memorandum*

55. This category of records consists internal email communications among OPCL staff or between OPCL and ODAG staff. Within each of these records, DOJ staff are discussing the

drafting of a legal memorandum, which was to include a memorialization of OPCL's Privacy Act assessment, recommendations, and legal advice to ODAG regarding the decision to share Page/Strzok text messages with reporters and with Congress. In this context, ODAG is the final decision-maker, and OPCL staff were deliberating among themselves and preparing this memorandum to advise ODAG. As part of these discussions, OPCL staff reference particular draft language and share suggestions and strategy for accomplishing their final goal. The emails between OPCL and ODAG also contained discussions about the steps being taken to prepare for the final memorialization of this advisory memorandum.

56. The material withheld in this category of records is pre-decisional because it consists of discussions that were antecedent to the finalization of this legal memorandum. The withheld material is deliberative because it contains the advice, suggestions, evaluative discussions, and commentary on draft language, all of which were part of a process to create a final, advisory memorandum. Further, the purpose of this memorandum was to memorialize advice and recommendations made to ODAG staff to aid in ODAG's final decision-making.

57. See, *infra*, subparts VI.C.viii and VI.C.ix, for discussion regarding harms that would come to the deliberative process if this material was released and regarding the steps OIP took to release all reasonably segregable, non-exempt information, respectively.

*vi. Withheld in Part: Deliberative Discussion Regarding Privacy Redactions*

58. This category of records consists of an internal email between FBI and ODAG staff that was then forwarded by ODAG to OPCL. The redacted material consists of FBI staff's preliminary opinions and recommendations for how to process certain personal privacy information within the Page/Strzok texts that related to the text participants and third parties.

59. The material withheld in this category of records is pre-decisional because it consists of recommendations made by FBI prior to ODAG's final decision with regard to the processing of the Page/Strzok text messages and application of redactions. The withheld material is deliberative because it contains FBI's opinions and recommendations, which serve as one consideration in ODAG's final decision-making process.

60. See, *infra*, subparts VI.C.viii and VI.C.ix, for discussion regarding harms that would come to the deliberative process if this material was released and regarding the steps OIP took to release all reasonably segregable, non-exempt information, respectively.

*vii. Withheld in Part: Deliberative Handwritten Notes*

61. This category of records consists of notes written by the Deputy Inspector General (DIG) of OIG.<sup>4</sup> The notes first encompass his impressions and assessments while he watched the testimony of Deputy Attorney General Rosenstein as part of the December 13, 2017 Oversight Hearing before the House of Representatives Judiciary Committee. The notes then go on to reflect a discussion between the DIG and Scott Schools of ODAG, consisting of assessments as to how people may react to DAG Rosenstein's testimony and discussing proposals for how to respond to such reactions.

62. The material withheld in this category of records is pre-decisional because it is antecedent to any final actions taken in response to DAG Rosenstein's testimony or in response to inquiries the department could potentially get about DAG Rosenstein's testimony. The withheld material is deliberative because it consists of the DIG's personal evaluations,

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<sup>4</sup> OIG located these notes and processed them in coordination with OIP because they contained shared OIG and ODAG equities. OIG's declaration will address the portion that it redacted pursuant to Exemption 5, and the present declaration discusses the material withheld by OIP pursuant to Exemption 5.

impressions, and selectively chosen information that he further discussed with Schools. The subsequent discussion was also deliberative because it analyzed these subjective impressions, weighed proposals for potential actions to be taken in light of the DIG's opinions regarding the testimony and in response to inquiries they speculated the Department may receive.

63. See, *infra*, subparts VI.C.viii and VI.C.ix, for discussion regarding harms that would come to the deliberative process if this material was released and regarding the steps OIP took to release all reasonably segregable, non-exempt information, respectively.

viii. *Releasing this Withheld in Part Material would Harm the Deliberative Process*

64. In sum, all of the above-listed categories of withheld-in-part records consist entirely of internal notes or email discussions among Department staff. Protected portions of these records include reflect the impressions, opinions, and recommendations regarding future decisions about how to best and most strategically respond to Congressional requests, press inquiries, and developing news coverage. They include draft press statement language and legal memoranda, in addition to feedback, edits, evaluative discussion, and strategic insights of Department employees as part of a dynamic and evolving drafting process. Finally, they include recommendations and assessments regarding how to protect the personal privacy of individuals whose information appears within records.

65. Disclosure of the protected portions of these records would severely hamper the efficient day-to-day workings of the Department, as individuals would no longer feel free to discuss their ideas, strategies, and advice by email, or feel free to capture their ideas, impressions, or deliberative conversations within personal notes. At present, Department employees routinely email each other or take notes as they engage in the above-referenced types of discussions and develop preliminary assessments prior to reaching a final agency decision.

All of the records protected in part by OIP pursuant to the deliberative process privilege reflect this preliminary give-and-take of agency deliberations.

66. Were this type of material to be released, Department employees would become reticent to share their opinions and circumspect in their willingness to engage in internal discussions with other employees. This lack of candor would seriously impair the Department's ability to foster the forthright internal discussions necessary for efficient and proper decision-making. Certainly, the strength of final agency decisions would be diminished if the Department could no longer rely on a robust, pre-decisional, and deliberative process where employees feel free to share their preliminary assessments and contribute their own unique ideas and perspectives. Agency decision-making is at its best when employees are able to focus on the substance of their views and not on whether their views may at some point be made publicly available.

67. Further, when employees prepare draft press statements, draft legal memoranda, or other types of preliminary proposals, they must feel free to create the most thorough and well-vetted document possible, which is only possible with the knowledge that their preliminary, nascent views and working drafts will not be disclosed. Disclosure of these draft materials would undermine the ability of Department staff to freely engage in the candid "give and take" and forthright collaboration, which is critical to the eventual development of well-reasoned and accurate final documents or statements.

*ix. OIP Took Steps to Release all Reasonably Segregable, Non-Exempt Information from the Withheld in Part Materials*

68. OIP conducted a thorough, line-by-line review of each of the email records it released in part and released all reasonably segregable, non-exempt information contained within them. OIP withheld from disclosure only that information which would reveal the Department's pre-

decisional, decision-making process—specifically, those portions of emails that would reveal Department staff’s internal impressions, opinions, and suggestions for how to best prepare a memorandum providing legal advice, how to best meet the Department’s obligation to protect personal privacy information in records to be shared outside the Department, and how to best respond to press and Congressional inquiries and quickly-developing news coverage. Further, OIP withheld draft statements and language, determining that deliberations on these working drafts could not be effectively or reasonably segregated, because it is the content and evolution of the drafts themselves which reveal the authors’ deliberative process.

69. OIP’s decision to release other portions of these records, as well as its decision to release preceding or subsequent email records in full further demonstrates its efforts to segregate this material. Within these materials, OIP released final press statements and final responses to press or Congressional inquiries. OIP released incoming press and Congressional inquiries and comments, and OIP released subsequent external conversations with the press or Congressional staffers. Finally, OIP often divided paragraphs to release those parts that contained non-deliberative, factual information.

70. OIG located pages of handwritten notes, made determinations as to large portions of them, and deferred to OIP on the remaining portions.<sup>5</sup> OIP reviewed its portions of handwritten notes for segregation as well and determined that no portion of these notes were appropriate for release. These notes reflect deliberative discussions regarding how to respond to potential inquiries regarding DAG Rosenstein’s Congressional testimony, as well as the subjective impressions and opinions of the writer. Release of any of these materials would undermine the deliberative process.

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<sup>5</sup> OIG will be addressing the portions it withheld within its own declaration.

*x. Withheld in Full: Draft Transcript/Notes*

71. This category of records, cited in OIP's Vaughn Index as "*Draft Transcript/Notes*" includes a combination of contemporaneous notes and incomplete, shorthand transcription of selected portions of Deputy Attorney General Rosenstein's testimony in a December 13, 2017 Oversight Hearing before the House of Representatives Judiciary Committee. This record was created by a PAO staff member who watched the hearing and was shared internally with other components of DOJ. OIP conducted a line-by-line review of this record and determined that these notes were substantially different from fulsome transcripts taken of DAG Rosenstein's testimony. This record is predecisional because it does not culminate in any final decision, but merely reflects an initial gathering of selected information, which could potentially be used by Department employees in internal briefings, preparation for responding to inquiries for the press or public, or in making future decisions. This record is deliberative because it consists of an incomplete draft transcript and reflects the preliminary notes and assessments of one individual, in the form of selectively chosen information, which was then shared with other Department employees to provide them the opportunity to digest this information, assess its importance, and make informed decisions.

72. These notes/partial transcriptions cannot be effectively or reasonably segregated, because it is the selection and inclusion of particular information itself which reveal the author's deliberative process. Accordingly, this record is protected in full pursuant to the deliberative process privilege.

#### D. Exemption 5: Attorney-Client Privilege

##### i. Background Information

73. Late in the day on December 12, 2017, Scott Schools of ODAG contacted Peter Winn of OPCL, an attorney, to seek legal advice regarding the statutory obligations of the Privacy Act and the potential legal consequences of the proposed decision to share text messages with reporters and with Congress, and the application of the Privacy Act<sup>6</sup> to this decision. Winn provided Schools with legal advice regarding this decision by phone. Because time was of the essence, Winn was unable to immediately provide a formal memorandum memorializing this conversation; instead, he and the attorneys of OPCL later drafted a memorandum, in consultation with Schools, to memorialize the legal advice provided by OPCL to ODAG.

##### ii. Discussion of the Attorney-Client Privilege

74. The attorney-client privilege protects records that contain or reflect confidential legal advice provided by an attorney to a client, as well as other confidential communications and draft communications, which are designed to provide legal advice from the attorney to the client and contain pertinent information communicated to the attorney by the client. The Office of Privacy and Civil Liberties' duties and responsibilities include providing legal advice and guidance to Departmental components and ensuring the Department's privacy compliance with a number of privacy-related statutes. *Office of Privacy and Civil Liberties: Mission*, <https://www.justice.gov/opcl>. Communications in which Departmental components are soliciting and receiving legal advice from OPCL attorneys on privacy compliance matters are protected by the attorney-client privilege.

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<sup>6</sup> Codified at 5 U.S.C. § 552a.



75. OIP withheld in full, pursuant to the attorney-client privilege, 126 pages of records within three categories. The first category consisted of five pages of records categorized in OIP's Vaughn Index as "*Memorandum Providing Legal Advice.*" This category of records consisted of a memorandum written by OPCL to provide legal advice to its client ODAG based on confidential discussions where ODAG shared information with OPCL for the purpose of receiving legal advice.

76. The second category consisted of 116 pages of records categorized in OIP's Vaughn Index as "*Draft Legal Memoranda.*" This category of records consists of multiple draft versions of the above-referenced memorandum providing legal advice, and in some instances OPCL staff wrote notes by hand onto printed iterations of the draft in order to provide their edits/suggestions. These evolving drafts substantively contain the same information that ODAG initially communicated to OPCL for the purpose of receiving OPCL's advice, as well as the legal advice provided by OPCL in response thereto. Substantial portions of these 116 pages of drafts are duplicative of preceding or subsequent drafts, created because identical versions of the drafts were circulated to various custodians.

77. The third category consisted of five pages of records categorized on OIP's Vaughn Index as "*Handwritten Notes Reflecting Advisory Discussions.*" These records consists of handwritten notes reflecting the confidential attorney-client phone communications between OPCL and ODAG, where OPCL and ODAG staff discussed the drafting of the above-referenced legal memorandum. These notes reflected the confidential information that ODAG shared with OPCL when seeking legal advice, as well as the legal advice provided in response thereto.

78. Each of these categories of communications include information shared in confidence between client ODAG and attorney OPCL. ODAG reached out to OPCL for the purposes of

seeking legal advice related to the Privacy Act, prior to sharing text messages with Congress or the press. In this regard, ODAG sought to be a client of OPCL's, ODAG holds the attorney-client privilege, and ODAG asserts that privilege here. Within the context of this relationship, ODAG confidentially shared information with OPCL attorneys for the specific purpose of receiving OPCL's expert legal advice, and OPCL attorneys provided legal advice in response after considering and analyzing this information. Accordingly, the records—including both the confidential information provided by ODAG and the resultant advice contained therein—are protected by the attorney-client privilege, and thus are exempt from disclosure pursuant to Exemption 5 of the FOIA.

79. These communications were confidential at the time they were made, have not been shared with third parties, and thus maintain their confidentiality. Having been asked to provide legal advice, OPCL attorneys stood in a relationship of trust with ODAG. Just as disclosure of client confidences provided in the course of seeking legal advice would seriously disrupt the relationship of trust so critical when attorneys formulate legal advice for their clients, so too would disclosure of the legal advice itself, or draft iterations thereof, undermine that trust.

80. In these exchanges between OPCL and ODAG, ODAG shares information with OPCL, in confidence, for the purpose of soliciting OPCL's legal advice. In the course of these inter-agency discussions, OPCL is asked to provide its legal expertise in formulating advice to ODAG based on a unique set of facts and questions presented to it. Moreover, OPCL provides detailed, candid legal analysis to ODAG on specific and detailed legal questions. Making these communications—or draft legal advice formulated in direct response to these communications—available for public scrutiny would interfere with the attorney-client relationship between these two agency components, which would substantially impede the sharing of candid advice that is

critical to OPCL's unique role in providing legal counsel on matters of privacy to components of DOJ.

81. Because the attorney-client privilege extends to both the facts provided in confidence by the client agency, and DOJ's advice in response thereto, it not possible for OIP to segregate any information for release from the ODAG-OPCL communications without undermining the protections afforded by the attorney-client privilege. The disclosure of any part of these records, and the facts selected for and contained within them, would reveal the confidential OPCL advice and ODAG assessments of what was deemed significant in the course of seeking OPCL advice. Thus, the OPCL-ODAG communications are exempt in full and contain no reasonably segregable information.

*iii. Deliberative Process Privilege within these Records*

82. In addition to being wholly protected by the attorney-client privilege, the records protected by OIP in the "*Memorandum Providing Legal Advice*," "*Draft Legal Memoranda*," and "*Handwritten Notes Reflecting Advisory Discussions*" categories are also fully or partially protected by the deliberative process privilege.

*I. Draft Legal Memoranda*

83. A significant aspect of the decision-making process consists of the creation of draft documents which are then reviewed, edited, and modified before they become final. Over the course of creating a final document, draft documents are transmitted back and forth, continually changing as relevant staff make track changes, suggest edits, and contemplate strategies as they work toward a final document. The employees preparing such materials must feel free to create the most thorough and well-vetted document possible, which is only possible with the knowledge that their preliminary, nascent views and working drafts will not be disclosed.

84. The drafts that were withheld in full, totaling 116 pages, are predecisional in two respects. First, they precede the decision as to what to include in the final legal memorandum transmitted to ODAG. Second, the content of these drafts reflects and encompasses the deliberative conversations that took place between Scott Schools and Peter Winn, preceding ODAG's final decision to share the text message with reporters. These drafts are also deliberative inasmuch as they reflect successive versions of working drafts and as such, show the internal development of the Department's decisions. Disclosure of these drafts would undermine the ability of Department staff to freely engage in the candid "give and take" and forthright collaboration which is critical to the eventual development of well-reasoned and accurate final documents. DOJ deliberations on these working drafts cannot be effectively or reasonably segregated, because it is the content and evolution of the drafts themselves which reveal the authors' deliberative process. Accordingly, all of this material not only falls within the protections afforded by the attorney-client privilege, but also entirely within the protections afforded by the deliberative process privilege, and is protected in full pursuant to FOIA Exemption 5. As such, there is no additional non-exempt information that may be segregated for release to Plaintiff.

*2. Memorandum Providing Legal Advice; Handwritten Notes Reflecting Advisory Discussions*

85. As part of their decision-making process, senior leadership officials critically rely on the advisory opinions of subordinate Departmental components and personnel who have the relevant expertise in the issues involved. This advisory and deliberative process may come in a variety of forms with varying degrees of formality, and this process is necessary to ensure senior leadership officials are in the best position possible to make informed, thoughtful decisions.

86. Both the categories “*Memorandum Providing Legal Advice*” and “*Handwritten Notes Reflecting Advisory Discussions*” consist of deliberative communications between ODAG and OPCL, in which OPCL provides advice and information to aid ODAG in the decision-making process related to the decision to share the text messages with reporters. The first category of advisory communications consists of a formalized legal memorandum provided by OPCL to ODAG, and the second category consists of handwritten notes reflecting a phone conversation between the two components.

87. The memorandum and handwritten notes withheld by OIP are pre-decisional, inasmuch as they memorialize and reflect the advice provided to ODAG by OPCL prior to ODAG’s decision to share text messages with reporters. This memorandum and handwritten notes are deliberative because they contain evaluative discussion and assessments by attorneys regarding a pending decision by senior leadership officials, where these attorneys analyze, make recommendations, give legal advice, and provide opinions on issues relevant to this decision.

88. Disclosure of these records would severely hamper the advisory process by which senior leadership officials gather and assess information necessary for making decisions because individuals with relevant expertise would no longer feel free to candidly share their opinions or advice on important issues, and Department employees would be much more circumspect in their discussions with senior leadership officials. This lack of candor would seriously impair the Department’s ability to foster the forthright internal discussions necessary for efficient and proper decision-making. Further, forcing Department employees to choose between having robust and complex discussions, on the one hand, and taking notes or putting their ideas into writing, on the other, would not be a meaningful choice and would chill efforts to engage in meaningful discussion. Agency decision-making is at its best when employees are able to focus

on the substance of their views and not on whether their views may at some point be made publicly available. Lastly, none of the records withheld encompass or embody final decision by the ultimate decision-maker in the matter at hand – i.e. ODAG.

89. Disclosure of this material protected pursuant to both the attorney-client and the deliberative process privileges would inhibit the Department's ability to engage in effective communications and decision-making by interfering in the ability of the Department's senior leadership to obtain candid information and written advice from components and employees, who are relied upon and expected to give senior leadership their best possible advice. As such, all legal analysis and advice provided by OPCL, by phone or formal memorandum, to DOJ senior leadership, fall entirely within the protections afforded by the attorney-client privilege—with overlapping protection by the deliberative process privilege—and are protected in full pursuant to FOIA Exemption 5. As such, there is no additional non-exempt information that may be segregated for release to Plaintiff.

90. As described above, these materials cannot be reasonably segregated, given that both the facts provided in confidence, and the advice provided in response thereto, are protected by the attorney-client privilege. Similarly, because factual information was selectively chosen and characterized by ODAG when it requested this advice, and it was then further characterized by OPCL in its advisory memo and advisory discussions with ODAG, this information additionally cannot be reasonably segregated within the context of the deliberative process privilege without revealing the unfolding deliberative process. Further, as described above, deliberations on working draft language cannot be effectively or reasonably segregated, because it is the content and evolution of the drafts themselves which reveal the authors' deliberative process.

#### E. Segregation of Non-Exempt Information

91. As addressed in detail throughout this declaration, OIP thoroughly reviewed each of the records discussed above, and withheld from disclosure only that information which would reveal the Department's pre-decisional decision-making process or reveal information protected by the attorney-client privilege. OIP conducted a line-by-line review of all of the records and released any portions thereof that were not protected by an applicable FOIA exemption, often redacting only portions of paragraphs within the e-mails disclosed to Plaintiff. In other instances, such as with draft documents or an advisory memorandum, these records were protected in full because the disclosure of any portion of these materials would undermine the core advice and analysis that the attorney-client and deliberative process privileges are meant to protect. Records protected in full by the attorney-client privilege, likewise, are not appropriate for segregation inasmuch as that privilege applies to records in their entireties. All reasonably segregable, non-exempt information from these records has been disclosed to Plaintiff.

#### F. Nonresponsive and Duplicative Records

92. Once OIP determined that a record was responsive, OIP did not withhold any information within that record unless OIP was authorized to do so pursuant to one or more statutory exemptions provided by the FOIA. OIP did not process any records that it determined to be nonresponsive or (other than the discretionary processing noted above) duplicative. When a nonresponsive or duplicative record appeared on a separate PDF page, OIP removed that PDF page entirely. When OIP's eDiscovery or text message retrieval software formatted separate records onto the same PDF page, and nonresponsive or duplicative records shared a PDF page with responsive records, OIP marked nonresponsive and duplicative records accordingly and did not process them.

93. OIP carefully reviewed the material it located in its initial searches and looked for a clear break in the material in order to determine where one record ended and the next began. OIP determined that each responsive letter, email, or text message was an independent record for multiple reasons. First, Plaintiff requested communications concerning DOJ's decision to invite reporters to view certain FBI text messages on December 13, 2017, and some of the individual text messages and emails OIP reviewed were unrelated to emails or texts that appeared earlier or later in a thread or in a PDF page. OIP further observed that each letter, email, or text message was a distinct record, whether it was initiating a conversation or responding to a previous record of communication, because each message constituted a discrete package of information, with a unique header and date- or time-stamp. Although modern technologies depart from the traditional letter practice of dividing each record of communication onto a separate page, OIP determined that each email or text message record was no less distinct than each letter it reviewed.

94. By treating each individual letter, email, and text message as a distinct record, OIP was able to efficiently process Plaintiff's FOIA request, without expending significant time and resources reviewing and consulting about non-responsive records.

95. OIP recognizes that when individuals communicate by letter, email, or text message, each record may provide context for other records sent in response, and vice versa. For example, in some circumstances, a response may incorporate by reference information from a previous record. However, in other circumstances, especially in the context of email or text message, a subsequent record may be completely unrelated to prior records or may relate only to portions thereof. Therefore, when OIP conducted its responsiveness review in this case, it paid close attention to any previous or subsequent letters, emails, or text messages in a chain in order to



understand each record in context and to ensure that it did not overlook responsive records that would have otherwise appeared to be nonresponsive out of context. Where neither the content of a record itself, nor the context of prior or subsequent records indicated that a record was responsive, OIP removed that record as nonresponsive and did not process that record.

I declare under penalty of perjury that the foregoing is true and correct.



Vanessa R. Brinkmann

Executed this 26th day of October 2018.

# **Exhibit A**

# CREW | citizens for responsibility and ethics in washington

455 Massachusetts Ave. NW  
Washington, D.C. 20001  
Phone: 202-408-5565  
Fax: 202-588-5020

RECEIVED

DEC 13 2017

Office of Information Policy

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## FACSIMILE TRANSMITTAL SHEET

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TO:

FROM:

Laurie Day, Chief, Initial Request Staff

Anne L. Weismann

COMPANY:

DATE:

U.S. Department of Justice

DECEMBER 13, 2017

RECIPIENT'S FAX NUMBER:

PAGE 1 OF 7

202-514-1009

RECIPIENT'S PHONE NUMBER:

RE:

Please see enclosed expedited FOIA request

NOTES/COMMENTS:

*Pages transmitted are privileged and confidential.*

# **CREW** | **citizens for responsibility and ethics in washington**

December 13, 2017

**By Facsimile: (202) 514-1009**

Laurie Day  
Chief, Initial Request Staff  
Office of Information Policy  
U.S. Department of Justice  
Suite 11050  
1425 New York Avenue, N.W.  
Washington, D.C. 20530-0001

Re: Expedited Freedom of Information Act Request

Dear Ms. Day:

Citizens for Responsibility and Ethics in Washington ("CREW") makes this expedited request for records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and U.S. Department of Justice ("DOJ") regulations.

Specifically, CREW requests from DOJ's senior leadership offices all communications concerning the decision to invite reporters to DOJ on December 12, 2017, for the purpose of sharing with them private text messages sent during the 2016 presidential campaign by two former FBI investigators on Special Counsel Robert Mueller's team. This request includes, but is not limited to: (1) communications with reporters regarding this meeting; (2) communications within DOJ about whether, when, and how to share the text messages with reporters including, *inter alia*, the Office of the Inspector General, the Attorney General, the Office of Legislative Affairs, the Deputy Attorney General, the Associate Attorney General, the Office of Public Affairs, and any individual within the senior leadership offices of DOJ; and (3) communications with any member of Congress and/or their staff regarding this matter.

CREW further requests documents reflecting who made the decision to release this material to reporters on the evening of December 12, 2017.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly

Laurie Day  
December 13, 2017  
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exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

### **Fee Waiver Request**

In accordance with 5 U.S.C. § 552(a)(4)(A) and DOJ regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. See 5 U.S.C. § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. See, e.g., *McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

It was just reported that last evening, in advance of Deputy Attorney General Rod J. Rosenstein's testimony today before the House Judiciary Committee, DOJ took the unprecedented step of inviting a group of reporters to its offices to view private text messages, which were critical of President Trump and sent during the 2016 campaign by two former FBI investigators who, until recently, served on Special Counsel Robert Mueller's team. Natasha Bertrand, In 'highly unusual' move, DOJ secretly invited reporters to view texts sent by ousted FBI agents, *Business Insider*, Dec. 13, 2017, available at <http://www.businessinsider.com/peter-strzok-page-texts-mueller-russia-trump-2017-12>. The article cites a source who "said the texts were given to reporters in case they did not leak in time for Deputy Attorney General Rod Rosenstein's public hearing on Wednesday morning." *Id.* Deputy Attorney General Rosenstein acknowledged during his testimony that there had been a decision that the texts "were fit for public consumption," and that the inspector general had been consulted "to determine that he had no objection to releasing the material." *Id.*

Given this highly unusual, if not unprecedented, action to secretly leak the contents of documents currently under review by DOJ's inspector general the public has a clear and pressing interest in learning whether the leak was properly authorized and the extent to which the interests of the texts' authors, the inspector general, and DOJ's interests in the orderly administration of justice were appropriately considered and protected. This need is made even more compelling by the concern expressed by a former DOJ official that the leak was done "so Rosenstein can get credit from House Republicans at his hearing today." *Id.* Only through the full disclosure of the facts and circumstances surrounding this decision can the public have confidence in the actions and integrity of the Justice Department.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and

Laurie Day  
December 13, 2017  
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working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, [www.citizensforethics.org](http://www.citizensforethics.org). The release of information obtained through this request is not in CREW's financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a "representative of the news media" and broadly interpreting the term to include "any person or organization which regularly publishes or disseminates information to the public").

CREW routinely and systematically disseminates information to the public in several ways. CREW's website receives tens of thousands of page views every month. The website includes a blog that reports on and analyzes newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. In addition, CREW posts all of the documents it receives under the FOIA on its website, and those documents have been visited hundreds of thousands of times.

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

#### **Request for Expedition**

Finally, please be advised that CREW also has requested expedition of this request because its subject matter is of widespread and exceptional media interest and the requested information involves possible questions about the government's integrity that affect public confidence. Pursuant to 28 C.F.R. § 16.5(2), CREW submitted that request to the Director of Public Affairs; a copy of this request is enclosed.

#### **Conclusion**

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at (202) 408-5565 or [aweismann@citizensforethics.org](mailto:aweismann@citizensforethics.org). Also, if CREW's request for a fee waiver is not granted in full, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to me either [aweismann@citizensforethics.org](mailto:aweismann@citizensforethics.org) or Anne L. Weismann, Citizens for

Laurie Day  
December 13, 2017  
Page 4

Responsibility and Ethics in Washington, 455 Massachusetts Ave., N.W. Washington, D.C.  
20001. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anne L. Weismann', with a long horizontal flourish extending to the right.

Anne L. Weismann  
Chief FOIA Counsel

encl.

# CREW | citizens for responsibility and ethics in washington

December 13, 2017

By Facsimile: (202) 514-1009

Sarah Isgur Flores  
Director  
Office of Public Affairs  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530-001

Re: Request for Expedition of Freedom of Information Act Request

Dear Ms. Flores:

Pursuant to Department of Justice ("DOJ") regulations, 28 C.F.R. § 16.5(e)(2), Citizens for Responsibility and Ethics in Washington ("CREW") requests that you authorize the expedition of identical Freedom of Information Act ("FOIA") requests CREW made today of the Office of Information Policy, the Office of the Inspector General, and the Office of Legislative Affairs. I have enclosed copies of these requests.

The requests seek all communications concerning the decision to invite reporters to DOJ on December 12, 2017, for the purpose of sharing with them private text messages sent during the 2016 presidential campaign by two former FBI investigators on Special Counsel Robert Mueller's team. This request includes, but is not limited to: (1) communications with reporters regarding this meeting; (2) communications within DOJ about whether, when, and how to share the text messages with reporters including, *inter alia*, the Office of the Inspector General, the Attorney General, the Office of Legislative Affairs, and any individual within the senior leadership offices of DOJ; and (3) communications with any member of Congress and/or their staff regarding this matter. CREW also seeks documents reflecting who made the decision to release this material to reporters on the evening of December 12, 2017.

As CREW's requests explain, it has been reported that last evening, in advance of Deputy Attorney General Rod J. Rosenstein's testimony today before the House Judiciary Committee, DOJ took the unprecedented step of inviting a group of reporters to its offices to view private text messages, which were critical of President Trump and sent during the 2016 campaign by two former FBI investigators who, until recently, served on Special Counsel Robert Mueller's team. Natasha Bertrand, In 'highly unusual' move, DOJ secretly invited reporters to view texts sent by ousted FBI agents, *Business Insider*, Dec. 13, 2017, available at <http://www.businessinsider.com/peter-strzok-page-texts-mueller-russia-trump-2017-12>. The article cites a source who "said the texts were given to reporters in case they did not leak in time for Deputy Attorney General Rod Rosenstein's public hearing on Wednesday morning." *Id.* Deputy Attorney General Rosenstein acknowledged during his testimony that there had been a decision that the texts "were



fit for public consumption,” and that the inspector general had been consulted “to determine that he had no objection to releasing the material.” *Id.*

Given this highly unusual, if not unprecedented, action to secretly leak the contents of documents currently under review by DOJ’s inspector general, the public has a clear and pressing interest in learning whether the leak was properly authorized and the extent to which the interests of the texts’ authors, the inspector general, and DOJ’s interests in the orderly administration of justice were appropriately considered and protected. This need is made all the more compelling by the concern expressed by a former DOJ official that the leak was done “so Rosenstein can get credit from House Republicans at his hearing today.” *Id.* Only through the full disclosure of the facts and circumstances surrounding this decision can the public have confidence in the actions and integrity of the Justice Department.

Accordingly, CREW seeks expedition because the subject matter of its requests is of widespread and exceptional media interest. There has been extensive news coverage about the texts of the two former FBI officials. DOJ’s action of secretly leaking their texts to the media to ensure their publication before Deputy Attorney General Rosenstein’s congressional testimony raises compelling questions about the government’s integrity, which clearly affect public confidence.

CREW’s primary purpose is to inform the public about the activities of government officials and those who influence public officials. Toward that end, CREW uses statutes like the FOIA to gather information the public needs to hold public officials accountable. The request for which CREW seeks expedition will further those goals.

I certify the following is true and correct.

Sincerely,



Anne L. Weismann  
Chief FOIA Counsel

encl.

# **Exhibit B**



**U.S. Department of Justice**  
Office of Information Policy  
Suite 11050  
1425 New York Avenue, NW  
Washington, DC 20530-0001

Telephone: (202) 514-3642

December 22, 2017

Anne L. Weismann  
CREW  
455 Massachusetts Ave, NW  
Washington, DC 20001  
[aweismann@citizensforethics.org](mailto:aweismann@citizensforethics.org)

Re: DOJ-2018-001492 (AG)  
DOJ-2018-001537 (DAG)  
DOJ-2018-001538 (ASG)  
DOJ-2018-001539 (PAO)  
DOJ-2018-001540 (OLA)

Dear Ms. Weismann:

This is to acknowledge receipt of your Freedom of Information Act request dated and received in this Office on December 13, 2017, in which you requested records concerning the decision to invite reporters to the Department of Justice on December 12, 2017 for the purpose of sharing with them text messages by two former Federal Bureau of Investigation (FBI) investigators. This response is made on behalf of the Offices of the Attorney General, Deputy Attorney General, Associate Attorney General, Public Affairs, and Legislative Affairs.

You have requested expedited processing of your request pursuant to the Department's standard involving "[a] matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence." See 28 C.F.R. § 16.5(e)(1)(iv) (2016). Pursuant to Department policy, we directed your request to the Director of Public Affairs, who makes the decision whether to grant or deny expedited processing under this standard. See id. § 16.5(e)(2).

Please be advised that as of the date of this letter, that determination is still pending with the Office of Public Affairs. Once we have received notification of the Director's decision, we will promptly notify you. Nevertheless, please be advised that your request has been assigned to a FOIA Specialist in this Office and records searches have been initiated in the Offices of the Attorney General, Deputy Attorney General, Associate Attorney General, Public Affairs, and Legislative Affairs.

We have not yet made a decision on your request for a fee waiver. We will do so after we determine whether fees will be assessed for this request.

If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, you may contact Brittne Baker, the analyst processing your request, by telephone at the above number or you may write to her at the above address. In addition, you may contact our FOIA Public Liaison at the telephone number listed above to discuss any aspect of your request.

-2-

You may contact our FOIA Public Liaison at the telephone number listed above for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this expedition request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal at <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically submitted within ninety days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in blue ink, appearing to read 'V-R-B', followed by a horizontal line.

Vanessa R. Brinkmann  
Senior Counsel

# **Exhibit C**

\*\*\*\*\*

\*\*\* TX REPORT \*\*\*

\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	1730
DESTINATION TEL #	912025885020
DESTINATION ID	
ST. TIME	01/03 17:05
TIME USE	00'48
PAGES SENT	1
RESULT	OK



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

*Telephone: (202) 514-3642*

January 3, 2018

Anne L. Weismann  
CREW  
455 Massachusetts Ave, NW  
Washington, DC 20001  
[aweismann@citizensforethics.org](mailto:aweismann@citizensforethics.org)

Re: DOJ-2018-001492 (AG)  
DOJ-2018-001537 (DAG)  
DOJ-2018-001538 (ASG)  
DOJ-2018-001539 (PAO)  
DOJ-2018-001540 (OLA)

Dear Ms. Weismann:

This is in response to your Freedom of Information Act requests dated and received in this Office on December 13, 2017, in which you requested various records concerning a meeting with reporters held on December 12, 2017. This response is made on behalf of the Offices of the Attorney General, Deputy Attorney General, Associate Attorney General, Public Affairs, and Legislative Affairs.

You requested expedited processing of your requests pursuant to the Department's standard involving "[a] matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence." See 28 C.F.R. § 16.5(e)(iv) (2017). Please be advised that your request for expedited processing under this standard has been granted. Accordingly, your requests have been assigned to the expedited track, and will be processed as soon as practicable.

If you have any questions or wish to discuss the processing of your request, you may contact Brittanie Baker, the analyst processing your request, by telephone at the above number or you may write to her at the above address. In addition, you may contact our FOIA Public Liaison at the telephone number listed above to discuss any aspect of your request.

Sincerely,



**U.S. Department of Justice**  
Office of Information Policy  
Suite 11050  
1425 New York Avenue, NW  
Washington, DC 20530-0001

Telephone: (202) 514-3642

January 3, 2018

Anne L. Weismann  
CREW  
455 Massachusetts Ave, NW  
Washington, DC 20001  
[aweismann@citizensforethics.org](mailto:aweismann@citizensforethics.org)

Re: DOJ-2018-001492 (AG)  
DOJ-2018-001537 (DAG)  
DOJ-2018-001538 (ASG)  
DOJ-2018-001539 (PAO)  
DOJ-2018-001540 (OLA)

Dear Ms. Weismann:

This is in response to your Freedom of Information Act requests dated and received in this Office on December 13, 2017, in which you requested various records concerning a meeting with reporters held on December 12, 2017. This response is made on behalf of the Offices of the Attorney General, Deputy Attorney General, Associate Attorney General, Public Affairs, and Legislative Affairs.

You requested expedited processing of your requests pursuant to the Department's standard involving "[a] matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence." See 28 C.F.R. § 16.5(e)(iv) (2017). Please be advised that your request for expedited processing under this standard has been granted. Accordingly, your requests have been assigned to the expedited track, and will be processed as soon as practicable.

If you have any questions or wish to discuss the processing of your request, you may contact Brittnie Baker, the analyst processing your request, by telephone at the above number or you may write to her at the above address. In addition, you may contact our FOIA Public Liaison at the telephone number listed above to discuss any aspect of your request.

Sincerely,

A handwritten signature in black ink, appearing to read "Vanessa R. Brinkmann".

Vanessa R. Brinkmann  
Senior Counsel

# **Exhibit D**





**U.S. Department of Justice**  
Office of Information Policy  
Suite 11050  
1425 New York Avenue, NW  
Washington, DC 20530-0001

Telephone: (202) 514-3642

April 30, 2018

Ms. Anne L. Weismann  
CREW  
455 Massachusetts Ave., N.W.  
Washington, DC 20001  
[aweismann@citizensforethics.org](mailto:aweismann@citizensforethics.org)

Re: DOJ-2018-002590 (AG)  
DOJ-2018-001537 (DAG)  
DOJ-2018-001538 (ASG)  
DOJ-2018-001539 (PAO)  
DOJ-2018-001540 (OLA)  
18-cv-00007 (D.D.C.)  
VRB:BPF

Dear Ms. Weismann:

This is an interim response to your Freedom of Information Act (FOIA) requests dated and received in this Office on December 13, 2017, in which you requested various records concerning a meeting with reporters held on December 12, 2017. This response is made on behalf of the Offices of the Attorney General (OAG), Deputy Attorney General (ODAG), Associate Attorney General, Public Affairs (PAO), and Legislative Affairs (OLA).

Please be advised that searches have been conducted on behalf of OAG, ODAG, OASG, OLA, and PAO. At this time, I have determined that fourteen pages containing records responsive to your request are appropriate for release with excisions made pursuant to Exemptions 5 and 6 of the FOIA, 5 U.S.C. § 552(b)(5) and (b)(6), and copies are enclosed. Exemption 5 pertains to certain inter- and intra-agency communications protected by the deliberative process privilege. Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties. Please be advised that duplicative material was not processed, and is marked accordingly.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2015) (amended 2016). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

-2-

If you have any questions regarding this response, please contact Vinita Andrapalliyal of the Department's Civil Division, Federal Programs Branch, at 202-305-0845.

Sincerely,

A handwritten signature in blue ink, appearing to read 'V-R-B' followed by a horizontal flourish.

Vanessa R. Brinkmann  
Senior Counsel

Enclosures

# **Exhibit E**



**U.S. Department of Justice**  
Office of Information Policy  
*Suite 11050*  
1425 New York Avenue, NW  
Washington, DC 20530-0001

Telephone: (202) 514-3642

June 1, 2018

Ms. Anne L. Weismann  
CREW  
455 Massachusetts Ave., N.W.  
Washington, DC 20001  
[aweismann@citizensforethics.org](mailto:aweismann@citizensforethics.org)

Re: DOJ-2018-002590 (AG)  
DOJ-2018-001537 (DAG)  
DOJ-2018-001538 (ASG)  
DOJ-2018-001539 (PAO)  
DOJ-2018-001540 (OLA)  
18-cv-00007 (D.D.C.)  
VRB:BPF

Dear Ms. Weismann:

This is a second interim response to your Freedom of Information Act (FOIA) request dated and received in this Office on December 13, 2017, in which you requested various records concerning a meeting with reporters held on December 12, 2017. This response is made on behalf of the Offices of the Attorney General (OAG), Deputy Attorney General (ODAG), Associate Attorney General (OASG), Public Affairs (PAO), and Legislative Affairs (OLA).

On April 30, 2018, we provided you with an interim response to your request. At this time, I have determined that an additional twenty-eight pages containing records responsive to your request are appropriate for release with excisions made pursuant to Exemption 6 of the FOIA, 5 U.S.C. § 552(b)(6), and copies are enclosed. Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2012 & Supp. IV 2016). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

-2-

If you have any questions regarding this response, please contact Vinita Andrapalliyal of the Department's Civil Division, Federal Programs Branch, at 202-305-0845.

Sincerely,

A handwritten signature in blue ink, appearing to read 'V-R-B' followed by a long horizontal flourish.

Vanessa R. Brinkmann  
Senior Counsel

Enclosures

# **Exhibit F**



**U.S. Department of Justice**  
Office of Information Policy  
Suite 11050  
1425 New York Avenue, NW  
Washington, DC 20530-0001

Telephone: (202) 514-3642

June 29, 2018

Ms. Anne L. Weismann  
CREW  
455 Massachusetts Ave., N.W.  
Washington, DC 20001  
[aweismann@citizensforethics.org](mailto:aweismann@citizensforethics.org)

Re: DOJ-2018-002590 (AG)  
DOJ-2018-001537 (DAG)  
DOJ-2018-001538 (ASG)  
DOJ-2018-001539 (PAO)  
DOJ-2018-001540 (OLA)  
18-cv-00007 (D.D.C.)  
VRB:BPF

Dear Ms. Weismann:

This is a third interim response to your Freedom of Information Act (FOIA) request dated and received in this Office on December 13, 2017, in which you requested various records concerning a meeting with reporters held on December 12, 2017. This response is made on behalf of the Offices of the Attorney General (OAG), Deputy Attorney General (ODAG), Associate Attorney General (OASG), Public Affairs (PAO), and Legislative Affairs (OLA).

On April 30, 2018 and June 1, 2018, we provided you with interim responses to your request. At this time, I have determined that an additional 143 pages containing records responsive to your request are appropriate for release with excisions made pursuant to Exemptions 5 and 6 of the FOIA, 5 U.S.C. § 552(b)(5) and (b)(6), and copies are enclosed. Additionally, 124 pages are being withheld in full pursuant to Exemption 5 of the FOIA. Exemption 5 pertains to certain inter- and intra-agency communications protected by civil discovery privileges. Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties. Please note that duplicative records have not been processed, and are marked accordingly.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2012 & Supp. IV 2016). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

-2-

If you have any questions regarding this response, please contact Vinita Andrapalliyal of the Department's Civil Division, Federal Programs Branch, at 202-305-0845.

Sincerely,

A handwritten signature in blue ink, appearing to read 'V-R-B' followed by a horizontal flourish.

Vanessa R. Brinkmann  
Senior Counsel

Enclosures



# **Exhibit G**



**U.S. Department of Justice**  
Office of Information Policy  
*Suite 11050*  
1425 New York Avenue, NW  
Washington, DC 20530-0001

Telephone: (202) 514-3642

July 2, 2018

Ms. Anne L. Weismann  
CREW  
455 Massachusetts Ave., N.W.  
Washington, DC 20001  
[aweismann@citizensforethics.org](mailto:aweismann@citizensforethics.org)

Re: DOJ-2018-002590 (AG)  
DOJ-2018-001537 (DAG)  
DOJ-2018-001538 (ASG)  
DOJ-2018-001539 (PAO)  
DOJ-2018-001540 (OLA)  
18-cv-00007 (D.D.C.)  
VRB:BPF

Dear Ms. Weismann:

This is a final response to your Freedom of Information Act (FOIA) request dated and received in this Office on December 13, 2017, in which you requested various records concerning a meeting with reporters held on December 12, 2017. This response is made on behalf of the Offices of the Attorney General (OAG), Deputy Attorney General (ODAG), Associate Attorney General (OASG), Public Affairs (PAO), and Legislative Affairs (OLA).

On April 30, 2018, June 1, 2018, and June 29, 2018, we provided you with interim responses to your request. We have now completed our work on the remaining material containing records responsive to your request, totaling thirty-four pages.

I have determined that twenty-seven pages containing records responsive to your request are appropriate for release with excisions made pursuant to Exemptions 5, 6, and 7(C) of the FOIA, 5 U.S.C. § 552(b)(5), (b)(6), and (b)(7)(C), and copies are enclosed. Additionally, seven pages are being withheld in full pursuant to Exemption 5 of the FOIA. Exemption 5 pertains to certain inter- and intra-agency communications protected by civil discovery privileges. Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties. Exemption 7(C) pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties. Please note that duplicative records have not been processed, and are marked accordingly.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2012 & Supp. IV 2016). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

-2-

If you have any questions regarding this response, please contact Vinita Andrapalliyal of the Department's Civil Division, Federal Programs Branch, at 202-305-0845.

Sincerely,

A handwritten signature in blue ink, appearing to read 'V-R-B', followed by a horizontal flourish.

Vanessa R. Brinkmann  
Senior Counsel

Enclosures

# **Exhibit H**

**From:** [Andrapalliyal, Vinita B. \(CIV\)](#)  
**To:** [Flannigan, Brian \(OIP\)](#)  
**Subject:** FW: CREW v. DOJ (18-00007)  
**Date:** Tuesday, October 23, 2018 4:44:12 PM  
**Attachments:** [CREW - release - 8-24-18.pdf](#)

---

FYI

---

**From:** Andrapalliyal, Vinita B. (CIV)  
**Sent:** Friday, August 24, 2018 6:42 PM  
**To:** Anne Weismann <[aweismann@citizensforethics.org](mailto:aweismann@citizensforethics.org)>; [cshaw@citizensforethics.org](mailto:cshaw@citizensforethics.org)  
**Subject:** CREW v. DOJ (18-00007)

Hi Anne and Conor,

I am passing along OIP's release of the above records in this case. OIP informs me that in the course of its further review of the records in the case, OIP determined that the attached pages, which were previously withheld in full, could be released in part.

Have a nice weekend,  
Vinita

Vinita B. Andrapalliyal  
Trial Attorney  
United States Department of Justice, Civil Division  
Federal Programs Branch  
Tel: (202) 305-0845  
[vinita.b.andrapalliyal@usdoj.gov](mailto:vinita.b.andrapalliyal@usdoj.gov)



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# **Exhibit I**



**U.S. Department of Justice**  
Office of Information Policy  
Suite 11050  
1425 New York Avenue, NW  
Washington, DC 20530-0001

Telephone: (202) 514-3642

September 14, 2018

Ms. Anne L. Weismann  
CREW  
455 Massachusetts Ave., N.W.  
Washington, DC 20001  
[aweismann@citizensforethics.org](mailto:aweismann@citizensforethics.org)

Re: DOJ-2018-002590 (AG)  
DOJ-2018-001537 (DAG)  
DOJ-2018-001538 (ASG)  
DOJ-2018-001539 (PAO)  
DOJ-2018-001540 (OLA)  
18-cv-00007 (D.D.C.)  
VRB:BPF

Dear Ms. Weismann:

This is a supplemental response to your Freedom of Information Act (FOIA) request dated and received in this Office on December 13, 2017, in which you requested various records concerning a meeting with reporters held on December 12, 2017. This response is made on behalf of the Offices of the Attorney General (OAG), Deputy Attorney General (ODAG), Associate Attorney General (OASG), Public Affairs (PAO), and Legislative Affairs (OLA).

On April 30, 2018, June 1, 2018, June 29, 2018, and July 2, 2018, we provided you with responses to your request. We subsequently notified you that we learned of a technical issue and would re-run searches and process results as appropriate.

At this time, I have determined that twenty-six pages containing records responsive to your request are appropriate for release with excisions made pursuant to Exemptions 5 and 6 of the FOIA, 5 U.S.C. § 552(b)(5) and (b)(6), and copies are enclosed. Exemption 5 pertains to certain inter- and intra-agency communications protected by civil discovery privileges. Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties. Please note that duplicative records have not been processed, and are marked accordingly. We plan to provide you with an additional supplemental response by October 5, 2018.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2012 & Supp. V 2017). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

-2-

If you have any questions regarding this response, please contact Vinita Andrapalliyal of the Department's Civil Division, Federal Programs Branch, at 202-305-0845.

Sincerely,

A handwritten signature in blue ink, appearing to read 'V-R-B', followed by a horizontal line.

Vanessa R. Brinkmann  
Senior Counsel

Enclosures



# **Exhibit J**



**U.S. Department of Justice**  
Office of Information Policy  
Suite 11050  
1425 New York Avenue, NW  
Washington, DC 20530-0001

Telephone: (202) 514-3642

October 12, 2018

Ms. Anne L. Weismann  
CREW  
455 Massachusetts Ave., N.W.  
Washington, DC 20001  
[aweismann@citizensforethics.org](mailto:aweismann@citizensforethics.org)

Re: DOJ-2018-002590 (AG)  
DOJ-2018-001537 (DAG)  
DOJ-2018-001538 (ASG)  
DOJ-2018-001539 (PAO)  
DOJ-2018-001540 (OLA)  
18-cv-00007 (D.D.C.)  
VRB:BPF

Dear Ms. Weismann:

This is our final supplemental response to your Freedom of Information Act (FOIA) request dated and received in this Office on December 13, 2017, in which you requested various records concerning a meeting with reporters held on December 12, 2017. This response is made on behalf of the Office of Public Affairs (PAO).

On July 2, 2018, we provided you with a final response to your request. As Department counsel has informed you, we subsequently located additional material responsive to your request. This response addresses the remainder of this material and completes OIP's production.

I have determined that forty-nine pages containing records responsive to your request are appropriate for release with excisions made pursuant to Exemption 6 of the FOIA, 5 U.S.C. § 552(b)(6), and copies are enclosed. Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties. Please note that non-responsive records have not been processed, and are marked accordingly.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2012 & Supp. V 2017). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

-2-

If you have any questions regarding this response, please contact Vinita Andrapalliyal of the Department's Civil Division, Federal Programs Branch, at 202-305-0845.

Sincerely,

A handwritten signature in blue ink, appearing to read 'V-R-B', followed by a horizontal flourish.

Vanessa R. Brinkmann  
Senior Counsel

Enclosures

# **Exhibit K**

Citizens for Responsibility and Ethics in Washington v. U.S. Department of Justice, et al., No. 18-cv-0007 (D.D.C.)

DOJ Office of Information Policy (OIP) Vaughn Index

By email dated July 3, 2018, Plaintiff CREW identified the following exemption-related issues remaining in litigation: (1) “all Exemption 5 claims” and (2) “the names of those DOJ officials above the career level whose names were redacted pursuant to Exemption 6.” OIP did not withhold the names of any DOJ officials above the career level. Accordingly, this Vaughn index is limited to “all Exemption 5 claims.” OIP and the Office of the Inspector General (OIG) each withheld material in certain pages released by OIG.<sup>1</sup> This index contains a description of the 161<sup>2</sup> pages of those records protected, either in part or in full by OIP, pursuant to Freedom of Information Act (FOIA) Exemption 5 (deliberative process, attorney-client, and attorney work-product privileges). The descriptions of each document within this Vaughn Index are meant to be read in tandem with the OIP declaration, which provides a more fulsome explanation of the basis for withholding the information at issue. Copies of the pages referenced in OIP’s Released-In-Part Document Index are attached at the end of this Vaughn Index. OIP only attached pages containing records with redactions at issue in this case.

Component Acronyms:

FBI: Federal Bureau of Investigation  
 ODAG: Office of the Deputy Attorney General  
 OIG: Office of the Inspector General  
 OLA: Office of Legislative Affairs  
 OPCL: Office of Privacy and Civil Liberties  
 PAO: Office of Public Affairs (appearing at times as OPA in the released records)

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<sup>1</sup> This index will address material protected by OIP within OIG’s release, and OIG’s index will otherwise address the material at issue protected by OIG.

<sup>2</sup> Although 161 pages are included in the Vaughn Index, it should be noted that these pages were not all withheld in their entirety. As a result of OIP’s efforts to segregate as much information as possible for release to plaintiffs, 32 pages contained redactions to only part of the documents. Documents released in full were not included in the Vaughn Index.

## DOJ Office of Information Policy, Released-In-Part Document Index

Bates Numbers	Date <sup>3</sup>	Document Sender/Recipient/Subject	Description of Withheld Material	Exemption(s)	Pages
20180326-0072206	12/13/17 10:01 AM	<b>FRM:</b> David F. Lasseter (OLA) <b>TO:</b> Mary Blanche Hankey (OLA) <b>CC:</b> Stephen E. Boyd (OLA) <b>SUBJ:</b> "DOJ document review"	<i>Deliberative Discussions Regarding Congressional Requests</i>	5: Deliberative Process Privilege	1 (partial)
OIP-PG 00001 to OIP-PG 00002	12/19/17 11:00 PM	<b>FRM:</b> Scott Schools (ODAG) <b>TO:</b> Cecilia O. Bessee (FBI) <b>SUBJ:</b> "Items needing followup"	<i>Deliberative Discussions Regarding Congressional Requests</i>	5: Deliberative Process Privilege	2 (partial)
20180326-0060960	12/18/17 3:00 PM	<b>FRM:</b> Sarah Isgur Flores (PAO) <b>TO:</b> Ian Prior (PAO) <b>SUBJ:</b> "Question about Rosenstein Answer on IG consultation on Strzok texts"	<i>Deliberative Discussions and Draft Statements Related to Press Inquiries</i>	5: Deliberative Process Privilege	1 (partial)
20180326-0062617 to 20180326-0062618	12/15/17 2:01 PM	<b>FRM:</b> Ian Prior (PAO) <b>TO:</b> Sarah Isgur Flores (PAO) <b>SUBJ:</b> "Flores statement"	<i>Deliberative Discussions Regarding Press Coverage and Press Inquiries</i>	5: Deliberative Process Privilege	2 (partial)
20180326-0062651	12/15/17 1:17 PM	<b>FRM:</b> Ian Prior (PAO) <b>TO:</b> Sarah Isgur Flores (PAO) <b>SUBJ:</b> "Flores statement"	<i>Deliberative Discussions Regarding Press Coverage and Press Inquiries</i>	5: Deliberative Process Privilege	1 (partial)
20180326-0062677 to 20180326-0062678	12/15/17 9:46 AM	<b>FRM:</b> Ian Prior (PAO) <b>TO:</b> Sarah Isgur Flores (PAO) <b>SUBJ:</b> "Flores statement"	<i>Deliberative Discussions Regarding Press Coverage and Press Inquiries</i>	5: Deliberative Process Privilege	2 (partial)
20180326-0062680	12/15/17 9:35 AM	<b>FRM:</b> Ian Prior (PAO) <b>TO:</b> Sarah Isgur Flores (PAO) <b>SUBJ:</b> "Flores statement"	<i>Deliberative Discussions Regarding Press Coverage and Press Inquiries</i>	5: Deliberative Process Privilege	1 (partial)
20180326-0072201	12/13/17 10:24 AM	<b>FRM:</b> Sarah Isgur Flores (PAO) <b>TO:</b> Ian Prior (PAO) <b>SUBJ:</b> "Tweet forwarded by @iprior1177"	<i>Deliberative Discussions Regarding a Reporter's Statement</i>	5: Deliberative Process Privilege	1 (partial)

<sup>3</sup> Note: the date stamp and sender/recipient/subject are provided for the emails at the top of each selected email chain.

<b>Bates Numbers</b>	<b>Date<sup>3</sup></b>	<b>Document Sender/Recipient/Subject</b>	<b>Description of Withheld Material</b>	<b>Exemption(s)</b>	<b>Pages</b>
20180326-0061142	12/18/17 10:17 AM	<b>FRM:</b> Sarah Isgur Flores (PAO) <b>TO:</b> Scott Schools (ODAG) <b>SUBJ:</b> "Redaction Question"	<i>Deliberative Discussions Regarding Press Coverage and Press Inquiries</i>	5: Deliberative Process Privilege	1 (partial)
20180326-0072160 to 20180326-0072161	12/13/17 12:18 PM	<b>FRM:</b> Robert Hur (ODAG) <b>TO:</b> Sarah Isgur Flores (PAO), Scott Schools (ODAG) <b>CC:</b> Zachary Terwilliger (ODAG), Ian Prior (PAO) <b>SUBJ:</b> "Proposed statement on release of texts and media"	<i>Deliberative Discussions and Draft Statements Related to Press Inquiries</i>	5: Deliberative Process Privilege	2 (partial)
20180326-0072176	12/13/17 11:57 AM	<b>FRM:</b> Sarah Isgur Flores (PAO) <b>TO:</b> Scott Schools (ODAG) <b>CC:</b> Zachary Terwilliger (ODAG), Ian Prior (PAO) <b>SUBJ:</b> "Proposed statement on release of texts and media"	<i>Deliberative Discussions and Draft Statements Related to Press Inquiries</i>	5: Deliberative Process Privilege	1 (partial)
20180326-0072180	12/13/17 11:49 AM	<b>FRM:</b> Scott Schools (ODAG) <b>TO:</b> Sarah Isgur Flores (PAO) <b>CC:</b> Zachary Terwilliger (ODAG), Ian Prior (PAO) <b>SUBJ:</b> "Proposed statement on release of texts and media"	<i>Deliberative Discussions and Draft Statements Related to Press Inquiries</i>	5: Deliberative Process Privilege	1 (partial)
20180326-0072181	12/13/17 11:42 AM	<b>FRM:</b> Sarah Isgur Flores (PAO) <b>TO:</b> Scott Schools (ODAG) <b>CC:</b> Zachary Terwilliger (ODAG), Ian Prior (PAO) <b>SUBJ:</b> "Proposed statement on release of texts and media"	<i>Deliberative Discussions and Draft Statements Related to Press Inquiries</i>	5: Deliberative Process Privilege	1 (partial)
20180326-0000070 to 20180326-0000071	1/4/18 12:41 PM	<b>FRM:</b> Peter A. Winn (OPCL) <b>TO:</b> Scott Schools (ODAG) <b>SUBJ:</b> "FBI Text Messages - Memo to File"	<i>Deliberative Discussions Regarding the Drafting of a Legal Memorandum</i>	5: Deliberative Process Privilege	2 (partial)

<b>Bates Numbers</b>	<b>Date<sup>3</sup></b>	<b>Document Sender/Recipient/Subject</b>	<b>Description of Withheld Material</b>	<b>Exemption(s)</b>	<b>Pages</b>
7-2 Production 01	12/20/17 6:21 PM	<b>FRM:</b> Katherine M. Harman-Stokes (OPCL) <b>TO:</b> OPCL Employee, Peter A. Winn (OPCL) <b>SUBJ:</b> "Final Draft"	<i>Deliberative Discussions Regarding the Drafting of a Legal Memorandum</i>	5: Deliberative Process Privilege	1 (partial)
7-2 Production 02	12/19/17 5:44 PM	<b>FRM:</b> Katherine M. Harman-Stokes (OPCL) <b>TO:</b> Peter A. Winn (OPCL) <b>CC:</b> OPCL Employee <b>SUBJ:</b> "Privacy Act assessment - OIG context"	<i>Deliberative Discussions Regarding the Drafting of a Legal Memorandum</i>	5: Deliberative Process Privilege	1 (partial)
7-2 Production 03	12/19/17 1:02 PM	<b>FRM:</b> OPCL Employee <b>TO:</b> Katherine M. Harman-Stokes (OPCL) <b>SUBJ:</b> "PA assessment - text messages"	<i>Deliberative Discussions Regarding the Drafting of a Legal Memorandum</i>	5: Deliberative Process Privilege	1 (partial)
7-2 Production 04 to 7-2 Production 06	12/19/17 9:25 PM	<b>FRM:</b> OPCL Employee <b>TO:</b> Peter A. Winn (OPCL), Katherine M. Harman-Stokes (OPCL) <b>SUBJ:</b> "FOUO: Privacy Act Assessment--OIG Records & Public Disclosure (12-15-2017)"	<i>Deliberative Discussions Regarding the Drafting of a Legal Memorandum</i>	5: Deliberative Process Privilege	3 (partial)
20180326-0080067	12/12/17 4:47 PM	<b>FRM:</b> Scott Schools (ODAG) <b>TO:</b> Peter A. Winn (OPCL) <b>SUBJ:</b> "Texts Messages"	<i>Deliberative Discussion Regarding Privacy Redactions</i>	5: Deliberative Process Privilege	1 (partial)
OIG - #4	12/13/17 11:34 PM	<b>FRM:</b> Michael E. Horowitz (OIG) <b>TO:</b> Robert P. Storch (ODAG) <b>SUBJ:</b> "Left you a VM earlier"	<i>Deliberative Discussions Regarding Press Coverage and Press Inquiries</i>	5: Deliberative Process Privilege	1 (partial)
OIG - #6	12/14/17 5:32 PM	<b>FRM:</b> Michael E. Horowitz (OIG) <b>TO:</b> Robert P. Storch (ODAG) <b>SUBJ:</b> "Any word?"	<i>Deliberative Discussions Regarding Congressional Requests</i>	5: Deliberative Process Privilege	1 (partial)
OIG - #7	12/14/17 5:28 PM	<b>FRM:</b> Scott Schools (ODAG) <b>TO:</b> Robert P. Storch (OIG) <b>SUBJ:</b> "Update"	<i>Deliberative Discussions and Draft Statements Related to Press Inquiries</i>	5: Deliberative Process Privilege	1 (partial)



<b>Bates Numbers</b>	<b>Date<sup>3</sup></b>	<b>Document Sender/Recipient/Subject</b>	<b>Description of Withheld Material</b>	<b>Exemption(s)</b>	<b>Pages</b>
OIG - #8	12/14/17 12:48 PM	<b>FRM:</b> Scott Schools (ODAG) <b>TO:</b> Robert P. Storch (OIG) <b>SUBJ:</b> "Update"	<i>Deliberative Discussions and Draft Statements Related to Press Inquiries</i>	5: Deliberative Process Privilege	1 (partial)
OIG - #9 to OIG - #10	12/13/17	<b>Handwritten notes:</b> written by the Deputy Inspector General (OIG)	<i>Deliberative Handwritten Notes</i>	5: Deliberative Process Privilege	2 (partial) <sup>4</sup>

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<sup>4</sup> OIP has included in this index the partial redaction of handwritten notes in OIG's production that is labeled (b)(5) - OIP. OIG will address the remaining portion of handwritten notes labeled as (b)(5) – OIG.

## DOJ Office of Information Policy, Withheld-in-Full Document Index

Bates Numbers	Date	Document Description/Participants	Description of Withheld Material	Exemption(s)	Pages
20180326-0000072 to 20180326-0000076	12/21/17	<b>Memorandum:</b> From Peter Winn (OPCL) to ODAG	<i>Memorandum Providing Legal Advice</i> (a legal memorandum containing legal advice provided by OPCL to ODAG, and pertinent facts communicated by ODAG to OPCL, in the context of an attorney-client relationship)	5: Attorney-Client and Deliberative Process Privileges	5 (full)
20180326-0060183 to 20180326-00600187; DPP 001 to DPP 100; DPP 106 to DPP 116	12/18/17 to 12/20/17	<b>Draft Memoranda:</b> Drafted by OPCL attorneys	<i>Draft Legal Memoranda</i> (multiple copies/versions of draft legal memoranda containing legal advice to be provided by OPCL to ODAG, and pertinent facts communicated by ODAG to OPCL, in the context of an attorney-client relationship)	5: Attorney-Client and Deliberative Process Privileges	116 (full)
DPP 101 to DPP 105	12/17/17 to 12/20/17	<b>Handwritten phone call notes:</b> Participants include OPCL attorneys and Scott Schools (ODAG)	<i>Handwritten Notes Reflecting Advisory Discussions</i> (record of communications between ODAG and OPCL in the context of an attorney-client relationship)	5: Attorney-Client and Deliberative Process Privileges	5 (full)
20180326-0072167 to 20180326-0072169	12/13/17 12:11 PM	<b>FRM:</b> Mark T. Pettit (PAO) <b>TO:</b> Sarah Isgur Flores (PAO), Zachary Terwilliger (ODAG), Stephen E. Boyd (OLA), Matthew Whitaker (OAG) <b>CC:</b> Ian Prior (PAO) <b>Subject:</b> “Jeffries Transcript”	<i>Draft Transcript/Notes</i>	5: Deliberative Process Privilege	3 (full)

**Lasseter, David F. (OLA)**

---

**From:** Lasseter, David F. (OLA)  
**Sent:** Wednesday, December 13, 2017 10:01 AM  
**To:** Hankey, Mary Blanche (OLA)  
**Cc:** Boyd, Stephen E. (OLA)  
**Subject:** Re: DOJ document review

Gotcha. (b) (5)

David F. Lasseter

On Dec 13, 2017, at 09:54, Hankey, Mary Blanche (OLA) <[mhankey@jmd.usdoj.gov](mailto:mhankey@jmd.usdoj.gov)> wrote:

They refused to make a staffer available. (b) (5)

██████████ We were specifically directed to contact Dan who said they would not be available to receive delivery. Rich called us around 9:30 and also said that he was not available to receive the documents. (b) (5)

On Dec 13, 2017, at 9:47 AM, Lasseter, David F. (OLA) <[dlasseter@jmd.usdoj.gov](mailto:dlasseter@jmd.usdoj.gov)> wrote:

(b) (5)

David F. Lasseter

On Dec 13, 2017, at 09:28, Boyd, Stephen E. (OLA) (b) (6)  
wrote:

(b) (5)

Sent from my iPhone

Begin forwarded message:

**From:** "Foster, Jason (Judiciary-Rep)"  
(b) (6)  
**Date:** December 13, 2017 at 9:19:44 AM EST  
**To:** "Lasseter, David F. (OLA)"  
<[David.F.Lasseter@usdoj.gov](mailto:David.F.Lasseter@usdoj.gov)>  
**Cc:** "Davis, Patrick (Judiciary-Rep)"  
(b) (6), "Stephen  
E. Boyd (OLA)"  
(b) (6)

Thanks Scott. (b) (5)

See below.

I do hope that all is well. I tried to catch up with you today but was unable to reach you. (b) (5)

(b) (5)

Thank you.

Cecilia

Cecilia O. Bessee  
Acting Deputy General Counsel  
Litigation Branch  
Office of the General Counsel  
Federal Bureau of Investigation  
935 Pennsylvania Ave, NW, Room 10140  
Washington, DC 20535  
Telephone: (b) (6)  
Facsimile: 202-323-2168

Confidentiality Statement:

This message is transmitted to you by the Office of the General Counsel of the Federal Bureau of Investigation. The message, along with any attachments, may be confidential and legally privileged. If you are not the intended recipient of this message, please destroy it promptly without further retention or dissemination (unless otherwise required by law). Please notify the sender of the error by a separate e-mail or by calling (b) (6).

**Flores, Sarah Isgur (OPA)**

---

**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Monday, December 18, 2017 3:00 PM  
**To:** Prior, Ian (OPA)  
**Subject:** Re: Question about Rosenstein Answer on IG consultation on Strzok texts

(b) (5)

On Dec 18, 2017, at 2:59 PM, Prior, Ian (OPA) <[IPrior@jmd.usdoj.gov](mailto:IPrior@jmd.usdoj.gov)> wrote:

(b) (5)

Ian D. Prior  
Principal Deputy Director of Public Affairs  
Department of Justice  
Office: 202.616.0911  
Cell: (b) (6)

*For information on office hours, access to media events, and standard ground rules for interviews, please click [here](#).*

---

**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Monday, December 18, 2017 2:58 PM  
**To:** Prior, Ian (OPA) <[IPrior@jmd.usdoj.gov](mailto:IPrior@jmd.usdoj.gov)>  
**Subject:** Re: Question about Rosenstein Answer on IG consultation on Strzok texts

(b) (5)

On Dec 18, 2017, at 2:48 PM, Prior, Ian (OPA) <[IPrior@jmd.usdoj.gov](mailto:IPrior@jmd.usdoj.gov)> wrote:

(b) (5)

[REDACTED]

[REDACTED]

Ian D. Prior  
Principal Deputy Director of Public Affairs  
Department of Justice

**Prior, Ian (OPA)**

---

**From:** Prior, Ian (OPA)  
**Sent:** Friday, December 15, 2017 2:01 PM  
**To:** Flores, Sarah Isgur (OPA)  
**Subject:** RE: Flores statement

(b) (5)

Ian D. Prior  
Principal Deputy Director of Public Affairs  
Department of Justice  
Office: 202.616.0911  
Cell: (b) (6)

*For information on office hours, access to media events, and standard ground rules for interviews, please click [here](#).*

---

**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Friday, December 15, 2017 1:52 PM  
**To:** Prior, Ian (OPA) <IPrior@jmd.usdoj.gov>  
**Subject:** Re: Flores statement

(b) (5)

On Dec 15, 2017, at 1:50 PM, Prior, Ian (OPA) <IPrior@jmd.usdoj.gov> wrote:

(b) (5)

Ian D. Prior  
Principal Deputy Director of Public Affairs  
Department of Justice  
Office: 202.616.0911  
Cell: (b) (6)

*For information on office hours, access to media events, and standard ground rules for interviews, please click [here](#).*



**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Friday, December 15, 2017 1:16 PM  
**To:** Prior, Ian (OPA) <[IPrior@jmd.usdoj.gov](mailto:IPrior@jmd.usdoj.gov)>  
**Subject:** Re: Flores statement

(b) (5)

On Dec 15, 2017, at 12:51 PM, Prior, Ian (OPA) <[IPrior@jmd.usdoj.gov](mailto:IPrior@jmd.usdoj.gov)> wrote:

Ian D. Prior  
Principal Deputy Director of Public Affairs  
Office: 202.616.0911  
Cell: (b) (6)

*For information on office hours, access to media events, and standard ground rules for interviews, please click [here](#).*

Begin forwarded message:

**From:** Natasha Bertrand <[nbertrand@businessinsider.com](mailto:nbertrand@businessinsider.com)>  
**Date:** December 15, 2017 at 12:47:58 PM EST  
**To:** "Prior, Ian (OPA)" <[Ian.Prior@usdoj.gov](mailto:Ian.Prior@usdoj.gov)>  
**Subject:** Re: Flores statement

Hi, circling back on these questions. Thanks.

On Fri, Dec 15, 2017 at 8:43 AM, Natasha Bertrand  
<[nbertrand@businessinsider.com](mailto:nbertrand@businessinsider.com)> wrote:

Following up on that, Rep. Matt Gaetz told CNN this morning that the DOJ was forced to release the Strzok/Page texts because Devin Nunes "was about to subpoena them."

Is that accurate?

Thanks,  
Natasha

On Thu, Dec 14, 2017 at 9:53 PM, Natasha Bertrand  
<[nbertrand@businessinsider.com](mailto:nbertrand@businessinsider.com)> wrote:

Hi Ian,

This statement from Sarah seems to indicate that there were unauthorized disclosures of the Strzok texts to reporters.

"As we understand now, some members of the media had already



**Prior, Ian (OPA)**

---

**From:** Prior, Ian (OPA)  
**Sent:** Friday, December 15, 2017 1:17 PM  
**To:** Flores, Sarah Isgur (OPA)  
**Subject:** Re: Flores statement

(b) (5)

Ian D. Prior  
Principal Deputy Director of Public Affairs  
Office: 202.616.0911  
Cell: (b) (6)

*For information on office hours, access to media events, and standard ground rules for interviews, please click [here](#).*

On Dec 15, 2017, at 1:16 PM, Flores, Sarah Isgur (OPA) <[siflores@jmd.usdoj.gov](mailto:siflores@jmd.usdoj.gov)> wrote:

Duplicative



**Prior, Ian (OPA)**

---

**From:** Prior, Ian (OPA)  
**Sent:** Friday, December 15, 2017 9:46 AM  
**To:** Flores, Sarah Isgur (OPA)  
**Subject:** RE: Flores statement

(b) (5)

---

Ian D. Prior  
Principal Deputy Director of Public Affairs  
Department of Justice  
Office: 202.616.0911  
Cell: (b) (6)

*For information on office hours, access to media events, and standard ground rules for interviews, please click [here](#).*

---

**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Friday, December 15, 2017 9:34 AM  
**To:** Prior, Ian (OPA) <[IPrior@jmd.usdoj.gov](mailto:IPrior@jmd.usdoj.gov)>  
**Subject:** Re: Flores statement

(b) (5)

On Dec 15, 2017, at 9:33 AM, Prior, Ian (OPA) <[IPrior@jmd.usdoj.gov](mailto:IPrior@jmd.usdoj.gov)> wrote:

(b) (5)

---

Ian D. Prior  
Principal Deputy Director of Public Affairs  
Department of Justice  
Office: 202.616.0911  
Cell: (b) (6)

*For information on office hours, access to media events, and standard ground rules for interviews, please click [here](#).*

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**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Friday, December 15, 2017 9:08 AM  
**To:** Prior, Ian (OPA) <[IPrior@jmd.usdoj.gov](mailto:IPrior@jmd.usdoj.gov)>  
**Subject:** Re: Flores statement

(b) (5)

On Dec 15, 2017, at 9:07 AM, Prior, Ian (OPA) <[IPrior@jmd.usdoj.gov](mailto:IPrior@jmd.usdoj.gov)> wrote:

(b) (5) For some reason it was in my deleted box.

Ian D. Prior  
Principal Deputy Director of Public Affairs  
Office: 202.616.0911  
Cell: (b) (6)

*For information on office hours, access to media events, and standard ground rules for interviews, please click [here](#).*

On Dec 15, 2017, at 8:50 AM, Flores, Sarah Isgur (OPA) <[siflores@jmd.usdoj.gov](mailto:siflores@jmd.usdoj.gov)> wrote:

(b) (5)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

On Dec 15, 2017, at 8:47 AM, Prior, Ian (OPA) <[IPrior@jmd.usdoj.gov](mailto:IPrior@jmd.usdoj.gov)> wrote:

(b) (5)

Ian D. Prior  
Principal Deputy Director of Public Affairs  
Office: 202.616.0911  
Cell: (b) (6)

*For information on office hours, access to media events, and standard ground rules for interviews, please click [here](#).*

Begin forwarded message:

**From:** Natasha Bertrand  
<[nbertrand@businessinsider.com](mailto:nbertrand@businessinsider.com)>  
**Date:** December 15, 2017 at 8:43:24 AM EST  
**To:** "Prior, Ian (OPA)"  
<[Ian.Prior@usdoj.gov](mailto:Ian.Prior@usdoj.gov)>  
**Subject:** Re: Flores statement

Duplicative

**Prior, Ian (OPA)**

---

**From:** Prior, Ian (OPA)  
**Sent:** Friday, December 15, 2017 9:35 AM  
**To:** Flores, Sarah Isgur (OPA)  
**Subject:** RE: Flores statement

(b) (5)

[REDACTED]

[REDACTED]

Ian D. Prior  
Principal Deputy Director of Public Affairs  
Department of Justice  
Office: 202.616.0911  
Cell: (b) (6)

*For information on office hours, access to media events, and standard ground rules for interviews, please click [here](#).*

---

**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Friday, December 15, 2017 9:34 AM  
**To:** Prior, Ian (OPA) <IPrior@jmd.usdoj.gov>  
**Subject:** Re: Flores statement

Duplicative

[REDACTED]

**Flores, Sarah Isgur (OPA)**

---

**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Wednesday, December 13, 2017 10:24 AM  
**To:** Prior, Ian (OPA)  
**Subject:** Re: Tweet forwarded by @iprior1177

(b) (5) We often provide information we give to the hill to avoid any confusion (on background (b) (5))

On Dec 13, 2017, at 9:59 AM, Prior, Ian (OPA) <[IPrior@jmd.usdoj.gov](mailto:IPrior@jmd.usdoj.gov)> wrote:

Just confirmed that the Justice Department invited reporters over to DOJ last night to look at the Strzok/Page texts — and report them out — in case they did not leak in time for Rosenstein's hearing today. Story TK.

Original Tweet: <https://twitter.com/NatashaBertrand/status/940959111864340480>

Sent via TweetDeck

**Flores, Sarah Isgur (OPA)**

---

**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Monday, December 18, 2017 10:17 AM  
**To:** Schools, Scott (ODAG)  
**Subject:** Fwd: Redaction question

(b) (5)

Begin forwarded message:

**From:** (b) (6)  
**Date:** December 18, 2017 at 8:02:29 AM CST  
**To:** "Flores, Sarah Isgur (OPA)" <[Sarah.Isgur.Flores@usdoj.gov](mailto:Sarah.Isgur.Flores@usdoj.gov)>  
**Subject:** Redaction question

Sarah,  
Regarding the FBI texts, can you help me understand why my name was included in the texts when others (including my wife's) were redacted? I don't mind the commentary — I've been called worse than schlubby — but I didnt understand the rationale given the others who were not included.

Thanks,

(b) (6)



**Hur, Robert (ODAG)**

---

**From:** Hur, Robert (ODAG)  
**Sent:** Wednesday, December 13, 2017 12:18 PM  
**To:** Flores, Sarah Isgur (OPA); Schools, Scott (ODAG)  
**Cc:** Terwilliger, Zachary (ODAG); Prior, Ian (OPA)  
**Subject:** RE: Proposed statement on release of texts to congress and media

(b) (5)

---

**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Wednesday, December 13, 2017 12:17 PM  
**To:** Schools, Scott (ODAG) <[sschools@jmd.usdoj.gov](mailto:sschools@jmd.usdoj.gov)>  
**Cc:** Terwilliger, Zachary (ODAG) <[zterwilliger@jmd.usdoj.gov](mailto:zterwilliger@jmd.usdoj.gov)>; Prior, Ian (OPA) <[IPrior@jmd.usdoj.gov](mailto:IPrior@jmd.usdoj.gov)>; Hur, Robert (ODAG) <[rhur@jmd.usdoj.gov](mailto:rhur@jmd.usdoj.gov)>  
**Subject:** Re: Proposed statement on release of texts to congress and media

(b) (5)

On Dec 13, 2017, at 12:14 PM, Schools, Scott (ODAG) <[sschools@jmd.usdoj.gov](mailto:sschools@jmd.usdoj.gov)> wrote:

(b) (5)

---

**From:** Terwilliger, Zachary (ODAG)  
**Sent:** Wednesday, December 13, 2017 12:03 PM  
**To:** Flores, Sarah Isgur (OPA) <[siflores@jmd.usdoj.gov](mailto:siflores@jmd.usdoj.gov)>  
**Cc:** Schools, Scott (ODAG) <[sschools@jmd.usdoj.gov](mailto:sschools@jmd.usdoj.gov)>; Prior, Ian (OPA) <[IPrior@jmd.usdoj.gov](mailto:IPrior@jmd.usdoj.gov)>; Hur, Robert (ODAG) <[rhur@jmd.usdoj.gov](mailto:rhur@jmd.usdoj.gov)>  
**Subject:** Re: Proposed statement on release of texts to congress and media

(b) (5)

(b) (5)

On Dec 13, 2017, at 11:57 AM, Flores, Sarah Isgur (OPA) <[siflores@jmd.usdoj.gov](mailto:siflores@jmd.usdoj.gov)> wrote:

(b) (5)

On Dec 13, 2017, at 11:49 AM, Schools, Scott (ODAG) <[sschools@jmd.usdoj.gov](mailto:sschools@jmd.usdoj.gov)> wrote:

(b) (5)

---

**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Wednesday, December 13, 2017 11:42 AM  
**To:** Schools, Scott (ODAG) <[sschools@jmd.usdoj.gov](mailto:sschools@jmd.usdoj.gov)>  
**Cc:** Prior, Ian (OPA) <[IPrior@jmd.usdoj.gov](mailto:IPrior@jmd.usdoj.gov)>; Terwilliger, Zachary (ODAG) <[zterwilliger@jmd.usdoj.gov](mailto:zterwilliger@jmd.usdoj.gov)>  
**Subject:** Proposed statement on release of texts to congress and

media

(b) (5)

Begin forwarded message:

**From:** <[Mark.Hosenball@thomsonreuters.com](mailto:Mark.Hosenball@thomsonreuters.com)>

**Date:** December 13, 2017 at 11:27:46 AM EST

**To:** <[Sarah.Isgur.Flores@usdoj.gov](mailto:Sarah.Isgur.Flores@usdoj.gov)>,  
<[Ian.Prior@usdoj.gov](mailto:Ian.Prior@usdoj.gov)>

**Subject:** Strzok emails

<http://www.businessinsider.com/peter-strzok-page-texts-mueller-russia-trump-2017-12>

So this story says that DoJ invited reporters to your offices yesterday night to give them access to private text messages exchanged between Peter Strzok and Lisa Page. The story says that this material was originally obtained by DoJ as part of an investigation by Justice Department IG into how the FBI handled its inquiry into Hillary Clinton's use of a private email server while she was Secretary of State. Isn't it quite unorthodox, if not unethical or even illegal, for DoJ to deliberately make public or leak evidence collected in an IG investigation? Who is it who ultimately authorized or instructed DoJ to allow journalists to see this evidence? Was AG Sessions involved? Was the White House involved or was anyone in the White House consulted? We might be writing a story about this today so your quick response most welcome. Many thanks indeed. mh



**Flores, Sarah Isgur (OPA)**

---

**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Wednesday, December 13, 2017 11:57 AM  
**To:** Schools, Scott (ODAG)  
**Cc:** Prior, Ian (OPA); Terwilliger, Zachary (ODAG)  
**Subject:** Re: Proposed statement on release of texts to congress and media

(b) (5)

On Dec 13, 2017, at 11:49 AM, Schools, Scott (ODAG) <[sschools@jmd.usdoj.gov](mailto:sschools@jmd.usdoj.gov)> wrote:

(b) (5)

---

**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Wednesday, December 13, 2017 11:42 AM  
**To:** Schools, Scott (ODAG) <[sschools@jmd.usdoj.gov](mailto:sschools@jmd.usdoj.gov)>  
**Cc:** Prior, Ian (OPA) <[IPrior@jmd.usdoj.gov](mailto:IPrior@jmd.usdoj.gov)>; Terwilliger, Zachary (ODAG) <[zterwilliger@jmd.usdoj.gov](mailto:zterwilliger@jmd.usdoj.gov)>  
**Subject:** Proposed statement on release of texts to congress and media

(b) (5)

[REDACTED]

Begin forwarded message:

**From:** <[Mark.Hosenball@thomsonreuters.com](mailto:Mark.Hosenball@thomsonreuters.com)>  
**Date:** December 13, 2017 at 11:27:46 AM EST  
**To:** <[Sarah.Isgur.Flores@usdoj.gov](mailto:Sarah.Isgur.Flores@usdoj.gov)>, <[Ian.Prior@usdoj.gov](mailto:Ian.Prior@usdoj.gov)>  
**Subject:** Strzok emails

<http://www.businessinsider.com/peter-strzok-page-texts-mueller-russia-trump-2017-12>

So this story says that DoJ invited reporters to your offices yesterday night to give them access to private text messages exchanged between Peter Strzok and Lisa Page. The story says that this material was originally obtained by DoJ as part of an investigation by Justice Department IG into how the FBI handled its inquiry into Hillary Clinton's use of a private email server while she was Secretary of State. Isn't it quite unorthodox, if not unethical or even illegal, for DoJ to deliberately

**Schools, Scott (ODAG)**

---

**From:** Schools, Scott (ODAG)  
**Sent:** Wednesday, December 13, 2017 11:49 AM  
**To:** Flores, Sarah Isgur (OPA)  
**Cc:** Prior, Ian (OPA); Terwilliger, Zachary (ODAG)  
**Subject:** RE: Proposed statement on release of texts to congress and media

(b) (5)

---

**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Wednesday, December 13, 2017 11:42 AM  
**To:** Schools, Scott (ODAG) <sschools@jmd.usdoj.gov>  
**Cc:** Prior, Ian (OPA) <IPrior@jmd.usdoj.gov>; Terwilliger, Zachary (ODAG) <zterwilliger@jmd.usdoj.gov>  
**Subject:** Proposed statement on release of texts to congress and media

(b) (5)

Begin forwarded message:

**From:** <[Mark.Hosenball@thomsonreuters.com](mailto:Mark.Hosenball@thomsonreuters.com)>  
**Date:** December 13, 2017 at 11:27:46 AM EST  
**To:** <[Sarah.Isgur.Flores@usdoj.gov](mailto:Sarah.Isgur.Flores@usdoj.gov)>, <[Ian.Prior@usdoj.gov](mailto:Ian.Prior@usdoj.gov)>  
**Subject:** Strzok emails

<http://www.businessinsider.com/peter-strzok-page-texts-mueller-russia-trump-2017-12>

So this story says that DoJ invited reporters to your offices yesterday night to give them access to private text messages exchanged between Peter Strzok and Lisa Page. The story says that this material was originally obtained by DoJ as part of an investigation by Justice Department IG into how the FBI handled its inquiry into Hillary Clinton's use of a private email server while she was Secretary of State. Isn't it quite unorthodox, if not unethical or even illegal, for DoJ to deliberately make public or leak evidence collected in an IG investigation ? Who is it who ultimately authorized or instructed DoJ to allow journalists to see this evidence ? Was AG Sessions involved ? Was the White House involved or was anyone in the White House consulted ? We might be writing a story about this today so your quick response most welcome. Many thanks indeed. mh

**Flores, Sarah Isgur (OPA)**

---

**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Wednesday, December 13, 2017 11:42 AM  
**To:** Schools, Scott (ODAG)  
**Cc:** Prior, Ian (OPA); Terwilliger, Zachary (ODAG)  
**Subject:** Proposed statement on release of texts to congress and media

(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Begin forwarded message:

**From:** <[Mark.Hosenball@thomsonreuters.com](mailto:Mark.Hosenball@thomsonreuters.com)>  
**Date:** December 13, 2017 at 11:27:46 AM EST  
**To:** <[Sarah.Isgur.Flores@usdoj.gov](mailto:Sarah.Isgur.Flores@usdoj.gov)>, <[Ian.Prior@usdoj.gov](mailto:Ian.Prior@usdoj.gov)>  
**Subject:** Strzok emails

<http://www.businessinsider.com/peter-strzok-page-texts-mueller-russia-trump-2017-12>

So this story says that DoJ invited reporters to your offices yesterday night to give them access to private text messages exchanged between Peter Strzok and Lisa Page. The story says that this material was originally obtained by DoJ as part of an investigation by Justice Department IG into how the FBI handled its inquiry into Hillary Clinton's use of a private email server while she was Secretary of State. Isn't it quite unorthodox, if not unethical or even illegal, for DoJ to deliberately make public or leak evidence collected in an IG investigation ? Who is it who ultimately authorized or instructed DoJ to allow journalists to see this evidence ? Was AG Sessions involved ? Was the White House involved or was anyone in the White House consulted ? We might be writing a story about this today so your quick response most welcome. Many thanks indeed. mh



**Winn, Peter A. (OPCL)**

---

**From:** Winn, Peter A. (OPCL)  
**Sent:** Thursday, January 4, 2018 12:41 PM  
**To:** Schools, Scott (ODAG)  
**Subject:** RE: FBI Text Messages - Memo to File  
**Attachments:** 2017-12-12 - Privacy Act Assessment FINAL.docx

Hi Scott,

Here is the final for your records.

Peter

Peter A. Winn  
Acting Chief Privacy and Civil Liberties Officer  
Director, Office of Privacy and Civil Liberties  
United States Department of Justice  
National Place Building, Suite 1000  
1331 Pennsylvania Avenue, NW  
Washington DC 20530  
Office (b) (6)  
Cell (b) (6)  
Fax (202) 307-0693

(b) (6)

(b) (6)

<https://www.justice.gov/opcl>

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---

**From:** Schools, Scott (ODAG)  
**Sent:** Wednesday, December 20, 2017 8:22 PM  
**To:** Winn, Peter A. (OPCL) (b) (6)  
**Subject:** RE: FBI Text Messages - Draft Memo to File

(b) (5)

---

**From:** Winn, Peter A. (OPCL)  
**Sent:** Wednesday, December 20, 2017 7:00 PM  
**To:** Schools, Scott (ODAG) <[sschools@jmd.usdoj.gov](mailto:sschools@jmd.usdoj.gov)>

Subject: FBI Text Messages - Draft Memo to File

Hi Scott,

(b) (5) [REDACTED]

Peter

**Harman-Stokes, Katherine M. (OPCL)**

---

**From:** Harman-Stokes, Katherine M. (OPCL)  
**Sent:** Wednesday, December 20, 2017 6:21 PM  
**To:** (b) (6) (OPCL); Winn, Peter A. (OPCL)  
**Subject:** RE: Final Draft  
**Attachments:** 2017-12-20 - Privacy Act Assessment Draft (b) (5), (b) (6).docx

Peter, (b) (5)

[REDACTED]

[REDACTED]

Kathy

---

**From:** (b) (6) (OPCL)  
**Sent:** Wednesday, December 20, 2017 6:04 PM  
**To:** Winn, Peter A. (OPCL) (b) (6); Harman-Stokes, Katherine M. (OPCL) <kmharman-stokes@jmd.usdoj.gov>  
**Subject:** RE: Final Draft

(b) (5)

---

**From:** Winn, Peter A. (OPCL)  
**Sent:** Wednesday, December 20, 2017 4:06 PM  
**To:** (b) (6) (OPCL) (b) (6); Harman-Stokes, Katherine M. (OPCL) <[kmharman-stokes@jmd.usdoj.gov](mailto:kmharman-stokes@jmd.usdoj.gov)>  
**Subject:** Final Draft

(b) (5)

Peter A. Winn  
Acting Chief Privacy and Civil Liberties Officer  
Director, Office of Privacy and Civil Liberties  
United States Department of Justice  
National Place Building, Suite 1000  
1331 Pennsylvania Avenue, NW  
Washington DC 20530  
Office (b) (6)  
Cell (b) (6)  
Fax (202) 307-0693  
(b) (6)  
(b) (6)  
<https://www.justice.gov/opcl>

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**Harman-Stokes, Katherine M. (OPCL)**

---

**From:** Harman-Stokes, Katherine M. (OPCL)  
**Sent:** Tuesday, December 19, 2017 5:44 PM  
**To:** Winn, Peter A. (OPCL)  
**Cc:** (b) (6) (OPCL)  
**Subject:** RE: Privacy Act assessment - OIG context  
**Attachments:** 2017-12-19 - Privacy Act Assessment - OIG Records (b) (5), (b) (6) .docx  
**Importance:** High

Peter, (b) (5) Happy to discuss further tomorrow.  
Kathy

---

**From:** Harman-Stokes, Katherine M. (OPCL)  
**Sent:** Tuesday, December 19, 2017 4:43 PM  
**To:** Winn, Peter A. (OPCL) (b) (6)  
**Cc:** (b) (6) (OPCL) (b) (6)  
**Subject:** Privacy Act assessment - OIG context  
**Importance:** High

Peter, (b) (5)  
Kathy

(b) (6) (OPCL)

---

**From:** (b) (6) (OPCL)  
**Sent:** Tuesday, December 19, 2017 1:02 PM  
**To:** Harman-Stokes, Katherine M. (OPCL)  
**Subject:** RE: PA assessment - text messages  
**Attachments:** 2017-12-19 - Privacy Act Assessment - OIG Records (b) (5), (b) (6).docx

Kathy,

(b) (5)

(b) (6)

---

**From:** Harman-Stokes, Katherine M. (OPCL)  
**Sent:** Tuesday, December 19, 2017 12:15 PM  
**To:** (b) (6) (OPCL) (b) (6)  
**Subject:** PA assessment - text messages

(b) (5)

Kathy



(b) (6) (OPCL)

---

**From:** (b) (6) (OPCL)  
**Sent:** Tuesday, December 19, 2017 9:25 AM  
**To:** Winn, Peter A. (OPCL); Harman-Stokes, Katherine M. (OPCL)  
**Subject:** RE: FOUO: Privacy Act Assessment--OIG Records & Public Disclosure (12-15-2017)  
**Attachments:** Privacy Act Assessment--OIG Records Public Disclosure FINAL Review (b) (5), (b) (6).docx

Peter & Kathy,

(b) (5)

(b) (6)

---

**From:** Winn, Peter A. (OPCL)  
**Sent:** Monday, December 18, 2017 6:17 PM  
**To:** Harman-Stokes, Katherine M. (OPCL) <kmharman-stokes@jmd.usdoj.gov>; (b) (6) (OPCL)  
(b) (6)  
**Subject:** RE: FOUO: Privacy Act Assessment--OIG Records & Public Disclosure (12-15-2017)

Kathy and (b) (6),

(b) (5)

Peter

---

**From:** (b) (6) (OPCL)  
**Sent:** Monday, December 18, 2017 4:58 PM  
**To:** Winn, Peter A. (OPCL) (b) (6)  
**Subject:** RE: FOUO: Privacy Act Assessment--OIG Records & Public Disclosure (12-15-2017)

Peter,

(b) (5)

(b) (6)

---

**From:** Winn, Peter A. (OPCL)  
**Sent:** Monday, December 18, 2017 4:40 PM  
**To:** (b) (6) (OPCL) (b) (6)  
**Subject:** RE: FOUO: Privacy Act Assessment--OIG Records & Public Disclosure (12-15-2017)

(b) (5)

---

**From:** (b) (6) (OPCL)

**Sent:** Monday, December 18, 2017 2:49 PM

**To:** Winn, Peter A. (OPCL) (b) (6)

**Subject:** RE: FOUO: Privacy Act Assessment--OIG Records & Public Disclosure (12-15-2017)

(b) (5)

---

**From:** (b) (6) (OPCL)

**Sent:** Monday, December 18, 2017 2:03 PM

**To:** Winn, Peter A. (OPCL) (b) (6)

**Subject:** RE: FOUO: Privacy Act Assessment--OIG Records & Public Disclosure (12-15-2017)

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Peter,

(b) (5)

(b) (5)

(b) (6)

(b) (6)

Attorney Advisor  
U.S. Department of Justice  
Office of Privacy and Civil Liberties (OPCL)  
National Place Building, Suite 1000  
1331 Pennsylvania Avenue NW  
Washington, DC 20530

(b) (6) (office)

(b) (6) (mobile)

(202) 307-0693 (fax)

(b) (6)

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ATTORNEY WORK PRODUCT/ATTORNEY-CLIENT/DELIBERATIVE PROCESS PRIVILEGED

---

**From:** Winn, Peter A. (OPCL)

**Sent:** Monday, December 18, 2017 12:56 PM

**To:** (b) (6) (OPCL) (b) (6)

**Subject:** RE: FOUO: Privacy Act Assessment--OIG Records & Public Disclosure (12-15-2017)

(b) (5)

Peter

---

**From:** Winn, Peter A. (OPCL)

**Sent:** Monday, December 18, 2017 12:39 PM

**To:** (b) (6) (OPCL) (b) (6)

**Subject:** RE: FOUO: Privacy Act Assessment--OIG Records & Public Disclosure (12-15-2017)

(b) (5)

Peter

---

**From:** (b) (6) (OPCL)

**Sent:** Friday, December 15, 2017 5:07 PM

**To:** Winn, Peter A. (OPCL) (b) (6)

**Subject:** FOUO: Privacy Act Assessment--OIG Records & Public Disclosure (12-15-2017)

UNCLASSIFIED//FOUO  
DELIBERATIVE PROCESS // ATTORNEY CLIENT PRIVILEGED DOCUMENT

Peter,

(b) (5)

Please let me know if you have any questions.

Regards,

(b) (6)

Attorney Advisor

U.S. Department of Justice

Office of Privacy and Civil Liberties (OPCL)

National Place Building, Suite 1000

1331 Pennsylvania Avenue NW

Washington, DC 20530

(b) (6) (office)

(b) (6) (mobile)

(202) 307-0693 (fax)

(b) (6)

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**Schools, Scott (ODAG)**

---

**From:** Schools, Scott (ODAG)  
**Sent:** Tuesday, December 12, 2017 4:47 PM  
**To:** Winn, Peter A. (OPCL)  
**Subject:** FW: Texts Messages  
**Attachments:** Strzok Texts Redacted.pdf

Per our conversation.

-----Original Message-----

**From:** (b) (6), (b) (7)(C) per FBI (INSD) (FBI) (b) (6), (b) (7)(C) per FBI  
**Sent:** Tuesday, December 12, 2017 2:22 PM  
**To:** Schools, Scott (ODAG) <sschools@jmd.usdoj.gov>  
**Cc:** McNamara, Nancy (INSD) (FBI) (b) (6), (b) (7)(C) per FBI; (b) (6), (b) (7)(C) per FBI (DO) (FBI) (b) (6), (b) (7)(C) per FBI  
**Subject:** Texts Messages

Mr. Schools,

(b) (5)

[REDACTED]

Let me know if you have any concerns or questions.

Thank you,  
(b) (6), (b) (7)(C) per FBI  
FBI

[REDACTED]

Unit Chief  
External Audit Management Unit  
Inspection Division  
Federal Bureau of Investigation  
(b) (6), (b) (7)(C) per FBI



**To:** Horowitz, Michael E. (OIG) [mailto:Horowitz@OIG-USDOJ.GOV]  
**From:** Storch, Robert P. (OIG)  
**Sent:** Wed 12/13/2017 11:34:23 PM  
**Importance:** Normal  
**Subject:** FW: Left you a VM earlier  
**Received:** Wed 12/13/2017 11:34:24 PM

(b)(5) - OIG

---

**From:** Storch, Robert P. (OIG)  
**Sent:** Wednesday, December 13, 2017 6:34 PM  
**To:** Schools, Scott (ODAG) <sschools@jmd.usdoj.gov>  
**Subject:** Left you a VM earlier

(b)(5) - OIP

Can you give me a call to discuss? I'm headed out in a bit, but am on my cell (b)(6)- thanks,

Rob

**To:** Horowitz, Michael E. (OIG) [mailto:Michael.Horowitz@OIG.USDOJ.GOV]  
**From:** Storch, Robert P. (OIG)  
**Sent:** Thur 12/14/2017 10:31:56 PM  
**Importance:** Normal  
**Subject:** FW: Any word?  
**Received:** Thur 12/14/2017 10:31:57 PM

---

**From:** Storch, Robert P. (OIG)  
**Sent:** Thursday, December 14, 2017 5:32 PM  
**To:** Schools, Scott (ODAG) <[sschools@jmd.usdoj.gov](mailto:sschools@jmd.usdoj.gov)>  
**Subject:** RE: Any word?

Scott – called around 5 and just a bit ago. (b)(5) - OIP  
Thanks,

---

**From:** Storch, Robert P. (OIG)  
**Sent:** Thursday, December 14, 2017 4:07 PM  
**To:** Schools, Scott (ODAG) <[sschools@jmd.usdoj.gov](mailto:sschools@jmd.usdoj.gov)>  
**Subject:** Re: Any word?

Great - (b)(5)-OIP

Sent from my iPhone - please excuse the all too likely typos.

On Dec 14, 2017, at 4:05 PM, Schools, Scott (ODAG) <[sschools@jmd.usdoj.gov](mailto:sschools@jmd.usdoj.gov)> wrote:

(b)(5)-OIP

On Dec 14, 2017, at 3:12 PM, Storch, Robert P. (OIG) <[rstorch@OIG.USDOJ.GOV](mailto:rstorch@OIG.USDOJ.GOV)> wrote:

Sent from my iPhone - please excuse the all too likely typos.

Case 1:18-cv-00007-TSC Document 25-4 Filed 10/26/18 Page 107 of 110  
To: Schools, Scott (ODAG) <sschools@jmd.usdoj.gov>  
From: Storch, Robert P. (OIG)  
Sent: Thur 12/14/2017 5:28:20 PM  
Importance: Normal  
Subject: Re: Update  
Received: Thur 12/14/2017 5:28:21 PM

Left you a VM - give me a call. (b)(6)-OIP Thanks

Sent from my iPhone - please excuse the all too likely typos.

On Dec 14, 2017, at 11:28 AM, Schools, Scott (ODAG) <[sschools@jmd.usdoj.gov](mailto:sschools@jmd.usdoj.gov)> wrote:

(b)(5) - OIP

SS

(b)(5) - OIP

**To:** Schools, Scott (ODAG) <[sschools@jmd.usdoj.gov](mailto:sschools@jmd.usdoj.gov)>  
**From:** Storch, Robert P. (OIG)  
**Sent:** Thur 12/14/2017 12:48:33 AM  
**Importance:** Normal  
**Subject:** Re: Left you a VM earlier  
**Received:** Thur 12/14/2017 12:48:34 AM

Not a bother - it's important. (b)(5) - OIP Have a good evening.

Sent from my iPhone - please excuse the all too likely typos.

On Dec 13, 2017, at 7:41 PM, Schools, Scott (ODAG) <[sschools@jmd.usdoj.gov](mailto:sschools@jmd.usdoj.gov)> wrote:

Thanks. (b)(6) - OIP (b)(5)-OIP

---

**From:** Storch, Robert P. (OIG)  
**Sent:** Wednesday, December 13, 2017 7:38 PM  
**To:** Schools, Scott (ODAG) <[sschools@jmd.usdoj.gov](mailto:sschools@jmd.usdoj.gov)>  
**Subject:** Re: Left you a VM earlier

Thanks for the call back on this, Scott - (b)(5) - OIP  
If you need to discuss anything in the meantime, just let me know.

Sent from my iPhone - please excuse the all too likely typos.

On Dec 13, 2017, at 6:34 PM, Storch, Robert P. (OIG) <[rstorch@OIG.USDOJ.GOV](mailto:rstorch@OIG.USDOJ.GOV)> wrote:

(b)(5) - OIP

Can you give me a call to discuss? I'm headed out in a bit, but am on my cell (b)(6)-OIP - thanks,

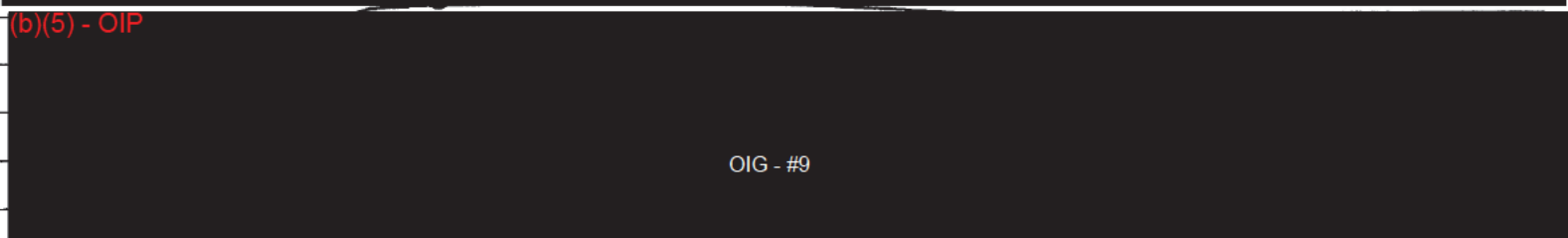
Rob



(b)(5) - OIG



(b)(5) - OIP



(b)(5) - OIG