



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

June 17, 2020

Anne Weismann
Citizens for Responsibility and
Ethics in Washington
1101 K Street, NW, Suite 201
Washington, DC 20005
aweismann@citizensforethics.org

Re: FOIA-2020-01123
No. 19-cv-1552 (D.D.C.)
VRB:JMB:BRV

Dear Anne Weismann:

While processing your Freedom of Information Act (FOIA) request to the Office of Legal Counsel (OLC) dated April 18, 2019, for records “pertaining to the views OLC provided Attorney General William Barr on whether the evidence developed by Special Counsel Robert Mueller is sufficient to establish that the President committed an obstruction-of-justice offense,” OLC referred one document, totaling nine pages, to this Office for processing and direct response to you. For your information, this document was received by this Office on May 8, 2020, and the OLC FOIA request number associated with your request is 19-131.

This Office's review of the nine-page document referred by OLC is now complete. I have determined that two pages are appropriate for release with excisions made pursuant to Exemption 5 of the FOIA, 5 U.S.C. § 552(b)(5). The remaining seven pages are being withheld in full pursuant to Exemption 5. Exemption 5 pertains to certain inter- and intra-agency communications protected by civil discovery privileges.

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) (2018). 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.

If you have any questions regarding this response, please contact Julie Straus Harris of the Department's Civil Division, Federal Programs Branch, at 202-353-7633.

Sincerely,

A handwritten signature in blue ink that reads "Jonathan Breyan". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Jonathan Breyan
Senior Supervisory Attorney
for
Vanessa R. Brinkmann
Senior Counsel

Enclosures






U.S. Department of Justice

Washington D.C. 20530

March 24, 2019

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL 
FROM: Steven A. Engel 
Assistant Attorney General, Office of Legal Counsel
Edward C. O'Callaghan 
Principal Associate Deputy Attorney General
SUBJECT: Review of the Special Counsel's Report

At your request, we have evaluated Volume II of the Special Counsel's Report on the Investigation into Russian Interference in the 2016 Presidential Election to determine whether the facts recited therein would support initiating or declining the prosecution of the President for obstruction of justice under the Principles of Federal Prosecution, (b) (5)

[REDACTED]

For the reasons stated below, we conclude that the evidence described in Volume II of the Report is not, in our judgment, sufficient to support a conclusion beyond a reasonable doubt that the President violated the obstruction-of-justice statutes.¹ (b) (5)

[REDACTED]

Accordingly, (b) (5) we would recommend, under the Principles of Federal Prosecution, that you decline to commence such a prosecution.

(b) (5)

¹ Given the length and detail of the Special Counsel's Report, we do not recount the relevant facts here. Our discussion and analysis assumes familiarity with the Report as well as much of the background surrounding the Special Counsel's investigation.

RECOMMENDATION: We recommend that you conclude that, under the Principles of Federal Prosecution, the evidence developed during the Special Counsel's investigation is not sufficient to establish that the President committed an obstruction-of-justice offense.

APPROVE: WPBam DATE: 3/24/2019

DISAPPROVE: _____ DATE: _____

OTHER: _____