

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON,	)	
Plaintiff,	)	
v.	)	Civ. A. No. 18-cv-02888 (RBW)
UNITED STATES DEPARTMENT OF JUSTICE,	)	
Defendant.	)	

**DECLARATION OF MICHAEL G. SEIDEL**

I, Michael G. Seidel, declare as follows:

(1) I am currently the Assistant Section Chief (“ASC”) of the Record/Information Dissemination Section (“RIDS”), Information Management Division (“IMD”), Winchester, Virginia and, in the absence of RIDS Section Chief, David M. Hardy, I serve as Acting Section Chief for RIDS.<sup>1</sup> I have held this position since June 26, 2016. I joined the FBI in September 2011, and prior to my current position, I was the Unit Chief, RIDS Litigation Support Unit from November 2012 to June 2016; and an Assistant General Counsel, FBI Office of General Counsel, Freedom of Information Act (“FOIA”) Litigation Unit from September 2011 to November 2012. In those capacities, I had management oversight or agency counsel responsibility for FBI FOIA and Privacy Act (“PA”) litigation cases nationwide. Prior to my joining the FBI, I served as a Senior Attorney, U.S. Drug Enforcement Administration (“DEA”) from September 2006 to

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<sup>1</sup> In May 2018, the Records Management Division (“RMD”) was renamed IMD.

September 2011, where among myriad legal responsibilities, I advised on FOIA/PA matters and served as agency counsel representing the DEA in FOIA/PA suits nationwide. I also served as a U.S. Army Judge Advocate General's Corps Officer in various assignments from 1994 to September 2006 culminating in my assignment as Chief, General Litigation Branch, U.S. Army Litigation Division where I oversaw FOIA/PA litigation for the U.S. Army. I am an attorney registered in the State of Ohio and the District of Columbia.

(2) In my official capacity as Acting Section Chief of RIDS, I supervise approximately 242 employees who staff a total of twelve (12) Federal Bureau of Investigation Headquarters ("FBIHQ") units and two (2) field operational service center units whose collective mission is to effectively plan, develop, direct, and manage responses to requests for access to FBI records and information pursuant to the FOIA as amended by the OPEN Government Act of 2007, OPEN FOIA Act of 2009, and the FOIA Improvement Act of 2016; the Privacy Act of 1974; Executive Order 13526; Presidential, Attorney General, and FBI policies and procedures; judicial decisions; and Presidential and Congressional directives. The statements contained in this declaration are based upon my personal knowledge, upon information provided to me in my official capacity, and upon conclusions and determinations reached and made in accordance therewith.

(3) Due to the nature of my official duties, I am familiar with the procedures followed by the FBI in responding to requests for information from its files pursuant to the provisions of the FOIA, 5 U.S.C. § 552. Specifically, I am aware of the FBI's handling of Plaintiff's April 26, 2018 FOIA request.

(4) The FBI submits this declaration in support of the Defendant's Motion for Summary Judgment and to provide the Court and Plaintiff with an explanation of its recordkeeping system, the procedures it used to search for potentially responsive records to Plaintiff's request, and to confirm it located no records responsive to Plaintiff's FOIA request.

**ADMINISTRATIVE HISTORY OF PLAINTIFF'S FOIA REQUEST**

(5) By letter dated April 26, 2018, Plaintiff submitted a FOIA request to the FBI requesting:

*copies of all records pertaining to the FBI's investigation of the source of the leak of information to Rudolph Giuliani in October 2016 that then-FBI Director James B. Comey was going to reopen the investigation into former Secretary of State Hillary Clinton's use of a personal email system, which Mr. Comey announced on October 28, 2016.*

Plaintiff requested a waiver of both search and duplication fees as a member of the news media and purported public interest in disclosure of the requested information.<sup>2</sup> **See Exhibit A.**

(6) By letter dated May 4, 2018, the FBI acknowledged receipt of Plaintiff's request and assigned it FOIA Request No. 1404595-000. The FBI advised Plaintiff the request for a public interest fee waiver was under consideration and for purpose of assessing fees, they were considered news media. **See Exhibit B.**

(7) On or about December 10, 2018, Plaintiff filed the present lawsuit in the U.S. District Court for the District of Columbia. **See ECF No. 1, Complaint.**

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<sup>2</sup> No fees were incurred; therefore the FBI did not adjudicate Plaintiff's fee waiver request.

(8) In its complaint, Plaintiff referenced statements made by former Director Comey in April 2018 on MSNBC and before House Judiciary and Oversight Committees in December 2018.<sup>3</sup> See Transcription of MSNBC Interview, May 3, 2017, <http://www.msnbc.com/rachel-maddow-show/rachel-maddow-interviews-james-comey-read-the-full-transcript> (last accessed 4/25/2019); and Transcript of Interview of James Comey, at 152-154, Dec. 7, 2018, <https://republicans-judiciary.house.gov/press-release/goodlatte-and-gowdy-statement-on-comey-interview/> (last accessed 4/25/2019). Because Comey was no longer the FBI Director at these times, these statements would not constitute official, public confirmations by the FBI.

(9) In a May 3, 2017 hearing, then-FBI Director Comey provided the following testimony before the Senate Judiciary Committee:

LEAHY: Let me ask you this. During your investigation into Hillary Clinton's e-mails, a number of surrogates like Rudy Giuliani claim to have a pipeline to the FBI. He boasted that, and I quote, numerous agents talk to him all the time. (Inaudible) regarding the investigation. He even said that he had -- insinuated he had advanced warning about the e-mails described in your October letter. Former FBI agent Jim Kallstrom made similar claims.

Now either they're lying or there's a serious problem within the Bureau. Anybody in the FBI during this 2016 campaign have contact with Rudy Giuliani about -- about the Clinton investigation?

COMEY: I don't know yet. But if I find out that people were leaking information about our investigations, whether it's to reporters or to private parties, there will be severe consequences.

LEAHY: Did you know of anything from Jim Kallstrom?

COMEY: Same answer. I don't know yet.

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<sup>3</sup> In both venues, Comey indicated that, with regard to possible leaks to Rudy Giuliani out of the FBI New York Field Office, he "asked that it be investigated" and that he never received the result or a report pursuant to that request because he was fired.

LEAHY: Do you know any about -- from other former agents?

COMEY: I don't know yet. But it's a matter that I'm very, very interested in.

LEAHY: But you are looking into it?

COMEY: Correct.

LEAHY: And once you've found that answer, will you provide it to us?

COMEY: I'll provide it to the committee in some form. I don't whether I would say publicly, but I'd find some way to let you know.

*See* Transcription of Senate Judiciary Committee Hearing on FBI Oversight, May 3, 2017,

[https://www.washingtonpost.com/news/post-politics/wp/2017/05/03/read-the-full-testimony-of-fbi-director-james-comey-in-which-he-discusses-clinton-email-investigation/?utm\\_term=.d3800b75d04e](https://www.washingtonpost.com/news/post-politics/wp/2017/05/03/read-the-full-testimony-of-fbi-director-james-comey-in-which-he-discusses-clinton-email-investigation/?utm_term=.d3800b75d04e) (last accessed 4/24/2019).

(10) The public acknowledgment by then-Director Comey, referenced in paragraph 9, that he was looking into whether anybody in the FBI during the 2016 campaign had contact with Rudy Giuliani about the Clinton investigation prompted the FBI to search for records responsive to Plaintiff's request, and the FBI subsequently searched in all locations likely to have responsive records, specifically, in FBI investigative files, which cover all FBI field offices where such an investigation, if one existed, would have occurred, and in the Inspection Division (INSD). Details about the FBI's search are described *infra*.

(11) By letter dated March 13, 2019, the FBI advised Plaintiff it conducted a search of the locations or entities where records responsive to the request would reasonably be found and was unable to locate any records responsive to the request. ***See Exhibit C.***

### **THE FBI'S CENTRAL RECORDS SYSTEM**

(12) The Central Records System (“CRS”) is an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled and maintained by the FBI in the course of fulfilling its integrated missions and functions as a law enforcement, counterterrorism, and intelligence agency to include performance of administrative and personnel functions. The CRS spans the entire FBI organization and encompasses the records of FBI HQ, FBI Field Offices, and FBI Legal Attaché Offices (“Legats”) worldwide.

(13) The CRS consists of a numerical sequence of files, called FBI “classifications,” which are organized according to designated subject categories. The broad array of CRS file classification categories include types of criminal conduct and investigations conducted by the FBI, as well as categorical subjects pertaining to counterterrorism, intelligence, counterintelligence, personnel, and administrative matters. For identification and retrieval purposes across the FBI, when a case file is opened, it is assigned a Universal Case File Number (“UCFN”) consisting of three sequential components: (a) the CRS file classification number, (b) the abbreviation of the FBI Office of Origin (“OO”) initiating the file, and (c) the assigned individual case file number for the particular subject matter.<sup>4</sup> Within each case file, pertinent documents of interest are “serialized,” or assigned a document number in the order which the document is added to the file, typically in chronological order.

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<sup>4</sup> For example, in a fictitious file number of “11Z-HQ-56789;” the “11Z” component indicates the file classification, “HQ” indicates FBI Headquarters is the FBI OO of the file, and “56789” is the assigned case specific file number.

### **THE CRS GENERAL INDICES AND INDEXING**

(14) The general indices to the CRS are the index or “key” to locating records within the enormous amount of information contained in the CRS. The CRS is indexed in a manner which meets the FBI’s investigative needs and priorities, and allows FBI personnel to reasonably and adequately locate pertinent files in the performance of their law enforcement duties. The general indices are arranged in alphabetical order and comprise an index on a variety of subject matters to include individuals, organizations, events, or other subjects of investigative interest indexed for future retrieval. The entries in the general indices fall into two category types:

- (a) Main entry. This entry pertains to records indexed to the main subject(s) of a file, known as “main file” records. The “main” entry carries the name of an individual, organization, or other subject matter that is the designated subject of the file.
- (b) Reference entry. This entry, or a “cross-reference,” pertains to records that merely mention or reference an individual, organization, or other subject matter contained in a “main” file record about a different subject matter.

(15) FBI Special Agents (“SA”) and/or designated professional staff may index information in the CRS by individual (persons), by organization (organizational entities, places, and things), and by event (*e.g.*, a terrorist attack or bank robbery). Indexing information in the CRS is based on operational necessity, and the FBI only indexes information considered relevant and necessary for future retrieval. Accordingly, the FBI does not index every individual name or other subject matter in the general indices.

### **SENTINEL**

(16) Sentinel is the FBI’s next generation case management system that became effective FBI-wide on July 1, 2012. Sentinel provides a web-based interface to FBI users.

Since July 1, 2012, all FBI generated records are created electronically in case files via Sentinel. When a record is generated in Sentinel, information is indexed for future retrieval.

(17) RIDS conducts an index search of Sentinel records to ensure it captures all relevant data indexed after the implementation of Sentinel. The CRS automated indices, available within Sentinel, in most cases represent the most reasonable means for the FBI to locate records responsive to FOIA requests. This is because these automated indices offered access to a comprehensive, agency-wide set of indexed data on a wide variety of investigative and administrative subjects. Currently, these automated indices consist of approximately 120 million searchable records and are updated daily with material newly indexed in Sentinel.

**ADEQUACY OF SEARCH SPECIFIC TO PLAINTIFF'S FOIA REQUEST**

(18) Main and Reference Files. RIDS policy is to search for and identify only “main” files responsive to most FOIA requests; however, Plaintiff did not provide the name of the subject of an investigation. Instead, Plaintiff provided the name of the alleged recipient of the information, a role most likely to be indexed as a reference. RIDS determined a search of both main and cross-references was appropriate in the context of this specific search.

(19) Index Searching. To locate CRS information, RIDS employs an index search methodology. Index searches of the CRS are reasonably expected to locate responsive material within the vast CRS since the FBI indexes pertinent information into the CRS to facilitate retrieval based on operational necessity. Given the broad range of indexed material in terms of both time frame and subject matter that it can locate in FBI files, the automated indices available through Sentinel is the mechanism RIDS employs to conduct CRS index searches.



(20) CRS Search, Scope of Search, and Results. In response to Plaintiff's request for records concerning an FBI investigation into an alleged leak of information in October 2016, RIDS conducted a CRS index search via Sentinel. The search was carefully and reasonably calculated to locate records responsive to Plaintiff's request and subject to the FOIA, utilizing the time frame and information supplied in the Plaintiff's FOIA request letter. RIDS searched Sentinel using the names "Rudolph Giuliani" and "Rudy Giuliani" and limited the search to records created between October 1, 2016 and May 4, 2018. The search was also limited to specific FBI file classifications assigned to "leak-related" investigations.<sup>5</sup> These were the file classifications most likely to have records concerning investigations into leaks of information from the FBI to outside sources. This search of Sentinel yielded no responsive records.

(21) Targeted Search of the FBI's Inspection Division. For most requests, a search of the CRS is sufficient; however, given former Director Comey's public statements concerning the matter referenced in Plaintiff's request, RIDS also requested a targeted search by the Inspection Division ("INSD"). RIDS provided INSD with a copy of Plaintiff's FOIA request. INSD has a mission and responsibility to preserve the integrity of the FBI's investigative, financial and administrative programs. If an unauthorized leak of FBI information exists, it would negatively

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<sup>5</sup> The date range of the searches was calculated based on the date of the alleged leak (October 1, 2016), through the date of the FBI's search. Plaintiff did not provide a privacy waiver signed by Rudolph Giuliani. Therefore, the FBI determined it reasonable to limit the scope of the search to only that information publicly acknowledged within the parameters of the FOIA request. Any other information concerning Rudolph Giuliani, should it exist, 1) would be outside the scope of Plaintiff's FOIA request, and 2) to acknowledge the existence or non-existence of any other information, other than publicly acknowledged information within the scope of the request, would infringe upon his personal privacy interests and violate FOIA Exemptions 6 and 7(C).

impact the FBI's investigative programs and fall under the purview of INSD. Therefore, INSD is the most likely location to have specific knowledge and/or possess potentially responsive investigative records.

(22) INSD personnel familiar with the type of information conducted searches in a manner reasonably calculated to locate responsive records, while utilizing the parameters within Plaintiff's FOIA request, specifically using the terms "Rudolph Giuliani" and "Rudy Giuliani" and a date limitation to search for records created between October 1, 2016 and May 4, 2018. Through this targeted search, INSD located no responsive records. Additionally, this result was confirmed in a telephonic meeting between the FBI's Office of the General Counsel (OGC) and INSD. A supervisor in INSD familiar with the work of the Division and with Director Comey's statements confirmed that INSD is not conducting/has not conducted such an investigation and has no records of an "FBI investigation of the source of the leak of information to Rudolph Giuliani in October 2016."

### **CONCLUSION**

(23) The FBI conducted searches reasonably calculated to locate records responsive to Plaintiff's FOIA request. First, RIDS conducted a Sentinel index search for main and reference files within the CRS. Second, RIDS coordinated with INSD, the location most likely to have knowledge of and/or records concerning the type of information requested. INSD personnel conducted searches reasonably calculated to locate responsive records. Searches were carefully and reasonably calculated to locate all records responsive to the Plaintiff's request. The search terms utilized were formulated based on the specific subject-matter provided in Plaintiff's FOIA request letter. No records were located during either of these searches. RIDS found no further

information indicating other locations where responsive records would likely reside. Thus, the FBI has complied with its obligations under the FOIA.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct, and that Exhibits A through C attached hereto are true and correct copies.

Executed this 8<sup>th</sup> day of May, 2019.

A handwritten signature in black ink, appearing to read "M. G. Seidel", written over a horizontal line.

MICHAEL G. SEIDEL  
Acting Section Chief  
Record/Information Dissemination Section  
Information Management Division  
Federal Bureau of Investigation  
Winchester, Virginia

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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CITIZENS FOR RESPONSIBILITY  
AND ETHICS IN WASHINGTON,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF  
JUSTICE,

Defendant.

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) Civ. A. No. 18-cv-02888 (RBW)  
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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

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FACSIMILE TRANSMITTAL SHEET

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TO:	PROM:
FOIA/PA Request, Record/Information Dissemination Section	Anne L. Weismann
COMPANY:	DATE:
Federal Bureau of Investigation	APRIL 26, 2018
RECIPIENT'S FAX NUMBER:	PAGE 1 OF 5
540-868-4391	
RECIPIENT'S PHONE NUMBER:	RE:
	Please see enclosed FOIA request

NOTES/COMMENTS:

MAY 02 2018

*Pages transmitted are privileged and confidential.*

# CREW | citizens for responsibility and ethics in washington

April 26, 2018

**BY FACSIMILE: (540) 868-4391/4997**

Federal Bureau of Investigation  
Attn: FOI/PA Request  
Record/Information Dissemination Section  
170 Marcel Drive  
Winchester, VA 22602-4843

**Re: Freedom of Information Act Request**

Dear Freedom of Information Officer:

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

Specifically, CREW requests copies of all records pertaining to the FBI's investigation of the source of the leak of information to Rudolph Giuliani in October 2016 that then-FBI Director James B. Comey was going to reopen the investigation into former Secretary of State Hillary Clinton's use of a personal email system, which Mr. Comey announced on October 28, 2016.

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, as well as emails to which the subjects of this request were cc'ed or bcc'ed.

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 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).

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April 26, 2018  
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### 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 will likely 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).

On October 28, 2016, 11 days before the election, then-FBI Director Comey sent a letter to Congress announcing that the FBI was reopening its investigation into Hillary Clinton's emails in light of new information found, but not yet examined by the FBI.<sup>1</sup> Two days earlier Mr. Giuliani telegraphed this announcement on Fox News, stating "I do think that all of these revelations about Hillary Clinton are beginning to have an impact. He's got a surprise or two that you're going to hear about in the next two days."<sup>2</sup> Mr. Giuliani subsequently admitted that he had received advanced notice of this development, stating on Fox News on November 4, 2016, "Did I hear about it? You're darn right I heard about it. And I can't even repeat the language that I heard."<sup>3</sup> More recently, when asked whether Mr. Giuliani had received advance notice from the FBI about the FBI's reopening of its investigation, Mr. Comey stated:

I saw that same publicity and so I commissioned an investigation to see if we could understand whether people were disclosing information out of the New York office or any other place that resulted in Rudy's report on Fox News and other leaks that we were seeing in the media.<sup>4</sup>

Any unauthorized disclosure of information about an FBI investigation would violate the Privacy Act, 5 U.S.C. § 552a(b), and the Hatch Act, 5 U.S.C. § 7323(a)(1), if the disclosure was made with the purpose of affecting the result of the election. The requested records, therefore, would shed light on whether FBI agents and employees violated federal law by disclosing information to Mr. Giuliani. Further, given Mr. Giuliani's newly acquired role as counsel for President Trump for the Mueller investigation and his very high public profile, the public has a significant interest in knowing to what extent he participated in the disclosure of information that many believe was responsible for then-candidate Clinton's defeat. Some have suggested his role

<sup>1</sup> The letter can be found at <https://www.politico.com/story/2016/10/full-text-fbi-letter-announcing-new-clinton-review-230463>.

<sup>2</sup> Erik Wemple, *Rudy Giuliani's Pre-election Comments on Fox News Prompted an FBI Leak Investigation*, *Washington Post*, Apr. 20, 2018, available at [https://www.washingtonpost.com/blogs/erik-wemple/wp/2018/04/20/rudy-giulianis-pre-election-comments-on-fox-news-prompted-an-fbi-leak-investigation/?utm\\_term=.59eef07e566d](https://www.washingtonpost.com/blogs/erik-wemple/wp/2018/04/20/rudy-giulianis-pre-election-comments-on-fox-news-prompted-an-fbi-leak-investigation/?utm_term=.59eef07e566d) (quoting Rudolph Giuliani).

<sup>3</sup> *Id.* (quoting Rudolph Giuliani).

<sup>4</sup> *Id.* (quoting James Comey).

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April 26, 2018  
Page 3

as “an active purveyor of pre-election leaks about the FBI probe into Hillary Clinton’s emails” could pose a conflict if he becomes a witness in any case Special Counsel Mueller brings.<sup>5</sup>

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 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 blogposts that report on and analyze 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 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.

#### 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). CREW also welcomes the opportunity to discuss with you whether and to what extent this request can be narrowed or modified to better enable the FBI to process it within the FOIA’s deadlines. In addition, 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 at [aweismann@citizensforethics.org](mailto:aweismann@citizensforethics.org) or Anne L. Weismann, Citizens for

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<sup>5</sup> Josh Gerstein and Darren Samuelsohn, *Giuliani’s History Raises Legal Questions as He Takes on Trump Defense*, *Politico*, Apr. 21, 2018, available at <https://www.politico.com/story/2018/04/21/giuliani-trump-defense-questions-544703>.



Federal Bureau of Investigation  
April 26, 2018  
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Responsibility and Ethics in Washington, 455 Massachusetts Ave., N.W., Washington, D.C.  
20001. Thank you for your assistance in this matter.

Sincerely,



Anne L. Weismann  
Chief FOIA Counsel

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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CITIZENS FOR RESPONSIBILITY  
AND ETHICS IN WASHINGTON,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF  
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EXHIBIT B



U.S. Department of Justice

Federal Bureau of Investigation  
Washington, D.C. 20535

May 4, 2018

MS. ANNE L WEISMANN  
CREW  
455 MASSACHUSETTS AVENUE, NW  
WASHINGTON, DC 20001

FOIPA Request No.: 1404595-000  
Subject: FBI's Investigation Regarding  
Leaked Information to Rudolph Giuliani  
(October 2016)

Dear Ms. Weismann:

This acknowledges receipt of your Freedom of Information Act (FOIA) request to the FBI. Below you will find check boxes and informational paragraphs about your request, as well as specific determinations required by these statutes. Please read each one carefully.

- Your request has been received at FBI Headquarters for processing.
- Your request has been received at the \_\_\_\_\_ Resident Agency / \_\_\_\_\_ Field Office and forwarded to FBI Headquarters for processing.
- The subject of your request is currently being processed and documents will be released to you upon completion.
- Release of responsive records will be posted to the FBI's electronic FOIA Library (The Vault), <http://vault.fbi.gov>, and you will be contacted when the release is posted.
- Your request for a public interest fee waiver is under consideration, and you will be advised of the decision at a later date. If your fee waiver is not granted, you will be responsible for applicable fees per your designated requester fee category below.
- For the purpose of assessing any fees, we have determined:
  - As a commercial use requester, you will be charged applicable search, review, and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(I).
  - As an educational institution, noncommercial scientific institution or representative of the news media requester, you will be charged applicable duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(II).
  - As a general (all others) requester, you will be charged applicable search and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(III).

Please check the status of your FOIPA request at [www.fbi.gov/foia](http://www.fbi.gov/foia) by clicking on **FOIPA Status** and entering your FOIPA Request Number. Status updates are adjusted weekly. The status of newly assigned requests may not be available until the next weekly update. If the FOIPA has been closed the notice will indicate that appropriate correspondence has been mailed to the address on file.

For questions regarding our determinations, visit the [www.fbi.gov/foia](http://www.fbi.gov/foia) website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIA online portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS) at 877-684-6448, or by emailing [ogis@nara.gov](mailto:ogis@nara.gov). Alternatively, you may contact the FBI's FOIA Public Liaison by emailing [foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov). If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely,



David M. Hardy  
Section Chief,  
Record/Information  
Dissemination Section  
Records Management Division

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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CITIZENS FOR RESPONSIBILITY	)	
AND ETHICS IN WASHINGTON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. A. No. 18-cv-02888 (RBW)
	)	
UNITED STATES DEPARTMENT OF	)	
JUSTICE,	)	
	)	
Defendant.	)	

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EXHIBIT C



U.S. Department of Justice

**Federal Bureau of Investigation**  
Washington, D.C. 20535

March 13, 2019

MS. ANNE WEISMANN  
CREW  
6TH FLOOR  
455 MASSACHUSETTS AVENUE NW  
WASHINGTON, DC 20001

Civil Litigation No.: 18-cv-02888  
Request No.: 1404595-000  
Subject: FBI's Investigation  
Regarding Leaked Information to  
Rudolph Giuliani

Dear Ms. Weismann:

This is in response to your Freedom of Information Act (FOIA) request. The FBI has completed its search for records responsive to your request. Below you will also find informational paragraphs relevant to your request. Please read each item carefully.

Based on the information you provided, we conducted a search of the locations or entities where records responsive to your request would reasonably be found. We were unable to locate records responsive to your request. Therefore, your request is being administratively closed. If you have additional information that may assist in locating records concerning the subject of your request, please submit a new request providing us with such details, and we will conduct an additional search.

Since no responsive records were located, it is unnecessary to adjudicate your request for a public interest fee waiver.

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) (2006 & Supp. IV (2010)). This response is limited to those records 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.

Please direct any further inquiries about this case to the Attorney representing the Government in this matter. Please use the FOIPA Request Number and/or Civil Action Number in all correspondence or inquiries concerning your request.

Enclosed for your information is a copy of the FBI Fact Sheet.

Sincerely,

A handwritten signature in black ink, appearing to read "D Hardy", is positioned below the word "Sincerely,".

David M. Hardy  
Section Chief,  
Record/Information  
Dissemination Section  
Information Management Division

Enclosure