

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. Plaintiffs' Initial FOIA Request to OIP

3. By letter dated September 22, 2017, Plaintiffs submitted a FOIA request to, *inter alia* OIP, seeking, from DOJ's Office of the Attorney General, "records related to or referring to the process and decision to terminate the DACA program," dating from January 20, 2017. This request went on to indicate that it included, but was not limited to, eleven enumerated subparts, many of which specified further divided subcategories. Plaintiffs' request also sought expedited processing. A copy of this FOIA request is attached hereto as Exhibit A.

4. On October 2, 2017,¹ OIP acknowledged Plaintiffs' FOIA request on behalf of OAG, and assigned administrative tracking number DOJ-2017-006763 (AG). OIP's acknowledgment letter also informed Plaintiffs that the request for expedited processing had been granted. A copy of OIP's acknowledgement letter to Plaintiffs is attached hereto as Exhibit B.

5. On April 25, 2018, Plaintiffs filed suit. *See* Complaint, ECF No. 1. Plaintiffs subsequently amended the Complaint on June 25, 2018. *See* Amended Complaint, ECF No. 21.

II. OIP's Responses to Plaintiffs' FOIA Request

6. By letter dated February 28, 2019, OIP provided its first interim response to Plaintiffs' FOIA request. OIP informed Plaintiffs that a search had been conducted on behalf of OAG, and that 761 pages containing records responsive to Plaintiffs' request were appropriate

¹ OIP's acknowledgment letter contained a typographical error, and was mistakenly dated August 18, 2017.

for release without excision. A copy of OIP's first interim response letter, dated February 28, 2019, is attached hereto as Exhibit C.

7. By letter dated March 29, 2019, OIP provided its second interim response to Plaintiffs' FOIA request. Pursuant to this response, OIP provided Plaintiffs an additional 109 pages containing records responsive Plaintiffs' request, some with excisions made pursuant to Exemptions 5 and 6 of the FOIA, 5 U.S.C. § 552(b)(5) and (b)(6). OIP additionally withheld in full eighty-five pages pursuant to Exemption 5 of the FOIA, 5 U.S.C. § 552(b)(5). A copy of OIP's second interim response letter, dated March 29, 2019, is attached hereto as Exhibit D.

8. By letter dated April 26, 2019, OIP provided its final response to Plaintiffs' FOIA request. Pursuant to this response, OIP provided Plaintiffs an additional 243 pages containing records responsive to Plaintiffs' request, some with excisions made pursuant to Exemptions 5, 6, and 7(E) of the FOIA, 5 U.S.C. § 552(b)(5), (b)(6), (b)(7)(E).² Furthermore, OIP withheld in full 429 pages pursuant to Exemption 5 of the FOIA, 5 U.S.C. § 552(b)(5). A copy of OIP's final response letter, dated April 26, 2019, is attached hereto as Exhibit E.

9. Finally, by letter dated July 2, 2019, OIP provided a supplemental response to Plaintiffs' FOIA request. Pursuant to this response, OIP provided Plaintiffs an additional 767 pages containing records responsive to Plaintiffs' 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 in full an additional fifty-six pages pursuant to Exemption 5 of the FOIA, 5 U.S.C. § 552(b)(5). A copy of OIP's supplemental response letter, dated July 2, 2019, is attached hereto as Exhibit F.

² As OIP advised in its April 26, 2019 letter, some of the excisions in the April 26, 2019 response were asserted by the U.S. Department of Homeland Security, including excisions made pursuant to FOIA Exemption 7(E), 5 U.S.C. § 552(b)(7)(E). Similarly, some of the excisions in the July 2, 2019 response were asserted by the U.S. Department of Homeland Security and U.S. Citizenship and Immigration Services.

III. Description of OIP's Standard Search Methods

10. As mentioned in paragraph 1 *supra*, OIP processes FOIA requests on behalf of itself and six senior leadership offices of the Department. OIP makes determinations upon receipt of a FOIA request, both as to the appropriate senior leadership office(s) in which to conduct initial records searches, and the records repositories and search methods used in conducting records searches on behalf of the designated senior leadership offices. Determinations of where responsive records are likely maintained are based on a comprehensive review of the content of the request itself and the nature of the records sought therein, as well as OIP's familiarity with the types and location of records that each senior leadership office maintains, discussions with knowledgeable personnel in the appropriate senior leadership offices, and any research that OIP staff may conduct on the topic of the request.

11. In order to ensure that reasonably thorough records searches are conducted, during the course of processing any given FOIA request, OIP continually assesses whether other (both current and former) senior leadership 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 DOJ 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 reasonably thorough records search.

12. When searching the records of leadership office custodians identified as maintaining 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, and OIP takes all reasonable steps to locate responsive material across various locations.

A. Unclassified Email Systems and Computer Hard Drives

13. Unclassified email records (which currently 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 identify 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 by OIP staff, 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, further discussions with knowledgeable officials within the Department, and on OIP's review of the initial search results which allow OIP staff to identify common terms and phrasing that are 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. Departmental Executive Secretariat

14. 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.

15. 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 Plaintiffs' Request

16. Upon review of Plaintiffs' request, OIP searched for potentially responsive records maintained by and on behalf of OAG, the senior leadership office from which Plaintiffs' request specifically sought records. In order to capture all potentially responsive records, OIP conducted comprehensive searches of unclassified email records and computer hard drives within OAG, as well as the DES.

A. Search of OAG Email and Hard Drives

17. OIP initiated its search on September 21, 2017, for a similar FOIA request seeking records related to the termination of the Deferred Action for Childhood Arrivals (“DACA”) program.³ Remote electronic searches of email and computer files of OAG officials were performed for a total of twelve records custodians. These OAG custodians included then-current OAG staff, as well as two additional selected senior officials employed during the time that events relevant to this request occurred, but whom had since left the Department prior to the initiation of OIP’s electronic searches. The then-current OAG staff consisted of Attorney General Sessions, Jody Hunt, Mary Blanche Hankey, Danielle Cutrona, Gary Barnett, Rachael Tucker, Brian Morrissey, Gustav Eyley, Alice LaCour, and Peggi Hanrahan. The two additional selected senior officials are former Acting Attorneys General Sally Yates and Dana Boente, selected because of the likelihood that they would have been either directly involved in, or otherwise kept fully apprised of, all relevant communications regarding DACA during their tenures, given the significant and high-profile nature of the subject. Moreover, consistent with the standard search procedures as described *supra*, OIP sent a search notification to OAG, providing records custodians with the details of the related request and instructions to identify any additional records, such as text and voice messages, or material maintained within a classified system, that would otherwise not be captured by OIP’s remote search. No further such records (i.e., records not captured by OIP’s remote searches) were ultimately identified by OAG.

³ This related FOIA request sought records of multiple DOJ offices, including but not limited to OAG, ODAG, OLA, and PAO. Inasmuch as Plaintiffs’ FOIA request sought records only from OAG, this portion of the discussion of the search will specifically address the OAG search, given that it is the only search relevant to this action, and because OIP ultimately separated the OAG search from the other DOJ offices in order to expedite receipt of the search results in this matter.

18. The initial search parameters used were the date range of January 20, 2017 to September 22, 2017, and the following keywords or phrases: “DACA,” “Deferred Action for Childhood Arrivals,” “Texas, et al., v. United States, et al.,” “Texas v. United States,” “Texas v. US,” “1:14-cv-00254,” or “14-cv-00254.” The start date of January 20, 2017 was chosen for OIP’s search because it was the date specifically referenced in Plaintiffs’ request. The end date prescribed by Plaintiffs was “to the present,” which OIP determined to be September 22, 2017, corresponding with the date of receipt of Plaintiffs’ request. This date was chosen because OIP initiated the search in the related matter one day prior to the receipt of Plaintiffs’ request. Upon receipt of Plaintiffs’ request, OIP reasoned that the topic of the related request was substantially similar to that of Plaintiffs’ request, such that the search for the related request would also satisfy the search for Plaintiffs’ request. DOJ regulations provide that, ordinarily, the date of search initiation dictates the “cut-off” date of the search. *See* 28 C.F.R. §16.4(a) (2018) (providing that “a component ordinarily will include only records in its possession as of the date that it begins its search.”) The search for this matter⁴ was initiated on September 21, 2017; however, to ensure that the full date range identified records up through and including the date of receipt of Plaintiffs’ FOIA request, OIP extended the search time frame until September 22, 2017. Ultimately, one search was run for the date range of January 20, 2017 to September 22, 2017. The search keywords used by OIP were selected because records broadly “relating or referring to the process and decision to termination the DACA program” would reasonably be expected to include the phrases “DACA” or “Deferred Action for Childhood Arrivals.” Out of an abundance of caution, and insomuch as one subpart of Plaintiffs’ request sought “[a]ny records regarding

⁴ As stated *supra*, a records search in response to a FOIA request similar to Plaintiffs’ request had already been initiated at the time Plaintiffs’ request was received at OIP.

Texas, et al., v. United States, et al., No. 1:14-cv-00254 (S.D. Tex.),” OIP additionally included the five case specific terms listed above. This search gathered a broad set of records from across the entire collection of email and computer files for the relevant custodians.

B. Search of the Departmental Executive Secretariat

19. In addition to the email and hard drive searches described above, a member of OIP’s staff conducted a search for records responsive to Plaintiffs’ FOIA request in the electronic database of the DES which, as described *supra*, is the official records repository of OAG, ODAG, OASG, and OLA and maintains records of all formal, controlled, unclassified correspondence, including records of Department correspondence with Congress. OIP’s search of the DES was conducted using the search terms “DACA” and “Deferred Action for Childhood Arrivals.” These terms were chosen because any formal correspondence regarding the process and decision to terminate DACA could reasonably be expected to use these phrases. The date range for this search was consistent with OIP’s OAG email and hard drive searches discussed *supra*.

C. Additional Search Results for Supplemental Release

20. As noted above, on July 2, 2019, OIP made a supplemental production to Plaintiffs. The supplemental production was the result of additional search data provided to OIP on May 14, 2019. The additional data was provided to OIP as a result of a determination by the Justice Management Division’s Office of the Chief Information Officer (“OCIO”), the office which conducts OIP’s email and document searches, that an issue occurred in the copying of data from two DOJ custodians, one of which was a subject of the search for Plaintiffs’ request, causing the initial search results to be incomplete. Once OIP was provided access to this additional data, it

was reviewed manually and determined to include additional responsive material, necessitating a supplemental release on July 2, 2019.

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

21. In total, as a result of these email, hard drive, and DES searches, OIP located a large volume of potentially responsive material. Prior to the completion of the search, Plaintiffs agreed to exclude three subparts of their request, which largely implicated Executive Branch offices other than OAG, from OIP's search and production. Additionally, after these searches were complete, OIP inquired as to a potential scoping agreement with Plaintiffs to exclude new articles, press clips, or materials received from a listserv – and forwards of the same without substantive commentary. As a result, Plaintiffs agreed to exclude any such items sent after September 5, 2017, but not those sent on or before September 5, 2017. After a manual review of each record located pursuant to OIP's searches, including the material provided to OIP on May 14, 2019, OIP determined that 2,450 pages contained records responsive to Plaintiffs' request.

V. Summary and Adequacy of OIP's Records Searches

22. In sum, OIP conducted a search for documents from January 20, 2017 to September 22, 2017. The scope of that search included, as appropriate, searches of the unclassified email and hard drives of twelve OAG officials, as well as the electronic database of the DES, to locate records responsive to Plaintiffs' request. OIP's comprehensive review of the search results did not indicate the existence of records maintained by any additional custodians, or the existence of additional types of records, not accounted for and collected as part of the initial search. Based on my experience with the Department, my familiarity with the records maintained by DOJ leadership offices, discussions with knowledgeable staff, as well as my understanding of the scope of Plaintiffs' 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 identified as likely to contain relevant documents were searched.

VI. Explanation of Information Withheld by OIP

23. OIP withheld a total of 570 pages in full, and released 206 pages in part, pursuant to FOIA Exemptions 5 and 6.⁵ The 206 pages released in part consist of documents that contain at least one excision pursuant to FOIA Exemption 5 and 6 within the page range cited in the corresponding *Vaughn* Index ("Index") relating to that category. Records contained within these pages are organized, and the figures above are accounted for, by email chain within the Index for logistical purposes. All reasonably segregable, non-exempt information from these records were provided to Plaintiffs.

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

Records Withheld in Full (570 pages)⁶:

- *Draft Correspondence* (48 pages): Exemption 5 (Deliberative Process Privilege)

⁵ Pursuant to OIP's response letters to Plaintiffs, a consolidated total of 761 pages were released in full, 570 pages were withheld in full, and a remaining 1,119 pages were "released in part." However, only 206 of the "released in part" pages contain redactions (as accounted for by pages in the email chain within the *Vaughn* Index); the remaining 913 pages contain no redactions. Accordingly, OIP's *Vaughn* Index and this declaration will only address the 206 pages with partial redactions, along with the 570 pages withheld in full.

⁶ Six pages of documents are accounted for in the figures pertaining to material that was withheld in full, but will be discussed in the section concerning the category *Deliberative Discussions Regarding Drafting Talking Points for Potential Press Inquiries*.

- *Draft Statements* (61 pages): Exemption 5 (Deliberative Process Privilege)
- *Talking Points* (2 pages): Exemption 5 (Deliberative Process and Attorney Work-Product Privileges)
- *Draft Talking Points and Draft Internal Briefing Material* (126 pages): Exemption 5 (Deliberative Process and Attorney Work-Product Privileges)
- *Draft Memoranda* (24 pages): Exemption 5 (Deliberative Process and Attorney Work-Product Privileges)
- *Draft (unsent) Email Communications* (8 pages): Exemption 5 (Deliberative Process Privilege)
- *Executive Branch Communications Concerning Pending Litigation* (130 pages): Exemption 5 (Deliberative Process and Attorney Work-Product Privileges)
- *Presidential Communications Documents* (165 pages): Exemption 5 (Deliberative Process, Attorney Work-Product, and Presidential Communications Privileges)

Records Released in Part (206 pages)⁷:

- *Deliberative Discussions Regarding Response to Press Inquiry* (21 pages): Exemption 5 (Deliberative Process Privilege)
- *Deliberative Discussions Regarding the Drafting Process* (24 pages): Exemption 5 (Deliberative Process and Attorney Work-Product Privileges)
- *Deliberative Discussions Regarding Selection of Press Surrogates* (2 pages): Exemption 5 (Deliberative Process Privilege)
- *Deliberative Discussions Regarding Potential Congressional Communications* (3 pages): Exemption 5 (Deliberative Process Privilege)
- *Deliberative Discussions Regarding Planning a Meeting* (8 pages): Exemption 5 (Deliberative Process Privilege)
- *Deliberative Discussions Regarding DAPA* (2 pages): Exemption 5 (Deliberative Process Privilege)
- *Deliberative Discussions Regarding a Potential Response to, and Evaluations of Matters Addressed in, News Articles* (4 pages): Exemption 5 (Deliberative Process Privilege)
- *Deliberative Discussions and Attorney-Client Privileged Information Provided for the Purpose of Seeking Legal Advice* (2 pages): Exemption 5 (Deliberative Process and Attorney-Client Privileges)

⁷ Where documents within an email chain referenced in the Index contain redactions pursuant to both Exemption 5 and Exemption 6, or contain redactions falling within each of the referenced Exemption 6 categories, the pages within that chain are counted only once in calculating this figure.

- *Deliberative Discussions Regarding the Planning of Contemplated Public Statements Related to DACA* (2 pages): Exemption 5 (Deliberative Process Privilege)
- *Deliberative Executive Branch Discussions Regarding Pending Litigation* (11 pages): Exemption 5 (Deliberative Process and Attorney Work-Product Privileges)
- *Internal Communications Regarding Pending Litigation* (1 page): Exemption 5 (Attorney Work-Product Privilege)
- *Deliberative Discussions Regarding Drafting Talking Points for Potential Press Inquiries* (17 pages): Exemption 5 (Deliberative Process and Attorney Work-Product Privileges)
- *Deliberative Discussions Regarding Congressional Witness Selection* (1 page): Exemption 5 (Deliberative Process Privilege)
- *Deliberative Discussions Regarding DACA* (2 pages): Exemption 5 (Deliberative Process Privilege)
- *Presidential Communications Documents* (7 pages): Exemption 5 (Deliberative Process, Attorney Work-Product, and Presidential Communications Privileges)
- *Personal Contact Information* (173 pages): Exemption 6
- *Purely Personal Information* (5 pages): Exemption 6

A. Exemption 5

25. Exemption 5 of the FOIA exempts from mandatory disclosure “inter-agency or intra-agency memorandums or letters that 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 *infra*, all of the information withheld by OIP pursuant to Exemption 5 is withheld in full or in part pursuant to the deliberative process privilege, the attorney work-product privilege, the attorney-client privilege, and/or the presidential communications privilege.

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

26. 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 Plaintiffs pursuant to this exemption consists of communications, talking points, internal briefing materials, memoranda, and draft documents generated by, exchanged within, and wholly internal

to, the Executive Branch. As such, they are inter- or intra-agency documents within the threshold of FOIA Exemption 5.

C. Exemption 5: Attorney Work-Product Doctrine

27. The attorney work-product doctrine provided by Exemption 5 of the FOIA shields materials prepared by an attorney, or at the direction of an attorney, generated in reasonable anticipation of litigation. 5 U.S.C. § 552(b)(5). This privilege protects any part or the entirety of a document prepared in anticipation of litigation, not just the portions of a document concerning attorneys' opinions and legal theories. The purpose of the privilege is to protect the adversarial legal process by insulating the attorneys' preparation of litigation materials from scrutiny.

28. Pursuant to the attorney work-product doctrine, and as reflected in the OIP Index, OIP has withheld information within the *Executive Branch Communications Concerning Pending Litigation* category in full, and within the *Deliberative Executive Branch Discussions Regarding Pending Litigation* and *Internal Communications Regarding Pending Litigation* categories in part.⁸ These documents consist of information exchanged among or at the direction of federal government attorneys, generated during the pendency of ongoing litigation matters pertinent to Deferred Action for Parents of Americans and Lawful Permanent Residents ("DAPA") and DACA, and in reasonable anticipation of further litigation. OIP has also protected certain attorney work-product materials within the *Talking Points, Draft Talking Points and Draft Internal Briefing Material, Draft Memoranda, Presidential Communications Documents (In Part and In Full), Deliberative Discussions Regarding the Drafting Process, and Deliberative Discussions Regarding Drafting Talking Points for Potential Press Inquiries*

⁸ As discussed *infra* certain of these documents may also independently be withheld in full, or in part, pursuant to the deliberative process privilege.

categories. These categories of documents are discussed more fully in the sections pertaining to Presidential Communications Privilege and Deliberative Process Privilege, however, in light of the various ongoing litigation matters pertinent to DAPA and DACA, portions of these categories of documents may concurrently be protected pursuant to the attorney work-product doctrine.

Executive Branch Communications Concerning Pending Litigation

29. The documents categorized in OIP's Index as *Executive Branch Communications Concerning Pending Litigation* are inter- and intra-agency communications among DOJ Civil Division, DOJ leadership (including OAG), and, at times, White House attorneys regarding ongoing legal matters in pending DACA or DAPA litigation. Documents in this category reflect deliberations among attorneys regarding litigation deadlines, filings, recommendations, analysis, and strategies. Additionally, documents in this category consist of drafts of an options memorandum prepared by Civil Division attorneys to provide Department leadership and the White House with advice on options for appropriate strategies relating to specific issues relevant to pending DACA litigation. Similarly, these records pertain to communications about the drafting of said memorandum among Civil Division attorneys and Department leadership for White House review. This category is further comprised of communications among Department attorneys discussing such strategic options and litigation strategies in preparation for court hearings, and other communications related to litigation strategy and in-court proceedings.

Deliberative Executive Branch Discussions Regarding Pending Litigation and Internal Communications Regarding Pending Litigation

30. The documents categorized in OIP's Index as *Deliberative Executive Branch Discussions Regarding Pending Litigation and Internal Communications Regarding Pending Litigation* consist of inter- and intra-agency communications among Civil Division and

Department leadership attorneys regarding pending litigation being handled by attorneys in the Civil Division.⁹ Included in this category are deliberative attorney communications concerning pending litigation, often in response to forwards of external communications related to said litigation; and Department receipt of certain external communications often prompted internal discussions of attorneys' mental impressions, conclusions, opinions, or legal theories related to the preceding discussion. Additionally included in this category are the references to those materials withheld in full pursuant to the attorney work-product doctrine, but where the record itself has not been withheld in full under the doctrine; for example, where a communication that was withheld in full pursuant to the attorney work-product doctrine, but the email chain is forwarded, or changes topics from the initial privileged conversation, the doctrine continues to protect the ongoing subject line of such email chains inasmuch as disclosure of the title of an email's subject can provide insight into the content of the privileged communication.

31. The inter- or intra-agency communications memorialized in these email communications, drafts, and preparatory discussions all reflect the essential attorney work-product that is generated when Department attorneys execute one of the Department's core functions, which is to defend the federal government when it is the subject of litigation. An integral part of this is ensuring that the ongoing litigation process and internal DOJ strategies regarding its adversarial role in litigation are insulated and that attorneys' candid discussions are not revealed, as intended by the attorney work-product doctrine. Disclosure of the discussions and memoranda in these categories would reveal Department attorneys' mental impressions,

⁹ The protected information are those emails between Civil Division and leadership attorneys, but to the extent that the root emails are external to the Executive Branch, such as between Civil Division litigators and opposing counsel, those emails have been released, and only the subsequent internal emails protected.

conclusions, opinions, or legal theories concerning pending litigation, and they have therefore been withheld to avoid disclosure of protected work-product. Disclosure of this information would hinder the Department's ability to conduct litigation on behalf of the United States and for the Department to formulate a position on the matters therein. The documents withheld in this category reflect this routine yet essential attorney work-product produced by Department attorneys who execute this core function of defending the United States government in the courts.

Segregation of Non-Exempt Information

32. OIP thoroughly reviewed the documents withheld pursuant to the attorney work-product doctrine encompassed by FOIA Exemption 5, and determined that no materials could be further segregated for release. The disclosure of the documents described above characterized as *Executive Branch Communications Concerning Pending Litigation* would undermine the core legal advice and analysis that the privilege is meant to protect. Accordingly, documents in this category are not appropriate for segregation. Further, OIP thoroughly reviewed the material characterized as *Deliberative Executive Branch Discussions Regarding Pending Litigation* and *Internal Communications Regarding Pending Litigation*, and took great care to ensure that only the records which implicated the attorney work-product doctrine were protected as such, segregating the material to which the doctrine does not apply. OIP withheld from disclosure only that material which would reveal information exchanged among or at the direction of government attorneys, generated in reasonable anticipation of litigation, and thus protected by the attorney work-product doctrine. OIP conducted a line-by-line review of all of the records and released any portion thereof that was not protected by an applicable FOIA exemption. All

reasonably segregable, non-exempt information from these records has been disclosed to Plaintiffs.

D. Exemption 5: Attorney-Client Privilege

33. 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, which are designated to solicit or to provide legal advice from the attorney to the client and contain pertinent information communicated between the attorney and the client. The Assistant Attorney General in charge of the Office of Legal Counsel (“OLC”) exercises the delegated authority of the Attorney General to provide legal advice to the President and all Executive Branch agencies, as well as to other components of the Department. *See* 28 C.F.R. § 0.25; *see also Office of Legal Counsel*, <https://justice.gov/olc>. Communications in which DOJ components or other Executive Branch agencies are soliciting and receiving legal advice from OLC are protected by the attorney-client privilege.

34. OIP has protected information within the *Deliberative Discussions and Attorney-Client Privileged Information Provided for the Purpose of Seeking Legal Advice* category pursuant to the attorney-client privilege.¹⁰ These documents consist of email communications between the then-Acting Assistant Attorney General in charge of OLC and a Senior Counselor to the Secretary of the Department of Homeland Security (“DHS”). These email communications consist of and include information shared in confidence by the Executive Branch client for the specific purpose of seeking OLC’s expert legal advice. Accordingly, the records – the confidential agency information – are covered by the attorney-client privilege and thus are

¹⁰ As discussed *infra*, this material may also independently be withheld in part, pursuant to the deliberative process privilege.

exempt from disclosure pursuant to Exemption 5 of the FOIA. Making these communications available for public scrutiny would interfere with the attorney-client relationship between OLC and its Executive Branch clients, which would substantially impede the sharing of candid legal advice that is critical to the Department's unique role in providing legal counsel through the Executive Branch.

35. The Department has disclosed all reasonably segregable, non-exempt information from these records to Plaintiffs. Because the attorney-client privilege extends to both the facts provided in confidence by client agencies, and OLC's advice in response thereto, it is impossible for OIP to segregate information any further without undermining the protections afforded by the attorney-client privilege. The disclosure of any additional portion of these records, and the facts selected for and contained within them, would reveal DHS's assessment of what was deemed significant in the course of seeking legal advice, and would impair the attorney-client relationship by inhibiting the open and forthright communication necessary to provide legal advice. Thus, OIP thoroughly reviewed the records characterized as *Deliberative Discussions and Attorney-Client Privileged Information Provided for the Purpose of Seeking Legal Advice*, and withheld from disclosure only that material which would reveal information that contains or reflects confidential information provided to an attorney by a client in the course of seeking confidential legal advice.

E. Exemption 5: Presidential Communications Privilege

36. The records in OIP's Index categorized as *Presidential Communications Documents* consist of agency (DOJ and DHS) communications with the White House, which are protected in

full by the presidential communications privilege encompassed by FOIA Exemption 5.¹¹ Materials in this category additionally consist of pages released in part with excisions protecting references to privileged communications withheld in full – such as, for example, when a document or subject line protected by the presidential communications privilege is later forwarded in an email that has otherwise not been protected pursuant to any applicable privilege.

37. The presidential communications privilege protects communications and documents between the President and his advisors, and communications and documents solicited and received by the President or his advisors or their staffs that relate to Presidential decision-making. The presidential communications privilege is broader than the deliberative process privilege in that it applies to the entirety of the documents, and includes both pre-decisional and post-decisional materials.

38. The records protected in full by OIP pursuant to the presidential communications privilege in the record category *Presidential Communications Documents* consist of email communications related to Presidential decision-making, including emails and related preparatory materials exchanged between the Department and the White House regarding a Principals Committee (“PC”) meeting on DACA. Specifically, the records consist of emails between senior-level DOJ and DHS officials and individuals in the White House, including the Domestic Policy Council (DPC) and the White House Counsel’s Office (WHCO), who are seeking analysis, information, and advice from the Department about DACA.

39. The records withheld by OIP in the *Presidential Communications Documents* category fall squarely within the presidential communications privilege. As described above,

¹¹ As discussed *infra*, some of this material is also concurrently withheld in full or in part, pursuant to the deliberative process privilege.

these records are emails between senior DOJ and DHS officials and members of the staff of an immediate presidential advisor seeking advice and information, both in the form of email communications and documents regarding attendance at a PC meeting to discuss DACA. The PC serves as the Cabinet-level inter-agency forum for considering policy issues that affect the national security interests of the United States, and is convened and chaired by the National Security Advisor. *See National Security Presidential Memorandum*, <https://www.whitehouse.gov/presidential-actions/national-security-presidential-memorandum-4/>. As communications between, or on behalf of, senior White House staff and senior DOJ and DHS officials on a matter of presidential concern and decision, they are protected in their entirety by the presidential communications privilege. Additionally included in this category are references to those materials withheld in full pursuant to the presidential communications privilege, but where the record itself has not been protected pursuant to the privilege. For example, where a communication that was withheld in full pursuant to the presidential communications privilege, but the email chain is forwarded such that the discussion no longer includes White House staff, the privilege continues to protect the ongoing subject line of such email chains inasmuch as an email's subject reflects the content of the privileged communication.

40. Disclosure of this material protected by the presidential communications privilege would inhibit the President's constitutional ability to engage in effective communications and decision-making by interfering with the ability of the President to seek and obtain candid information from senior Department leadership officials, who are relied upon and expected to give the President and his advisors the best possible advice. As such, the material in this category, through which senior leadership officials are advised of, briefed, consulted, and asked

to provide their candid insight into matters relating to DACA, fall squarely within the protections afforded by the presidential communications privilege.

41. OIP thoroughly reviewed the documents withheld pursuant to the presidential communications privilege encompassed by FOIA Exemption 5, and determined that no materials could be further segregated for release. The disclosure of the documents described above and withheld in full would undermine the core communications that the privilege is meant to protect. Accordingly, documents withheld in full in this category are not appropriate for segregation. Further, OIP thoroughly reviewed the material released in part in this category to ensure that only the records which implicated the presidential communications privilege were protected as such, segregating for release any material to which the privilege may not apply. OIP withheld from disclosure only that information which would reveal information protected by the presidential communications privilege. OIP conducted a line-by-line review of all of the records and released any portion thereof that were not protected by an applicable FOIA exemption. All reasonably segregable, non-exempt information from these records has been disclosed to Plaintiffs.

F. Exemption 5: Deliberative Process Privilege

42. OIP has protected information within the following records categories pursuant to the deliberative process privilege: *Draft Correspondence, Draft Statements, Talking Points, Draft Talking Points and Draft Internal Briefing Material, Draft Memoranda, Draft (unsent) Email Communications, Executive Branch Communications Concerning Pending Litigation, Presidential Communications Documents, Deliberative Discussions Regarding Response to Press Inquiry, Deliberative Discussions Regarding the Drafting Process, Deliberative Discussions Regarding Selection of Press Surrogates, Deliberative Discussions Regarding*

Potential Congressional Communications, Deliberative Discussions Regarding Planning a Meeting, Deliberative Discussions Regarding DAPA, Deliberative Discussions Regarding a Potential Response to, and Evaluations of Matters Addressed in, News Articles, Deliberative Discussions and Attorney-Client Privileged Information Provided for the Purpose of Seeking Legal Advice, Deliberative Discussions Regarding the Planning of Contemplated Public Statements Related to DACA, Deliberative Executive Branch Discussions Regarding Pending Litigation, Deliberative Discussions Regarding Drafting Talking Points for Potential Press Inquiries, Deliberative Discussions Regarding Congressional Witness Selection, and Deliberative Discussions Regarding DACA.

43. The deliberative process privilege is intended to protect the decision-making process of government agencies from public disclosure in order to enhance the quality of agency decisions and to encourage and facilitate candid discussions among Executive Branch employees. 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 released to the public, DOJ and other Executive Branch employees would be much more cautious in their discussions with each other and in providing all pertinent information and viewpoints in a timely manner to agency decision-makers. This lack of candor would seriously impair the Department’s ability to foster forthright, internal discussions necessary for efficient and proper Departmental decision-making.

Executive Branch Communications Concerning Pending Litigation [In Full] and Deliberative Executive Branch Discussions Regarding Pending Litigation [In Part]

44. As noted *supra*, categories of documents that were released in part or withheld in full pursuant to the attorney work-product doctrine are also fully or partially protected by the deliberative process privilege. As discussed, these communications reflect deliberations among

attorneys regarding litigation deadlines, court filings, recommendations, legal analysis, and strategies. Additionally, documents in this category consist of drafts of an options memorandum prepared by Civil Division attorneys to provide Department leadership and the White House with advice on options for appropriate strategies relating to specific issues relevant to pending DACA litigation. Similarly, these communications consist of drafting of said memorandum among Civil Division and Department leadership attorneys for White House review. This category is further comprised of communications among Department attorneys discussing such strategic options and litigation strategies in preparation for court hearings, and other communications related to litigation strategy and in-court proceedings.

45. The deliberative discussions withheld in this category are pre-decisional inasmuch as they are antecedent to the Department's decision on litigation positions and ongoing litigating strategies. Similarly, the discussions and the draft versions of the memorandum were antecedent to the final memorandum. The withheld discussions are deliberative because they contain advice, suggestions, evaluative discussions, and commentary on legal matters, as well as on draft language. Further, the purpose of the memorandum was to memorialize potential options and advice to aid in final decision-making. Disclosure of such deliberations would severely hamper the efficient day-to-day workings of government agencies as individuals would no longer freely share their ideas and advice on matters under consideration, matters pending litigation in this instance, often while those viewpoints are still developing. If deliberative communications such as these were released to the public, federal agency employees would be much more circumspect in their email discussions with each other, seriously impairing the ability to foster the forthright inter-and intra-agency discussions that are essential for efficient and effective decision-making. Accordingly, documents withheld in full in this category are not appropriate for segregation.

Further, OIP thoroughly reviewed the material released in part in this category, and withheld from disclosure only that information which would reveal information protected by the deliberative process privilege. OIP conducted a line-by-line review of all of the records and released any portion thereof that was not protected by an applicable FOIA exemption. All reasonably segregable, non-exempt information from these records has been disclosed to Plaintiffs.

Deliberative Discussions and Attorney-Client Privileged Information Provided for the Purpose of Seeking Legal Advice

46. As noted *supra*, this category of documents that was withheld in part pursuant to the attorney-client privilege is also protected by the deliberative process privilege. As discussed, these documents consist of email communications between an OLC Senior Official and Senior Counselor to the Secretary of DHS. In addition to sharing information in confidence for the specific purposes of receiving OLC's expert legal advice, this type of communication additionally provides key background information in a concise summary format for ease of understanding and presentation. The author reviews the universe of facts and possible issues arising on the topic at hand, and then selects facts and issues deemed most important for OLC review and to provide the necessary background information. The decision to include or exclude certain factual information located in the course of preparing a response is itself an important part of the deliberative process. Furthermore, the compilation of this factual information, and exclusion of other factual information, is, in and of itself, a necessary part of the deliberative and pre-decisional stage.

47. The material withheld in this category of records is pre-decisional because it is antecedent to any final action taken as it relates to the rescission of DACA. It is deliberative because it consists of selected facts provided in furtherance of securing legal advice and counsel.

Beyond the harm discussed *supra* as it relates to the attorney-client privilege, disclosure of the withheld material in this category would inhibit the Executive Branch's ability to engage in effective communications and decision-making by interfering with the ability of DOJ officials to engage in candid discussions with other agencies. Further, OIP thoroughly reviewed the material released in this category, and withheld from disclosure only that information which would reveal information protected by the deliberative process privilege. OIP conducted a line-by-line review of all of the records and released any portion thereof that were not protected by an applicable FOIA exemption. All reasonably segregable, non-exempt information from these records has been disclosed to Plaintiffs.

Presidential Communications Documents [In Full and In Part]

48. As noted *supra*, although the material that was withheld in full pursuant to presidential communications privilege is fully protected by that privilege, the records categorized in OIP's Index as *Presidential Communications Documents* are also fully or partially protected by the deliberative process privilege. Specifically, the documents in this category reflect communications between senior-level DOJ and DHS officials and individuals in the White House. These records are emails between senior DOJ and DHS officials and members of staff of an immediate presidential advisor seeking advice and information, both in the form of email communications and documents seeking regarding attendance at a PC meeting to discuss DACA. These records are protected by the deliberative process privilege inasmuch as they reflect the Executive Branch's internal, deliberative work and advice on matters of presidential concern and decision – in this instance, substantive working discussions and draft briefing materials in preparation for a PC meeting on DACA, draft memoranda in advance of the meeting, and drafting discussions, as well as successive versions of working drafts showing the internal

development of the Department's, and Executive Branch's, memoranda pertaining to DACA following the meeting. This type of communication and exchange of drafts occur antecedent to any presidential decision taken on the matters discussed therein and reveal specific issues, proposals, strategies, and tentative next steps for actions to be taken, and substantive deliberations concerning the drafting and content of specific memoranda. None of the records withheld encompass or embody final decisions by the ultimate decision-maker in the matter at hand – i.e., the President of the United States and his advisors. Additionally included in this category are references to those materials withheld in full pursuant to the presidential communications privilege, but where the record itself has not been protected pursuant to the privilege.

49. Disclosure of this material protected by the deliberative process privilege would inhibit the Executive Branch's ability to engage in effective communications and decision-making by interfering with the ability of DOJ officials to engage in candid discussions with the White House. As such, the emails and memoranda exchanged between DOJ officials and the President's advisors on this topic fall within the protections afforded by the deliberative process privilege – with overlapping protection pursuant to the presidential communications 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 Plaintiffs.

Draft Correspondence [In Full], Draft Statements [In Full], Draft Memoranda [In Full], and Deliberative Discussions Regarding the Drafting Process [In Part]

50. A significant aspect of the Department's decision-making process consists of the creation of draft documents, which are then internally reviewed, edited, and modified before they become final. During the course of their creation, draft documents are routinely transmitted back and forth between Department and/or other Executive Branch employees, continually changing

as relevant staff make track changes, suggest edits, and contemplate strategies as they work toward a final document. The Department employees preparing such materials must feel free to draft the most thorough and well-vetted document, which is only possible with the knowledge that their preliminary, nascent views and working drafts will not be disclosed to a FOIA request.

51. Documents in OIP's Index categorized as *Draft Correspondence* consist of draft versions of the Attorney General's letter to DHS Acting Secretary Duke. Documents in OIP's Index categorized as *Draft Statements* consist of draft versions of the Attorney General's remarks on DACA rescission, as well as draft versions of the DACA Fact Sheet. Documents in OIP's Index categorized as *Draft Memoranda* consist of drafts of the DHS DACA rescission memo, as well as drafts of memoranda concerning the rescission of DAPA. Documents categorized as *Deliberative Discussions Regarding the Drafting Process* consist of internal deliberative discussions between Department employees, including comments, suggestions, and feedback regarding the drafting of such correspondence.

52. These drafts and discussions are deliberative as they reflect Departmental deliberations regarding the content of the documents, which had not yet been finalized by relevant decision makers. Furthermore, many reflect successive versions of working drafts, and, as such, show the internal development of the Department's, and Executive Branch's, decisions. Because these drafts precede the creation, transmission, or utilization of final Department documents, correspondence, or press releases and statements, and precede events for which remarks or statements were being drafted, they are pre-decisional. Disclosure of the draft of public releases would undermine the ability of Department staff to freely engage in the candid "give and take" and forthright internal collaboration which is critical to the eventual development of well-reasoned and accurate communications, particularly with the public and

other Executive Branch agencies. DOJ deliberations in these documents cannot be effectively or reasonably segregated from the draft material, and thus the documents have been withheld in full. Accordingly, the documents in the categories *Draft Correspondence*, *Draft Statements*, and *Draft Memoranda* are protected in full pursuant to the deliberative process privilege. Further, OIP thoroughly reviewed the material released in part in this category, and the withheld portions of the *Deliberative Discussions Regarding the Drafting Process* were withheld from disclosure only to the extent that information which would reveal information protected by the deliberative process privilege. OIP conducted a line-by-line review of all of the records and released any portion thereof that was not protected by an applicable FOIA exemption. All reasonably segregable, non-exempt information from these records has been disclosed to Plaintiffs.

Draft Talking Points and Draft Internal Briefing Material and Talking Points

53. Documents in OIP's Index categorized as *Draft Talking Points and Draft Internal Briefing Material* consist of draft outlines and talking points on DACA and immigration matters, draft Office of Public Affairs talking points being prepared to respond to DACA rescission inquiries, as well as draft press surrogate messaging talking points, and draft DHS DACA External Affairs Guidance. Documents in OIP's Index categorized as *Talking Points* consist of talking points for a discussion between Attorney General Sessions and DHS Secretary Kelly regarding DAPA litigation. The documents consisting of draft outlines contain evaluations and assessments by Department staff, including background of the issues, analysis, and recommendations or opinions concerning DACA and immigration matters, and were intended to be used to brief Executive Branch officials. These documents, in and of themselves, are in a draft format. Also in this category are draft press surrogate messaging talking points, draft DOJ Office of Public Affairs talking points, and draft DHS External Affairs guidance consisting of

press materials, talking points, and other press strategy. These documents consist of guidance and suggested draft statements to prepare Executive Branch officials to address various issues or questions that may arise relating to the rescission of DACA. As it relates to talking points prepared for Attorney General Sessions for a discussion with DHS Secretary Kelly regarding DAPA litigation, these consist of guidance and suggested topics to prepare the Attorney General for a forthcoming conversation. The selection of facts and source material is itself a part of the deliberative process inherent in the preparation of talking points and briefing materials. Therefore, these documents cannot be effectively or reasonably segregated from the draft correspondence, and thus the documents have been withheld in full.

54. Because these drafts precede the creation or utilization of final Executive Branch documents, press releases, and statements, and precede events for which they were created, they are pre-decisional. Further, they are antecedent to the finalization of the Executive Branch's responses to press inquiries, briefings of Executive Branch officials, and of the conversation between Attorney General Sessions and DHS Secretary Kelly. Inasmuch as certain of these documents are drafts, they are deliberative because they reflect Executive Branch considerations regarding the content of the documents, which had not yet been finalized by relevant decision-makers. Many reflect successive versions of working drafts and, as such, show the internal development of the Executive Branch's decisions. Moreover, this material is deliberative given that talking points reflect the drafters' opinions and analyses on specific topics and focus on how best to convey answer and respond to questions on these topics from the Executive Branch's perspective. Moreover, the selection of facts and source material is itself a part of the deliberative process inherent in the preparation of talking points and briefing materials. Disclosure of this material would undermine the ability of Executive Branch staff to engage in

forthright collaboration, candid discussions, and meaningful preparation of Executive Branch officials. Deliberations in these documents cannot be effectively or reasonably segregated, and thus have been withheld in full.

Draft (Unsent) Email Communications

55. Documents in OIP's Index Categorized as *Draft (unsent) Email Communications* consist of just that, draft versions of emails in various stages of drafting that were not yet sent to the intended recipient. Some documents in this category have little or no internal content, and were saved as a draft without further communications.

56. The material withheld in this category of records is pre-decisional because it consists of communications antecedent to a final composed and sent email. To the extent that an email was drafted, but different, from an email that was ultimately sent, the material in this category is deliberative inasmuch as it contains the reasoned consideration and personal evaluation of the author regarding what information to include in the correspondence ultimately sent to the recipient. To the extent that information was drafted but no distinct final email was sent, such material represents the considered judgment of the author not to send the email, which itself is deliberative.

57. Disclosure of the protected material in this category would reveal Department officials' mental impressions, opinions, and theories prior to finalization and transmission of their final email correspondence to other relevant individuals. Disclosure would also undermine the ability of the individual to develop a reasoned and accurate communication, and hamper the internal decision-making process of the individual who came to internal conclusion not to send a drafted communication. Additionally, disclosure of this material could result in public confusion of what may appear to be duplicative, yet slightly differing, communications. Therefore, these

documents cannot be effectively or reasonably segregated, and thus the documents have been withheld in full.

Deliberative Discussions Regarding Response to a Press Inquiry, Deliberative Discussions Regarding Selection of Press Surrogates, Deliberative Discussions Regarding Potential Congressional Communications, Deliberative Discussions Regarding Congressional Witness Selection, and Deliberative Discussions Regarding the Planning of Contemplated Public Statements Related to DACA

58. Records in OIP's Index categorized as follows were released to Plaintiffs, in part:

- *Deliberative Discussions Regarding Response to a Press Inquiry* consist of internal emails among DOJ staff containing deliberations about how to respond to press inquiries.
- *Deliberative Discussions Regarding Selection of Press Surrogates* consist of internal discussions among DOJ staff containing deliberations about the selections of legal surrogates for DACA.
- *Deliberative Discussions Regarding Potential Congressional Communications* consist of internal discussions among DOJ staff containing deliberations about the process and content of responses to Congressional communications.
- *Deliberative Discussions Regarding Congressional Witness Selection* consist of internal discussions among DOJ staff regarding witness selection for a Congressional hearing on DACA.
- *Deliberative Discussions Regarding the Planning of Contemplated Public Statements Related to DACA* consist of internal discussions among DOJ staff contemplating and planning potential public statements.

59. The emails in the above-listed categories are internal discussions among Department staff. The protected portions of these emails reflect deliberations regarding the Department's involvement in DACA as it relates to responses to press inquiries, press surrogates, and potential Congressional communications, and contemplated public statements.

60. Each email is pre-decisional because it is antecedent to the finalization of the Department's responses to correspondence or communications with Congress, press inquiries, or reflects evaluative discussion, preliminary assessments, or requests for information as the Department works toward formulating targeted strategies for final agency action and response. Department and Executive Branch officials routinely email each other as they engage in such

substantive discussions and develop preliminary assessments about matters on which no final agency decisions has yet been made. Disclosure of such deliberations would severely hamper the efficient day-to-day workings of government agencies as individuals would no longer freely share their ideas and advice on matters under consideration, often while those viewpoints are still developing, via email. If deliberative emails such as these were released to the public, federal agency employees would be much more circumspect in their online discussions with each other. This lack of candor would seriously impair the ability to foster the forthright inter- and intra-agency discussions that are essential for efficient and proper decision-making, especially as it relates to responding to the media or Congress, the Department's strategic decisions on interactions with the press, as well as offering preliminary assessments and opinions on matters of agency business. Certainly disclosure of such preliminary assessments and opinions would make Department officials much more reserved in providing their views in email. 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. All reasonably segregable, non-exempt information was released from within these responsive emails, and only portions protected by the deliberative process privilege were withheld from Plaintiff.

61. OIP thoroughly reviewed each of the records discussed above, and withheld from disclosure only that information which would reveal the Department's decision-making process. 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, at times redacting only portions of sentences or paragraphs within the emails disclosed to Plaintiffs.

Deliberative Discussions Regarding Planning a Meeting

62. Documents in OIP's Index categorized as *Deliberative Discussions Regarding Planning a Meeting* consist of documents, the content of which is largely duplicative, planning a meeting regarding DAPA. The internal emails between the White House, DOJ, and DHS effectively indicate proposed topics for the meeting and information requested for discussion during the, yet to be scheduled, meeting. Documents in this category additionally consist of internal discussions among DOJ officials regarding availability and scheduling of the meeting.

63. The material withheld in this category of records is pre-decisional because it consists of discussions and planning antecedent to the occurrence of a meeting, and represents the tentative and suggested topics of conversation. The withheld material is deliberative because it contains information pertaining to the scope of the meeting such that participants may prepare accordingly, and contains requests for additional information to aid in the decision-making process. Disclosure of the withheld material in this category would inhibit the Executive Branch's ability to engage in effective communications and decision-making by interfering with the ability of officials to effectively request specific information to assist in the decision making process, efficiently and appropriately prepare for such meetings, and engage in candid discussions with other agencies.

64. OIP thoroughly reviewed each of the records discussed above, and withheld from disclosure only that information which would reveal the Department's decision-making process. 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, at times redacting only portions of sentences or paragraphs within the emails disclosed to Plaintiffs.

Deliberative Discussions Regarding DAPA

65. The document in OIP's Index categorized as *Deliberative Discussions Regarding DAPA* consists of an internal email relating to a meeting between White House, DOJ, and DHS concerning DAPA. The email is circulated the day after the meeting occurred, and the material withheld provides key background information in a concise summary format for ease of understanding and presentation on matters going forward as they relate to DAPA. The author reviews the universe of facts and possible issues arising on the topic at hand, and then selects facts and issues deemed most important for other participants to review and to provide the necessary background information. The decision to include or exclude certain factual information located in the course of preparing a response is itself an important part of the deliberative process. Furthermore, the compilation of this factual information, and exclusion of other factual information, is, in and of itself, a necessary part of the deliberative and pre-decisional stage. Additionally, the material withheld also consists of suggestions, recommendations, and strategies for determinations relative to DAPA, and next steps.

66. The material withheld in this category of records is pre-decisional because it is antecedent to any final action taken as it relates, in this instance, to DAPA. It is deliberative because it consists of selected facts provided in furtherance of internal Executive Branch decision-making, and contains evaluative discussions and opinions based on the selected information, to aid in the decision-making process. Disclosure of the withheld material in this category would inhibit the Executive Branch's ability to engage in effective communications and decision-making by interfering with the ability of DOJ officials to engage in candid discussions with other agencies.

67. OIP thoroughly reviewed each of the records discussed above, and withheld from disclosure only that information which would reveal the Department's decision-making process. 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, at times redacting only portions of sentences or paragraphs within the emails disclosed to Plaintiffs.

Deliberative Discussions Regarding a Potential Response to, and Evaluations of Matters Addressed in, News Articles

68. Documents in OIP's Index categorized as *Deliberative Discussions Regarding a Potential Response to, and Evaluations of Matters Addressed in, News Articles* consist of documents that contain discussions relating to news articles that are sent, forwarded, or shared among Executive Branch officials. Within most of these documents, Executive Branch officials provide substantive deliberative commentary or subjective impressions and evaluations about the content of the particular article, including potential responses. In another document in this category, the author of the email appears to specifically select portions of the article as it was published, and stitches the selected portions together to focus the content of the email to a specific topic to aid the recipient of the email in deliberations.

69. The material within this category is pre-decisional because it is antecedent to any final actions taken in response to the articles. This material is deliberative because it contains subjective impressions, personal evaluations, opinions, and evaluative discussions of the content of the articles. Additionally, the latter document discussed above is deliberative because portions consist of selected excised segments provided by the author, containing evaluative discussions and opinions, based on the selected information composed in a manner thought to aid the recipient in the internal decision-making process. If deliberative emails such as these were released to the public, federal agency employees would be much more circumspect in the online

discussions with each other. This lack of candor would seriously impair the ability to foster the forthright inter- and intra-agency discussions that are essential for efficient and proper decision-making, especially as it relates to offering preliminary assessments and opinions on matters of agency business. Disclosure of such preliminary assessments and opinions would make Department officials much more reserved in providing their views via email.

70. 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. 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, at times redacting only portions of sentences or paragraphs within the emails disclosed to Plaintiffs.

Deliberative Discussions Regarding Drafting Talking Points for Potential Press Inquiries

71. The documents categorized in OIP's Index as *Deliberative Discussions Regarding Drafting Talking Points for Potential Press Inquiries* consist of internal consideration, deliberations, and drafting of potential talking points and responses to likely press inquiries. These documents also consist of legal research and legal advice provided by and among participants of the communication. The proposed responses to potential inquiries were transmitted back and forth, continually changing as relevant staff made changes, suggested edits, and contemplated strategies to assist in proposing considered responses to potential inquiries. The officials preparing such materials must feel free to create the most thorough and well-vetted responses, which is only possible with the knowledge that their preliminary, nascent views will not be disclosed.

72. These documents are pre-decisional because they are antecedent to any final agency decision or response. In fact, the proposed talking points which are addressed were hypothetical

inquiries identified by knowledgeable staff as likely to require responses. Further, no such inquiry had yet been made, nor had any response been given, at the time of the drafting of these documents. They are deliberative because they contain suggestions, expert legal advice, successive edits for drafting of potential responses to inquiries, and the legal underpinnings for the response. Disclosure of the withheld material in this category would inhibit the efficient day-to-day workings of government agencies as officials would be reticent to freely share their ideas and advice on matters under consideration while those viewpoints are still developing. If deliberative emails such as these were released to the public, federal agency employees would be much more circumspect in the online discussions with each other, which would seriously impair the ability to foster the forthright inter- and intra-agency discussions that are essential for efficient and proper decision-making, especially as it relates to the Department's strategic decisions on interactions with the press, as well as offering preliminary assessments and opinions on matters of agency business.

73. OIP thoroughly reviewed each of the records discussed above, and withheld from disclosure only that information which would reveal the Department's decision-making process. 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, at times redacting only portions of sentences or paragraphs within the emails disclosed to Plaintiffs.

Deliberative Discussions Regarding DACA

74. The document in OIP's Index categorized as *Deliberative Discussions Regarding DACA* consists of an internal email from a Senior Advisor to the Secretary of DHS concerning DACA. The discussion centers on suggestions, evaluations, agency preferences, and considered proposals recommended by DHS as it relates to issues and details attendant to DACA.

75. The material withheld in this category of records is pre-decisional because it is antecedent to any final actions taken as it relates, in this instance, to DACA. It is deliberative because it consists of preferred proposals for potential action. Disclosure of the withheld material in this category would severely hamper the efficient day-to-day workings of the Executive Branch, as individuals would no longer freely share their ideas, proposals, and recommendations for Executive Branch action under consideration. As such, disclosure would inhibit the Executive Branch's ability to engage in effective communications and decision-making by interfering with the ability of Executive Branch to engage in open and candid discussions.

76. OIP thoroughly reviewed each of the records discussed above, and withheld from disclosure only that information which would reveal the Department's decision-making process. 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, at times redacting only portions of sentences or paragraphs within the emails disclosed to Plaintiffs.

VII. Explanation of Information Withheld by OIP Pursuant to Exemption 6

77. Exemption 6 of the FOIA pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy of individuals. Exemption 6 was used to protect *Personal Contact Information* and *Purely Personal Information*. Specifically, OIP withheld the email address and/or phone number contact information of members of the press, staff members in the White House and Congress, state government staff, non-government private individuals, conference call dial-in numbers, and certain DOJ officials and staff.

78. In reaching a disclosure determination on withholding contact information and certain information determined to be personally private, OIP balanced the privacy interest of these individuals against any “FOIA public interest” in disclosing their contact information or personally private information. In this context, the FOIA public interest is limited to information which would shed light on the government’s performance of its official duties – in particular, on the Department’s performance of its mission: to enforce the law and defend the interests of the United States, to ensure the public safety against threats foreign and domestic; to provide federal leadership in preventing and controlling crime; to seek just punishment for those guilty of unlawful behaviors; and to ensure the fair and impartial administration for just for all Americans. The privacy interest considered takes into account whether a disclosure would clearly invade the personal privacy of an individual.

79. The release of reporters’, White House staffers’, Congressional staffers’, state government staff, and non-government individuals email addresses and/or phone numbers would not aid the public’s understanding of how the Department carries out its duties, particularly when considering that the identity of most individuals involved have been disclosed, and only their direct contact information was protected. Accordingly, OIP determined that there is no FOIA public interest in the release of their personal contact information. With respect to the email addresses and phone numbers of certain DOJ officials and staff, OIP determined that the release of this information could subject these individuals to unwanted harassment, and, therefore, their personal information was withheld in order to protect the security and privacy of such individuals and enable them to conduct Department business efficiently via email. Finally, inasmuch as conference call dial-in phone numbers and passcodes are recirculated, meaning that they are reused for other phone calls, release of such information would lead to situations in

which secured conversations which require the utmost privacy and confidentiality, could be compromised if this information were disclosed.

80. Regarding information that OIP withheld in the category *Purely Personal Information*, such information has been withheld insomuch as it does not relate in any way to the individual's function as a federal government employee, or more broadly, the government's performance of its duties, but rather concerns purely personal information—in this instance, references to private appointments and obligations. As such, there is no FOIA public interest in the information withheld in this category, and given that the content of the information withheld concerns only personally private information, it follows that on balance, the release of such information would “constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. §552(b)(6).

Segregation of Non-Exempt Information

81. In each instance where information was withheld from Plaintiffs pursuant to Exemption 6, OIP determined that the individuals' privacy interests were not outweighed by the FOIA public interest in disclosure of that information. Inasmuch as the information withheld was limited to direct personal contact information, such as email addresses or phone numbers identifiable to individuals, no information may be segregated for release without revealing the information that is properly withheld pursuant to Exemption 6.

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



Jonathan M. Breyan

Executed this 2nd day of July 2019.

Exhibit A



Facsimile transmittal

To: Laurie Day Fax: (202) 514-1009

Chief, Initial Request Staff
Office of Information Policy
Department of Justice

RECEIVED
22
SEP 25 2017
Office of Information Policy

From: Meredith Cabell Date: 9/22/2017
National Immigration Law Center
(270) 316-9228

Re: Expedited Freedom of Information Act Pages: 10, including cover
Request

- Urgent For review Please comment Please reply Please recycle

Dear FOIA Officer,

Attached, please find our **expedited** request for information under the Freedom of Information Act, 5 U.S.C. § 552 *et seq.*

Should you encounter any problem with the transmission of our request, please contact Josh Rosenthal directly at (202) 609-9979 or via email at rosenthal@nilc.org.

Regards,

s/Meredith Cabell
Meredith Cabell



September 22, 2017

Via E-Mail and U.P.S.

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*For Department of Homeland Security and
the Office of Civil Rights and Civil Liberties*

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Jill Eggleston
FOIA Officer/Public Liaison
U.S. Citizenship and Immigration Services
National Records Center, FOIA/PA Office
150 Space Center Loop, Suite 300
Lee's Summit, MO 64064-8010
uscis.foia@uscis.dhs.gov

Hirsh D. Kravitz
FOIA, Records, and E-Discovery Office
Civil Division
Department of Justice
Room 8020
1100 L Street, NW
Washington, DC 20530-0001
Civil.routing.FOIA@usdoj.gov

Valerie H. Yancey
FOIA Officer and Executive Officer
Office of the Solicitor General
Department of Justice
950 Pennsylvania Avenue, N.W.
Room 6627
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OSGFOIA@usdoj.gov

Melissa Golden
Lead Paralegal and FOIA Specialist
Department of Justice
950 Pennsylvania Avenue, N.W.
Room 5511
Washington, DC 20530-0001
usdoj-officeoflegalcounsel@usdoj.gov

Via Online Request Form

Sabrina Burroughs
FOIA Officer/Public Liaison
U.S. Customs And Border Protection
1300 Pennsylvania Avenue N.W.
Room 3.3D
Washington, D.C. 20229

DACA FOIA
September 22, 2017
Page 2 of 9

Via Fax and U.P.S.

Laurie Day
Chief, Initial Request Staff
Office of Information Policy
Department of Justice
Suite 11050
1425 New York Avenue, N.W.
Washington, DC 20530-0001
Fax: (202) 514-1009

Via Fax, Email and U.P.S.

Dionne Hardy
FOIA Officer
Office of Management and Budget
725 17th Street NW
Suite 9204
Washington, DC 20503
Fax: (202) 395-3504
OMBFOIA@omb.eop.gov

Dear FOIA Officers:

Make the Road New York (MRNY), Make the Road Connecticut (MRCT), and the National Immigration Law Center (NILC) (collectively, "Requestors") make this request for information under the Freedom of Information Act (FOIA), 5 U.S.C. § 552 *et seq.*, for records regarding the termination of the Deferred Action for Childhood Arrivals (DACA) program held by the United States Department of Homeland Security (DHS); DHS Office of Civil Rights and Civil Liberties (OCRCL); United States Citizenship and Immigration Services (USCIS); U.S. Immigration and Customs Enforcement (ICE); U.S. Customs and Border Protection (CBP); White House Office of Management and Budget (including the Office of Information and Regulatory Affairs (OMB)); United States Department of Justice (DOJ); Office of the Attorney General (OAG); DOJ Civil Division (CIV); Office of the Solicitor General (OSG); and Office of Legal Counsel (DOJ-OLC).

BACKGROUND

Since its creation in 2012, the DACA program has empowered nearly 800,000 young people to participate more fully in their communities by offering them protection from deportation and the opportunity to obtain work authorization. DACA established a process through which DHS would consider certain individuals who came to the United States as children for deferred action, an exercise of prosecutorial discretion. On a showing of economic necessity, DACA recipients are also eligible to receive work authorization.¹

On September 5, 2017, DHS terminated the DACA program and initiated a "wind-down period."² As of September 5, 2017, USCIS no longer accepts new applications for DACA, and it

¹ 8 C.F.R. § 274a.12(c)(14).

² Memorandum from Elaine C. Duke, Acting Sec'y of Homeland Security to James W. McCament, Acting Director, U.S. Citizenship and Immigration Servs., *Memorandum on Rescission of Deferred Action For Childhood Arrivals (DACA)*, Sept. 5, 2017, https://www.dhs.gov/news/2017/09/05/memorandum-rescission-daca#_ftnref1.

will accept renewal applications from certain DACA holders until October 5, 2017. DHS justified this termination of the DACA program by reference to threatened litigation by several state attorneys general.³

The abrupt termination of the DACA program leaves many questions unanswered, particularly for DACA holders who have only a few weeks to apply, despite the uncertainty on whether USCIS will apply existing Standard Operating Procedures to renewal applications, or how USCIS will treat information gathered during the DACA application process. Moreover, the rationale for ending the program appears inconsistent, unclear, and confusing to many observers.

Records Requested

The Requestors seek DHS, OCRCL, ICE, CBP, USCIS, OMB, DOJ, DOJ-OLC, OAG, CIV, and OSG records⁴ related to or referring to the process and decision to terminate the DACA program. The time frame for this request is January 20, 2017 to the present.

These records include, but are not limited to:

1. Any records, including but not limited to reports, memoranda, analyses, or communications, developed regarding the decision to terminate the DACA program, including
 - a. Any records related to or referring to the legality, lawfulness or perceived legal infirmities of the DACA program;
 - b. Any communication or analyses related to or referring to the OLC's November 19, 2014 Memorandum entitled "The Department of Homeland Security's

³ Letter from Jeff Sessions, U.S. Attorney General, to Elaine Duke, Acting Secretary of Homeland Security, September 4, 2017, https://www.dhs.gov/sites/default/files/publications/17_0904_DOJ_AG-letter-DACA.pdf; *see also* Letter from Ken Paxton, Attorney General of Texas, et al., to Jeff Sessions, U.S. Attorney General, June 29, 2017, https://www.texasattorneygeneral.gov/files/epress/DACA_letter_6_29_2017.pdf.

⁴ The term "records" as used herein includes but is not limited to all records or communications preserved in electronic or written form, including but not limited to correspondence, including but not limited to intra-governmental correspondence, documents, data, videotapes, audio tapes, faxes, files, forms, e-mails, guidance, guidelines, evaluations, legal opinions, instructions, analyses, directives, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, technical manuals, technical specifications, training manuals, questionnaires, studies, including records kept in written form, or electronic format on computers and/or other electronic storage devices, electronic communications and/or video tapes, or any other sub-regulatory guidance.

- Authority to Prioritize Removal of Certain Aliens Unlawfully Present in the United States and to Defer Removal of Others”;⁵
- c. Any records relied on to support the statement that “while the DACA denial notice indicates the decision to deny is made in the unreviewable discretion of USCIS, USCIS has not been able to identify specific denial cases where an applicant appeared to satisfy the programmatic categorical criteria as outlined in the June 15, 2012 memorandum, but still had his or her application denied based solely upon discretion”;⁶
 - d. Any records relating to alternative proposals for the DACA program, other than rescission of the June 15, 2012 memorandum; and
 - e. Any records regarding the selection of specific dates for the “wind-down” period of the DACA program, including the October 5, 2017 deadline for renewal applications and the March 5, 2018 date for termination of the DACA program.
2. Any records regarding *Texas, et al., v. United States, et al.*, No. 1:14-cv-00254 (S.D. Tex.), including but not limited to:
 - a. Any communications between DOJ, CIV, OAG, OSC, or DOJ-OLC and the state attorney general plaintiffs or their staff, offices, and affiliates regarding the *Texas v. U.S.* litigation, the DACA program, and the DAPA and expanded DACA programs.⁷
 3. Any communications relating to or referring to the DACA program sent to or received from any of the following individuals or organizations:
 - a. John Kelly; Elaine Duke; Claire M. Grady; Chad Wolf; Katharine Gorka; Thomas Homan; Peter Edge; Thomas Blank; Matthew Albence; James McAment; Tracy Renaud; Daniel Renaud; Kevin McAleenan; Ronald Vitiello; Jeff Sessions; Stephen Miller; Steve Bannon; Sebastian Gorka; Jon Feere; Julie Kircher; Brandon Judd; Brent Bombach; Kevin Carroll; Ben Cassidy; Kevin Chmielewski; Tiffany Cissna; Daniel Cox; Thomas Dinanno; Mario Flores; Gene Hamilton; Harold Hanson; Matt Hayden; Jonathan Hoffman; Roman Jankowski; Elizabeth Johnson; James Johnson; Quinn Jones O'Brien; Julie Kirchner; Kathy Nuebel Kovarik; Scott Krause; David Lapan; Cora Mandy; Michael McKeown; Alan

⁵ Available at <https://www.justice.gov/file/179206/download>.

⁶ Duke Memorandum, at n.1.

⁷ The state attorney general plaintiffs in *Texas v. U.S.* include: Attorney General Ken Paxton, Attorney General of Texas; Steve Marshall, Attorney General of Alabama; Leslie Rutledge, Attorney General of Arkansas; Lawrence G. Wasden, Attorney General of Idaho; C.L. “Butch” Otter, Governor of Idaho; Derek Schmidt, Attorney General of Kansas; Jeff Landry, Attorney General of Louisiana; Doug Peterson, Attorney General of Nebraska; Alan Wilson, Attorney General of South Carolina; Herbert Slatery III, Attorney General and Reporter of Tennessee; and Patrick Morrissey, Attorney General of West Virginia.

Metzler; Jayne Neumann; Emily Newman; Kirstjen Nielsen; Lora Ries; Dimple Shah; Tracy Short; Craig Symons; Thomas Szold; Kaitlin Vogt; Erin Waters; Chad Wolf; Frank Wuco; Kris Kobach; the National ICE Council; the Center for Immigration Studies; the National Border Patrol Council; the National CIS Council, or the Federation for American Immigration Reform.

4. Any records relating to or referring to the DACA program sent to or received from any member of Congress, Congressional committee, or Congressional staff, and any records created in preparation for or support of a communication with a member of Congress, Congressional committee, or Congressional staff.
5. Any records relating to or referring to the DACA program sent to or received from any governor of a United States state or territory, gubernatorial staff, or association of governors or state officials (e.g. the National Governors Association, National Conference of State Legislatures), and any records created in preparation for or support of such communication.
6. Any records relating to the standards or procedures for adjudicating DACA applications, including but not limited to:
 - a. Any proposed or actual changes to the National Standard Operating Procedures for DACA applications, including for renewal applications and applications where DACA status has already expired;
 - b. Any training, guidance, or other communications to USCIS supervisors, officers, employers, contractors, or consultants regarding the adjudication of DACA applications, including initial applications, renewals, and applications by individuals whose DACA status had expired;
 - c. Any proposed or actual changes to adjudication standards for individual applications for deferred action or other forms of prosecutorial discretion; and
 - d. Any training, guidance, or other communications to USCIS, CBP or ICE supervisors, officers, employers, contractors, or consultants regarding the adjudication of individual applications for deferred action or other forms of prosecutorial discretion.
7. Any records relating to the sharing and retention of information from DACA and work authorization applications under DACA eligibility, including but not limited to:
 - a. Any records describing policies for sharing information from DACA and work authorization applications under DACA eligibility, whether received before or after September 5, 2017, with other components of DHS, such as CBP or ICE, or with other government agencies, including state, local, or tribal law enforcement agencies;
 - b. Any training, guidance, or other communications to USCIS supervisors, officers, employers, contractors, or consultants regarding policies for sharing information from DACA and work authorization applications under DACA eligibility with

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- other components of DHS, such as CBP or ICE, or with other government agencies, including state, local, or tribal law enforcement agencies;
- c. Any training, guidance or other communications to ICE or CBP supervisors, officers, employers, contractors, or consultants regarding the use of information from DACA and work authorization applications under DACA eligibility; and
 - d. Any USCIS policies concerning data retention for DACA applications or for visa or immigration relief programs that are no longer operational.
8. Any records relating to the processing of Advance Parole applications or Advance Parole benefits granted, including but not limited to:
- a. Any records describing changes in eligibility requirements for Advance Parole applications filed by September 5, 2017; and
 - b. Any training, guidance, or other communications to CBP officers regarding policies on how to treat DACA recipients entering the United States with Advance Parole.
9. Any records or communications relating to the following documents on DACA:
- a. Talking Points – DACA Rescission and Talking Points – President Trump Directs Phased Ending of DACA;
 - b. Fact Sheet: Rescission of Deferred Action for Childhood Arrivals (DACA);
 - c. Frequently Asked Questions on the September 5, 2017 Rescission of the Deferred Action for Childhood Arrivals (DACA) Program; and
 - d. Top Five Messages.
10. Any records describing the process, procedures, channels of review, and allocations of responsibility for policy development, including for promulgating a legislative rule, interpretive rule, general statement of policy, or guidance that was in effect during the review period. For this item, Requestors seek policies that were in effect during the review period, even if they were created prior to the review period.
11. A list of all search terms used and databases accessed to respond to this FOIA request.

FEE WAIVER

The Requestors request a waiver of all costs pursuant to the public interest/benefit fee waiver established by 5 U.S.C. § 552(a)(4)(A)(iii) (“Documents shall be furnished without any charge . . . if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the Requester.”). The public interest/benefit fee waiver provisions of the FOIA are to be “liberally construed” and are “consistently associated with requests from journalists, scholars, and non-profit interest groups who it was intended to benefit.” See *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (“Congress amended FOIA to ensure that it be ‘liberally construed in favor of fee waivers for

noncommercial requesters.”) (citation omitted); *see also Carney v. U.S. Dept. of Justice*, 19 F.3d 807, 814 (2d Cir. 1994) (reversing a fee waiver denial that was based on an “unduly restrictive construction [of] the public interest fee waiver provision”).

MRNY is a nonprofit, membership-based 501(c)(3) organization dedicated to empowering immigrant, Latino, and working class communities in New York City. MRNY has more than 19,000 dues-paying members residing in New York City and Long Island, many of whom have applied for DACA renewals or submitted first-time applications, obtained DACA themselves, or have family members with DACA. Since the fall of 2012, MRNY has conducted 335 DACA clinics and has submitted more than 1,956 DACA applications on behalf of its clients. MRNY assists DACA-eligible clients with initial applications as well as renewals.

MRNY’s mission includes educating the public about civil rights issues affecting working-class and immigrant communities through electronic newsletters, reports, fact sheets, trainings, curricula, classes, and other educational and informational material. MRNY disseminates information and analyses on pending and proposed legislation and mobilizes community members to advocate to their legislators.

MRNY also engages in organizing and public-policy advocacy efforts, including research on issues affecting the community it serves as well as substantial outreach to policymakers and the media. MRNY regularly conducts research and publishes reports, fact sheets, and other informational material on issues important to the immigrant, Latino, and working class communities it serves. Additionally, MRNY frequently releases media statements and disseminates information about local, state, and national issues to its thousands of members and to the public at large.

MRCT is a non-profit, membership-based 501(c)(3) organization dedicated to empowering immigrant, Latino, and working-class communities in Bridgeport CT. MRCT launched in December 2014, when Bridgeport residents began meeting regularly, learning about the Make the Road New York model, and defining their own goals for building the membership of their new organization and addressing the needs of low wage workers, youth, and immigrants in their community. Two years later, MRCT has become a hub of organizing in Bridgeport with five active campaigns that focus on the well-being of the immigrant community in the city. MRCT has fought and won the implementation of sanctuary city policies and language access protections for the city and is currently working with youth and day laborers on transportation and work-related safety issues while maintaining a strong presence on statewide and national immigration efforts.

In its short time, MRCT has reached more than 300 dues-paying members residing in Bridgeport, many of whom are DACA recipients. To support its DACA members MRCT has conducted outreach in our area that includes leafletting, information sessions, fundraising, and direct action, as well as partnering with other organizations to hold DACA Clinics.

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MRCT has also developed materials to support our immigrant community that include popular education manuals and one pagers, and has performed hundreds of know your rights sessions in its offices and in its members' homes through its work with Comites de Defensa and its member Committees. Additionally, MRCT frequently releases media statements, and disseminates information about local, state, and national issues to its thousands of members and to the public at large.

NILC is a nonprofit national legal advocacy organization that engages in policy analysis, advocacy, education, and litigation to promote and advance the rights of low-income immigrants and their families. NILC serves as an important resource to a broad range of immigrant advocacy groups, community organizations, legal service organizations, and the general public. As part of its work, NILC disseminates information to the public through electronic newsletters, news alerts, issue briefs, trainings, and other educational and informational materials. In addition, NILC disseminates information to individuals, tax-exempt organizations, not-for-profit groups, and members through its website (<http://www.nilc.org>). NILC's website receives approximately 4,100 visits per day, and many visitors actively download NILC's reports, brochures, and fact sheets. NILC's email listserv has about 70,000 subscribers. NILC's Twitter account has over 51,000 followers.

The records requested are not sought for commercial use, and the Requestors plan to disseminate the disclosed information to the public at no cost. *See* 6 C.F.R. § 5.11(k); 28 C.F.R. § 16.10(k). Disclosure of the requested records is likely to contribute significantly to public understanding of the changes to the DACA program. The requested information is of great interest to the public at large, but it is not available in the public domain.

In the alternative, we request a limitation of processing fees pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II). (“[F]ees shall be limited to reasonable standard charges for document duplication when records are not sought for commercial use and the request is made by ... a representative of the news media.”). *See also* 6 C.F.R. § 5.11(d); 28 C.F.R. § 16.10(d). If the fee waiver request is denied, while reserving our right to appeal the denial, the Requestors agree to pay fees up to \$50. If fees are estimated to exceed this limit, please inform us to obtain consent to incur additional fees.

EXPEDITED PROCESSING

Expedited processing is warranted because there is “an urgency to inform the public about an actual or alleged federal government activity” by organizations “primarily engaged in disseminating information.” 5 U.S.C. § 552(a)(6)(E)(v)(II). The loss of eligibility to obtain prosecutorial discretion and work authorization threatens “the loss of substantial due process rights.” 6 C.F.R. § 5.5(e)(1)(iii); 28 C.F.R. § 16.5(e)(1)(iii). Moreover, the termination of the DACA program has been “[a] matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence.” 6

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C.F.R. § 5.5(e)(1)(iv); 28 C.F.R. § 16.5(e)(1)(iv). Should you determine that expedited processing is not warranted, while reserving our right to appeal that decision, the Requestors expect a response within the twenty-day time limit set forth under 5 U.S.C. § 552(a)(6)(A)(ii).

Disclosure of information regarding the rescission of DACA is particularly urgent given the short period of time DACA holders have to decide whether to apply for renewal of their DACA status and work authorizations. Further, questions about the rationales and consequences of the termination of DACA sow misunderstanding, fear, panic, and distrust in the community.

If this Request is denied in whole or in part, please provide a written explanation for that denial, including reference to the specific supporting statutory provisions. To the extent that any requested records are redacted, please redact only the necessary portions and immediately provide us with the remaining portions. If any records, or portions thereof are withheld, please state the exemption claimed and provide a list of the records being withheld.

Finally, without waiving any other appeal rights, the Requestors reserve the right to appeal a constructive denial of this Request as well as decisions to deny expedited processing, to withhold any information, to deny a waiver of fees, or to deny a limitation of processing fees. MRNY and NILC also reserve the right to challenge the adequacy of the search for responsive documents, the withholding of any documents, as well as any redactions in the materials produced in response to this Request.

I certify that the information contained in this request is true and correct to the best of my knowledge. *See* 6 C.F.R. § 5.5(e)(3); 28 C.F.R. § 16.5(e)(3).

/s Joshua A. Rosenthal

Joshua A. Rosenthal
Staff Attorney
NATIONAL IMMIGRATION LAW CENTER
1121 14th Street NW
Suite 200
Washington, DC 20005
rosenthal@nilc.org

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

August 18, 2017

Mr. Joshua Rosenthal
National Immigration Law Center
1121 14th Street NW, Suite 200
Washington, DC 20005
rosenthal@nilc.org

Re: DOJ-2017-006763 (AG)
VRB:DRH:ERH

Dear Mr. Rosenthal:

This is to acknowledge receipt of your Freedom of Information Act (FOIA) request dated and received in this Office on September 22, 2017, in which you requested records since January 20, 2017, pertaining to the decision to terminate the Deferred Action for Childhood Arrivals (DACA) program. This response is made on behalf of the Office of the Attorney General.

You have requested expedited processing of your request. I have determined that your request for expedited processing should be granted. Accordingly, your request has been assigned to an analyst in this Office and our processing of it has been initiated.

Although your request has been granted expedited processing, we are required to advise you that the records you seek require a search in and/or consultation with another Office, and so your request falls within "unusual circumstances." See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii). Accordingly, we have not yet completed a search to determine whether there are records within the scope of your request. The time needed to process your request will necessarily depend on the complexity of our records search and on the volume and complexity of any records located. Your request has been assigned to the expedited track and will be processed as soon as practicable.

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. In your letter you agreed to pay fees up to \$50 in the event that a fee waiver is not granted.

If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, you may contact the analyst handling your request, Eric Hotchkiss, by telephone at the above number or you may write to him at the above address. You may also contact our FOIA Public Liaison, Laurie Day, for any further assistance and to discuss any aspect of your request at: Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001; telephone 202-514-3642; or facsimile 202-514-1009.

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; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

A handwritten signature in blue ink, appearing to read "Vanessa R. Brinkmann", with a small "VR" monogram at the end.

Vanessa R. Brinkmann
Senior Counsel

Exhibit C



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

Telephone: (202) 514-3642

February 28, 2019

Joshua Rosenthal
National Immigration Law Center
1121 14th Street NW
Suite 200
Washington, DC 20005
rosenthal@nilc.org

Re: DOJ-2017-006763 (AG)
18-cv-2445 (E.D.N.Y.)
VRB:JMB:JMS

Dear Joshua Rosenthal:

This is an interim response to your Freedom of Information Act (FOIA) request dated September 22, 2017, in which you requested records pertaining to the process and decision to terminate the Deferred Action for Childhood Arrivals (DACA) program. This response is made on behalf of the Office of the Attorney General (OAG).

Please be advised that a search has been conducted on behalf of OAG. At this time, I have determined that 761 pages containing records responsive to your request are appropriate for release without excision, and copies are enclosed.

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.

If you have any questions regarding this response, please contact Rachael Westmoreland of the Department's Civil Division, Federal Programs Branch, at (202) 514-1280.

Sincerely,

A handwritten signature in blue ink, appearing to read "V-R-B", with a long horizontal flourish extending to the right.

Vanessa R. Brinkmann
Senior Counsel

Enclosures

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

March 29, 2019

Joshua Rosenthal
National Immigration Law Center
1121 14th Street NW
Suite 200
Washington, DC 20005
rosenthal@nilc.org

Re: DOJ-2017-006763 (AG)
18-cv-2445 (E.D.N.Y.)
VRB:JMB:JMS

Dear Joshua Rosenthal:

This is an interim response to your Freedom of Information Act (FOIA) request dated September 22, 2017, in which you requested records pertaining to the process and decision to terminate the Deferred Action for Childhood Arrivals (DACA) program. This response is made on behalf of the Office of the Attorney General (OAG).

Please be advised that a search has been conducted on behalf of OAG. At this time, I have determined that 109 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, eighty-five pages containing records responsive to your request 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 be advised that duplicative material was not processed, and is marked accordingly. Further, please note that pages 1-12 of the attached consist of transcripts of a hearing before the Senate Committee on the Judiciary. In an attempt to be helpful, we have provided only portions of the transcript relevant to your request. To the extent that you wish to view the entire hearing, it is publicly available at <https://www.judiciary.senate.gov/meetings/01/10/2017/attorney-general-nomination> and <https://www.judiciary.senate.gov/meetings/01/11/2017/attorney-general-nomination>.

For your information, emails in the enclosed documents which use the account name "Camden Hybart" denote emails to or from former Attorney General Jeff Sessions' official Department of Justice email account. Mr. Sessions' official email account did not use his name, in order to protect his security and privacy and to enable him to conduct Department business efficiently via email.

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.

If you have any questions regarding this response, please contact Rachael Westmoreland of the Department's Civil Division, Federal Programs Branch, at (202) 514-1280.

Sincerely,



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

April 26, 2019

Joshua Rosenthal
National Immigration Law Center
1121 14th Street NW
Suite 200
Washington, DC 20005
rosenthal@nilc.org

Re: DOJ-2017-006763 (AG)
18-cv-2445 (E.D.N.Y.)
VRB:JMB:JMS

Dear Joshua Rosenthal:

This is the final response to your Freedom of Information Act (FOIA) request dated September 22, 2017, in which you requested records pertaining to the process and decision to terminate the Deferred Action for Childhood Arrivals (DACA) program. This response is made on behalf of the Office of the Attorney General (OAG).

Please be advised that a search has been conducted on behalf of OAG. At this time, I have determined that 243 pages containing records responsive to your request are appropriate for release with excisions, some of which have been asserted by the Department of Homeland Security, pursuant to Exemptions 5, 6, and 7(E) of the FOIA, 5 U.S.C. § 552(b)(5), (b)(6), and (b)(7)(E), and copies are enclosed. Additionally, 429 pages containing records responsive to your request 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(E) pertains to records or information compiled for law enforcement purposes, the release of which would disclose certain techniques or procedures for law enforcement investigations or prosecutions. Please be advised that where an excision made by this Office pursuant to Exemption 6 obscured not only the email address of the sender or recipient, but also the identity of that individual, we have provided the identity of the individual in the redaction box. Additionally, please be advised that duplicative material was not processed, and is marked accordingly.

Further, please note that we located material which is publicly available on the Senate Committee on the Judiciary's website. This material can be accessed using the following link: <https://www.judiciary.senate.gov/imo/media/doc/Engel%20Responses%20to%20QFRs.pdf>. Please note that only limited portions of these publicly-available materials contain references relevant to your request.

In your request, you also seek "[a] list of all search terms used and databases accessed to respond to this FOIA request." By definition, no such records existed at the time of your request. Please be advised that the FOIA provides a right of access to agency records that exist and can be located in federal agency files. The FOIA does not require agencies to create new records in response to a FOIA request, or to be subject to a conceivably endless cycle of processing records that do not exist at the time of the request and that would only be created in response to the very request that seeks them.

As previously indicated, emails in the enclosed documents which use the account name "Camden Hybart" denote emails to or from former Attorney General Jeff Sessions' official Department of Justice email account. Mr. Sessions' official email account did not use his name, in order to protect his security and privacy and to enable him to conduct Department business efficiently via email.

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.

If you have any questions regarding this response, please contact Rachael Westmoreland of the Department's Civil Division, Federal Programs Branch, at (202) 514-1280.

Sincerely,



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

July 2, 2019

Joanna Cuevas Ingram
National Immigration Law Center
P.O. Box 170392
Brooklyn, NY 11217
cuevasingram@nilc.org

Re: DOJ-2017-006763 (AG)
18-cv-2445 (E.D.N.Y.)
VRB:JMB:JMS

Dear Joanna Cuevas Ingram:

This is a supplemental response to your Freedom of Information Act (FOIA) request dated September 22, 2017, in which you requested records pertaining to the process and decision to terminate the Deferred Action for Childhood Arrivals (DACA) program. This response is made on behalf of the Office of the Attorney General (OAG).

I have determined that 767 pages containing records responsive to your request are appropriate for release with excisions, some of which have been asserted by the United States Department of Homeland Security and United States Citizenship and Immigration Services, pursuant to Exemptions 5 and 6 of the FOIA, 5 U.S.C. § 552(b)(5) and (b)(6), and copies are enclosed. Additionally, fifty-six pages containing records responsive to your request 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 personal privacy. Please be advised that duplicative material was not processed, and is marked accordingly.

Finally, please be advised that upon further review of the records produced in our April 26, 2019 response, I have determined that Exemption 5 of the FOIA will no longer be used to withhold information contained within the attached two pages of material marked with Bates stamp number range 0557-0558.

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.

If you have any questions regarding this response, please contact Rachael Westmoreland of the Department's Civil Division, Federal Programs Branch, at (202) 514-1280.

Sincerely,



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

Enclosures

Exhibit G

Make the Road New York and Make the Road Connecticut v. U.S. Dep't of Homeland Security, et al.,

Civil Action No. 18-cv-2445

U.S. District Court for the Eastern District of New York

Office of Information Policy (OIP) *Vaughn* Index

This index contains a description of the 776 pages of records withheld in full or released in part by OIP, pursuant to Freedom of Information Act (FOIA) Exemptions 5 and 6. Pages containing records are organized and accounted for by whole/entire email chain for logistical purposes, i.e., where an entry contained in the release in part sections in the below *Vaughn* Index may identify that 6 pages were released in part pursuant to Exemption 5 (deliberative process privilege), potentially only one of the six pages in the whole/entire email chain contains an excision pursuant to Exemption 5. For clarity of presentation, the records in this *Vaughn* Index are keyed to document categories which are discussed in detail in the accompanying OIP declaration. The descriptions of each record 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. The document categories are as follows:

Documents Withheld in Full:

- *Draft Correspondence*
- *Draft Statements*
- *Talking Points*
- *Draft Talking Points and Draft Internal Briefing Material*
- *Draft Memoranda*
- *Draft (unsent) Email Communications*
- *Executive Branch Communications Concerning Pending Litigation*
- *Presidential Communications Documents*

Documents Released in Part:

- *Personal Contact Information*
- *Purely Private Information*
- *Deliberative Discussions Regarding Response to Press Inquiry*
- *Deliberative Discussions Regarding the Drafting Process*
- *Deliberative Discussions Regarding Selection of Press Surrogates*
- *Deliberative Discussions Regarding Potential Congressional Communications*
- *Deliberative Discussions Planning a Meeting*
- *Deliberative Discussions Regarding DAPA*
- *Deliberative Discussions Regarding a Potential Response to, and Evaluations of Matters Addressed in, News Articles*
- *Deliberative Discussions and Attorney-Client Privileged Information Provided for the Purpose of Seeking Legal Advice*

- *Deliberative Discussions Regarding the Planning of Contemplated Public Statements Related to DACA*
- *Deliberative Executive Branch Discussions Regarding Pending Litigation*
- *Internal Communications Regarding Pending Litigation*
- *Deliberative Discussions Regarding Drafting Talking Points for Potential Press Inquiries*
- *Deliberative Discussions Regarding Congressional Witness Selection*
- *Deliberative Discussions Regarding DACA*
- *Presidential Communications Documents*

This *Vaughn* Index will use acronyms when referring to the following components and offices of the Department of Justice (DOJ): the Offices of the Attorney General (OAG), Deputy Attorney General (ODAG), Associate Attorney General (OASG), Legislative Affairs (OLA), Legal Policy (OLP), Public Affairs (PAO), Solicitor General (OSG); Legal Counsel (OLC); Civil Division (CIV); and the Executive Office of the President (EOP/WHO).

A. DOJ OIP, March 29, 2019 Interim Response - Records Withheld in Full, Pursuant to Exemption 5¹

Description of Withheld Document	Withholding Category	Exemption 5 Privilege	Pages
Draft Outline – Internal Briefing Materials Regarding DACA and Other Immigration Matters	<i>Draft Talking Points and Draft Internal Briefing Material</i>	Deliberative Process Privilege Attorney Work-Product Privilege ²	8
Draft Internal Briefing Material Regarding DACA	<i>Draft Talking Points and Draft Internal Briefing Material</i>	Deliberative Process Privilege Attorney Work-Product Privilege	16
Draft Letter from Attorney General Sessions to Acting Secretary Duke on DACA Rescission	<i>Draft Correspondence</i>	Deliberative Process Privilege	1
Draft (unsent) Email from Jody Hunt to Danielle Cutrona	<i>Draft (unsent) Email Communications</i>	Deliberative Process Privilege	1

¹ To the extent that there is personal contact information within the material listed as withheld in full pursuant to Exemption 5, such personal contact information may additionally be withheld pursuant to Exemption 6.

² For material listed in the categories *Talking Points, Draft Talking Points and Draft Briefing Material, Draft Memoranda, Presidential Communications Documents (In Part and In Full), Deliberative Discussions Regarding the Drafting Process, and Deliberative Discussions Regarding Drafting of Talking Points for Potential Press Inquiries*, in light of the various ongoing litigation matters pertinent to Deferred Action for Childhood Arrivals (“DACA”) and Deferred Action for Parents of Americans and Lawful Permanent Residents (“DAPA”), the attorney work-product doctrine has been asserted for all documents in the category. While the attorney work-product doctrine has been noted for each document in these categories, it may not apply to all of the information withheld in each document listed. However, as indicated and as discussed in the accompanying declaration, all of the information withheld in these documents is also either fully or partially protected by the deliberative process and/or presidential communications privileges.

Attachment to Draft Email from Jody Hunt to Danielle Cutrona, which itself is a Draft Letter from Attorney General Sessions to Acting Secretary Duke on DACA Rescission	<i>Draft Correspondence</i>	Deliberative Process Privilege	2
Draft (unsent) Email from Jody Hunt to Danielle Cutrona	<i>Draft (unsent) Email Communications</i>	Deliberative Process Privilege	1
Attachment to Draft Email from Jody Hunt to Danielle Cutrona, which itself is a Draft Letter from Attorney General Sessions to Acting Secretary Duke on DACA Rescission	<i>Draft Correspondence</i>	Deliberative Process Privilege	2
Draft Letter from Attorney General Sessions to Acting Secretary Duke on DACA Rescission	<i>Draft Correspondence</i>	Deliberative Process Privilege	2
Draft Talking Points Related to DACA	<i>Draft Talking Points and Draft Internal Briefing Material</i>	Deliberative Process Privilege Attorney Work-Product Privilege	11
Draft Attorney General Remarks on DACA Rescission	<i>Draft Statements</i>	Deliberative Process Privilege	4
Draft Letter from Attorney General Sessions to Acting Secretary Duke on DACA Rescission	<i>Draft Correspondence</i>	Deliberative Process Privilege	3
Draft Attorney General Remarks on DACA Rescission	<i>Draft Statements</i>	Deliberative Process Privilege	7
Draft Letter from Attorney General Sessions to Acting Secretary Duke on DACA Rescission	<i>Draft Correspondence</i>	Deliberative Process Privilege	3
Draft Letter from Attorney General Sessions to Acting Secretary Duke on DACA Rescission	<i>Draft Correspondence</i>	Deliberative Process Privilege	3
Draft Public Affairs Talking Points Prepared to Respond to DACA Rescission Press Inquiries	<i>Draft Talking Points and Draft Internal Briefing Material</i>	Deliberative Process Privilege Attorney Work-Product Privilege	2
Draft Press DACA Surrogate Messaging	<i>Draft Talking Points and Draft Internal Briefing Material</i>	Deliberative Process Privilege Attorney Work-Product Privilege	5
Draft Attorney General Remarks on DACA Rescission	<i>Draft Statements</i>	Deliberative Process Privilege	4
Draft Attorney General Remarks on DACA Rescission	<i>Draft Statements</i>	Deliberative Process Privilege	4
Draft Attorney General Remarks on DACA Rescission	<i>Draft Statements</i>	Deliberative Process Privilege	4

Draft Public Affairs Talking Points Prepared to Respond to DACA Rescission Press Inquiries	<i>Draft Talking Points and Draft Internal Briefing Material</i>	Deliberative Process Privilege Attorney Work-Product Privilege	2
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B. DOJ OIP, March 29, 2019 Interim Release, Records Released in Part

Document ID	Date ³	Record Sender/Recipient/Subject	Description of Withheld Material	Exemption	Pages
0.7.17107.5183	8/16/2017	From: Danielle Cutrona (OAG) To: Devin O'Malley (PAO) Subject: Re: daca question	<i>Deliberative Discussions Regarding a Response to a Press Inquiry</i> <i>Personal Contact Information</i>	5 -- Deliberative Process Privilege 6	2 (in part)
0.7.17107.11385	8/26/2017	From: Jody Hunt (OAG) To: Danielle Cutrona (OAG) Subject:	<i>Deliberative Discussions Regarding the Drafting Process</i>	5 -- Deliberative Process Privilege Attorney Work-Product Privilege	1 (in part)
0.7.17107.11388	8/27/2017	From: Jody Hunt (OAG) To: Danielle Cutrona (OAG) Subject: RE:	<i>Deliberative Discussions Regarding the Drafting Process</i>	5 -- Deliberative Process Privilege Attorney Work-Product Privilege	1 (in part)
0.7.17107.14246	9/4/2017	From: Ian Prior (PAO) To: Danielle Cutrona (OAG) Cc: Sarah Isgur Flores (PAO) Subject: Re: Tv legal surrogates	<i>Deliberative Discussions Regarding the Selection of Press Surrogates</i> <i>Personal Contact Information</i>	5 -- Deliberative Process Privilege 6	1 (in part)
0.7.17107.13842	9/4/2017	From: Sarah Isgur Flores (PAO) To: Ian Prior (PAO) Cc: Danielle Cutrona (OAG) Subject: RE: Tv legal surrogates	<i>Deliberative Discussions Regarding the Selection of Press Surrogates</i> <i>Personal Contact Information</i>	5 -- Deliberative Process Privilege 6	1 (in part)
0.7.17107.13997	9/4/2017	From: Danielle Cutrona (OAG) To: Ian Prior (PAO) Subject: Re: Daca Q&A	<i>Deliberative Discussions Regarding Drafting Talking Points for Potential Press Inquires</i>	5 -- Deliberative Process Privilege	1 (in part)

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

				Attorney Work-Product Privilege	
0.7.17107.14291	9/5/2017	From: Ian Prior (PAO) To: Danielle Cutrona (OAG) Subject: FW: PolitiFact query – DACA remarks	<i>Deliberative Discussions Regarding a Response to a Press Inquiry</i> <i>Personal Contact Information</i>	5 -- Deliberative Process Privilege 6	3 (in part)
0.7.17107.13834	9/5/2017	From: Danielle Cutrona (OAG) To: Ian Prior (PAO) Subject: RE: PolitiFact query – DACA remarks	<i>Deliberative Discussions Regarding a Response to a Press Inquiry</i> <i>Personal Contact Information</i>	5 -- Deliberative Process Privilege 6	2 (in part)
0.7.17107.10958	11/29/17	From: Ed Martin To: Peggi Hanrahan (OAG) Subject: Re: SCHLAFLY COLUMN: On DACA (864 words)	<i>Personal Contact Information</i>	6	3 (in part)
0.7.17107.13817	9/6/2017	From: Devin O'Malley (PAO) To: Danielle Cutrona (OAG) Subject: Re: Politico: Graham: Jeff Sessions 'is wrong' on Dreamers taking jobs from Americans	<i>Deliberative Discussions Regarding a Response to a Press Inquiry</i> <i>Personal Contact Information</i>	5 -- Deliberative Process Privilege 6	3 (in part)
0.7.17107.14521	9/6/2017	From: Andrew Hudson (OLP) To: Danielle Cutrona (OAG) Subject: RE: APPROVAL: DACA connection to the border surge	<i>Deliberative Discussions Regarding a Response to a Press Inquiry</i>	5 – Deliberative Process Privilege	3 (in part)
0.7.17107.13824	9/6/2017	From: Stephen Boyd (OLA) To: Errical Bryant (OAG) Cc: Danielle Cutrona (OAG) Subject: RE: Phone Call: Rep. John Duncan	<i>Deliberative Discussions Regarding Potential Congressional Communication</i> <i>Personal Contact Information</i>	5 – Deliberative Process Privilege 6	2 (in part)
0.7.17107.11466	9/13/2017	From: Danielle Cutrona (OAG) To: Stephen Boyd (OLA) Subject: RE: DOJ Witness-October 3	<i>Personal Contact Information</i>	6	3 (in part)

C. DOJ OIP, April 26, 2019 Final Response - Records Withheld in Full, Pursuant to Exemption 5⁴

Description of Withheld Document	Withholding Category	Exemption 5 Privilege	Pages
Email Correspondence with Senior White House Advisor	<i>Presidential Communications Documents</i>	Deliberative Process Privilege Attorney Work-Product Privilege Presidential Communications Privilege	2
Email Correspondence with Senior White House Advisor	<i>Presidential Communications Documents</i>	Deliberative Process Privilege Attorney Work-Product Privilege Presidential Communications Privilege	2
Attorney General Talking Points for Phone Call with Sec. Kelly	<i>Talking Points</i>	Deliberative Process Privilege Attorney Work-Product Privilege	2
Draft (unsent) Email from Danielle Cutrona to Susanne Cassil	<i>Draft (unsent) Email Communications</i>	Deliberative Process Privilege	1
Draft DHS DACA External Affairs Guidance	<i>Draft Talking Points and Draft Internal Briefing Material</i>	Deliberative Process Privilege Attorney Work-Product Privilege	28
Draft DHS DACA External Affairs Guidance	<i>Draft Talking Points and Draft Internal Briefing Material</i>	Deliberative Process Privilege Attorney Work-Product Privilege	26
Draft DACA Fact Sheet	<i>Draft Statements</i>	Deliberative Process Privilege	3
Draft Letter from Attorney General Sessions to Acting Secretary Duke on DACA Rescission	<i>Draft Correspondence</i>	Deliberative Process Privilege	3
Draft DHS DACA Rescission Memo	<i>Draft Memoranda</i>	Deliberative Process Privilege Attorney Work-Product Privilege	5
Draft DHS DACA Rescission Memo	<i>Draft Memoranda</i>	Deliberative Process Privilege	5

⁴ To the extent that there is personal contact information within the material listed as withheld in full pursuant to Exemption 5, such personal contact information may additionally be withheld pursuant to Exemption 6.

		Attorney Work-Product Privilege	
Draft DHS DACA Rescission Memo	<i>Draft Memoranda</i>	Deliberative Process Privilege	5
		Attorney Work-Product Privilege	
Draft DACA Fact Sheet	<i>Draft Statements</i>	Deliberative Process Privilege	3
Draft Attorney General Remarks on DACA Rescission	<i>Draft Statements</i>	Deliberative Process Privilege	4
Email Concerning Pending Litigation	<i>Executive Branch Communications Concerning Pending Litigation</i>	Deliberative Process Privilege	7
		Attorney Work-Product Privilege	
Email Concerning Pending Litigation	<i>Executive Branch Communications Concerning Pending Litigation</i>	Deliberative Process Privilege	1
		Attorney Work-Product Privilege	
Email Concerning Pending Litigation	<i>Executive Branch Communications Concerning Pending Litigation</i>	Deliberative Process Privilege	1
		Attorney Work-Product Privilege	
Email Concerning Pending Litigation	<i>Executive Branch Communications Concerning Pending Litigation</i>	Deliberative Process Privilege	1
		Attorney Work-Product Privilege	
Email Concerning Pending Litigation	<i>Executive Branch Communications Concerning Pending Litigation</i>	Deliberative Process Privilege	1
		Attorney Work-Product Privilege	
Email Correspondence with Advisor to the President	<i>Presidential Communications Documents</i>	Deliberative Process Privilege	1
		Attorney Work-Product Privilege	
		Presidential Communications Privilege	
Draft Memorandum Attached to Email Correspondence with Advisor to the President	<i>Presidential Communications Documents</i>	Deliberative Process Privilege	2
		Attorney Work-Product Privilege	
		Presidential Communications Privilege	
Email Correspondence with Advisor to the President	<i>Presidential Communications Documents</i>	Deliberative Process Privilege	1
		Attorney Work-Product Privilege	

		Presidential Communications Privilege	
Draft Memorandum Attached to Email Correspondence with Advisor to the President	<i>Presidential Communications Documents</i>	Deliberative Process Privilege Attorney Work-Product Privilege Presidential Communications Privilege	3
Draft Letter from Attorney General Sessions to Acting Secretary Duke on DACA Rescission	<i>Draft Correspondence</i>	Deliberative Process Privilege	2
Draft Letter from Attorney General Sessions to Acting Secretary Duke on DACA Rescission	<i>Draft Correspondence</i>	Deliberative Process Privilege	1
Draft Letter from Attorney General Sessions to Acting Secretary Duke on DACA Rescission	<i>Draft Correspondence</i>	Deliberative Process Privilege	1
Draft Letter from Attorney General Sessions to Acting Secretary Duke on DACA Rescission	<i>Draft Correspondence</i>	Deliberative Process Privilege	1
Draft Letter from Attorney General Sessions to Acting Secretary Duke on DACA Rescission	<i>Draft Correspondence</i>	Deliberative Process Privilege	1
Draft Letter from Attorney General Sessions to Acting Secretary Duke on DACA Rescission	<i>Draft Correspondence</i>	Deliberative Process Privilege	1
Draft Attorney General Remarks on DACA Rescission	<i>Draft Statements</i>	Deliberative Process Privilege	2
Draft Letter from Attorney General Sessions to Acting Secretary Duke on DACA Rescission	<i>Draft Correspondence</i>	Deliberative Process Privilege	1
Draft Letter from Attorney General Sessions to Acting Secretary Duke on DACA Rescission	<i>Draft Correspondence</i>	Deliberative Process Privilege	3
Draft DACA Fact Sheet	<i>Draft Statements</i>	Deliberative Process Privilege	3
Email Invitation from White House for Principals Committee Meeting	<i>Presidential Communications Documents</i>	Attorney Work-Product Privilege Presidential Communications Privilege	3
Attachment to Email Invitation from White House for Principals Committee Meeting	<i>Presidential Communications Documents</i>	Deliberative Process Privilege Attorney Work-Product Privilege Presidential Communications Privilege	3

Attachment to Email Invitation from White House for Principals Committee Meeting	<i>Presidential Communications Documents</i>	Deliberative Process Privilege Attorney Work-Product Privilege Presidential Communications Privilege	3
Attachment to Email Invitation from White House for Principals Committee Meeting	<i>Presidential Communications Documents</i>	Deliberative Process Privilege Attorney Work-Product Privilege Presidential Communications Privilege	5
Attachment to Email Invitation from White House for Principals Committee Meeting	<i>Presidential Communications Documents</i>	Deliberative Process Privilege Attorney Work-Product Privilege Presidential Communications Privilege	4
Attachment to Email Invitation from White House for Principals Committee Meeting	<i>Presidential Communications Documents</i>	Deliberative Process Privilege Attorney Work-Product Privilege Presidential Communications Privilege	33
Attachment to Email Invitation from White House for Principals Committee Meeting	<i>Presidential Communications Documents</i>	Deliberative Process Privilege Attorney Work-Product Privilege Presidential Communications Privilege	65
Follow Up Email Invitation from White House for Principals Committee Meeting	<i>Presidential Communications Documents</i>	Attorney Work-Product Privilege Presidential Communications Privilege	2
Forwarded Email Invitation from White House for Principals Committee Meeting	<i>Presidential Communications Documents</i>	Attorney Work-Product Privilege Presidential Communications Privilege	1

Follow Up Email Invitation from White House for Principals Committee Meeting	<i>Presidential Communications Documents</i>	Attorney Work-Product Privilege Presidential Communications Privilege	3
Draft Memorandum Pertaining to Principals Committee Meeting	<i>Presidential Communications Documents</i>	Deliberative Process Privilege Attorney Work-Product Privilege Presidential Communications Privilege	1
Draft Memorandum Pertaining to Principals Committee Meeting	<i>Presidential Communications Documents</i>	Deliberative Process Privilege Attorney Work-Product Privilege Presidential Communications Privilege	1
Email Correspondence with Advisor to the President	<i>Presidential Communications Documents</i>	Attorney Work-Product Privilege Presidential Communications Privilege	1
Draft Memorandum Pertaining to Principals Committee Meeting	<i>Presidential Communications Documents</i>	Deliberative Process Privilege Attorney Work-Product Privilege Presidential Communications Privilege	1
Email Correspondence with Advisor to the President	<i>Presidential Communications Documents</i>	Deliberative Process Privilege Attorney Work-Product Privilege Presidential Communications Privilege	1
Email Correspondence with Advisor to the President	<i>Presidential Communications Documents</i>	Deliberative Process Privilege Attorney Work-Product Privilege Presidential Communications Privilege	1

Email Correspondence with Advisors to the President	<i>Presidential Communications Documents</i>	Deliberative Process Privilege Attorney Work-Product Privilege Presidential Communications Privilege	2
Email Correspondence with Advisors to the President	<i>Presidential Communications Documents</i>	Deliberative Process Privilege Attorney Work-Product Privilege Presidential Communications Privilege	2
Email Correspondence with Advisor to the President	<i>Presidential Communications Documents</i>	Deliberative Process Privilege Attorney Work-Product Privilege Presidential Communications Privilege	1
Email Correspondence with Advisors to the President	<i>Presidential Communications Documents</i>	Deliberative Process Privilege Attorney Work-Product Privilege Presidential Communications Privilege	2
Email Correspondence with Advisors to the President	<i>Presidential Communications Documents</i>	Deliberative Process Privilege Attorney Work-Product Privilege Presidential Communications Privilege	1
Email Correspondence with Advisors to the President	<i>Presidential Communications Documents</i>	Deliberative Process Privilege Attorney Work-Product Privilege Presidential Communications Privilege	1
Email Concerning Principals Committee Meeting	<i>Presidential Communications Documents</i>	Attorney Work-Product Privilege	1

		Presidential Communications Privilege	
Memorandum Pertaining to Principals Committee Meeting	<i>Presidential Communications Documents</i>	Attorney Work-Product Privilege Presidential Communications Privilege	1
Draft DAPA Rescission Memorandum	<i>Draft Memoranda</i>	Deliberative Process Privilege Attorney Work-Product Privilege	3
Draft Memorandum Regarding DAPA Rescission	<i>Draft Memoranda</i>	Deliberative Process Privilege Attorney Work-Product Privilege	3
Draft DAPA Rescission Memorandum	<i>Draft Memoranda</i>	Deliberative Process Privilege Attorney Work-Product Privilege	3
Email Concerning Pending Litigation	<i>Executive Branch Communications Concerning Pending Litigation</i>	Attorney Work-Product Privilege	1
Email Concerning Pending Litigation	<i>Executive Branch Communications Concerning Pending Litigation</i>	Attorney Work-Product Privilege	2
Draft Document Concerning Pending Litigation	<i>Executive Branch Communications Concerning Pending Litigation</i>	Deliberative Process Privilege Attorney Work-Product Privilege	7
Email Concerning Pending Litigation	<i>Executive Branch Communications Concerning Pending Litigation</i>	Attorney Work-Product Privilege	25
Draft Letter from Attorney General Sessions to Acting Secretary Duke on DACA Rescission	<i>Draft Correspondence</i>	Deliberative Process Privilege	1
Draft Letter from Attorney General Sessions to Acting Secretary Duke on DACA Rescission	<i>Draft Correspondence</i>	Deliberative Process Privilege	1
Draft Letter from Attorney General Sessions to Acting Secretary Duke on DACA Rescission	<i>Draft Correspondence</i>	Deliberative Process Privilege	1
Draft Letter from Attorney General Sessions to Acting Secretary Duke on DACA Rescission	<i>Draft Correspondence</i>	Deliberative Process Privilege	1
Draft Letter from Attorney General Sessions to Acting Secretary Duke on DACA Rescission	<i>Draft Correspondence</i>	Deliberative Process Privilege	2

Draft Letter from Attorney General Sessions to Acting Secretary Duke on DACA Rescission	<i>Draft Correspondence</i>	Deliberative Process Privilege	2
Draft Letter from Attorney General Sessions to Acting Secretary Duke on DACA Rescission	<i>Draft Correspondence</i>	Deliberative Process Privilege	2
Draft Letter from Attorney General Sessions to Acting Secretary Duke on DACA Rescission	<i>Draft Correspondence</i>	Deliberative Process Privilege	2
Draft Letter from Attorney General Sessions to Acting Secretary Duke on DACA Rescission	<i>Draft Correspondence</i>	Deliberative Process Privilege	2
Draft Letter from Attorney General Sessions to Acting Secretary Duke on DACA Rescission	<i>Draft Correspondence</i>	Deliberative Process Privilege	2
Draft Letter from Attorney General Sessions to Acting Secretary Duke on DACA Rescission	<i>Draft Correspondence</i>	Deliberative Process Privilege	1
Draft Letter from Attorney General Sessions to Acting Secretary Duke on DACA Rescission	<i>Draft Correspondence</i>	Deliberative Process Privilege	1
Portion of Email Drafting Responses to Potential Talking Points	<i>Deliberative Discussions Regarding Drafting Talking Points for Potential Press Inquiries⁵</i>	Deliberative Process Privilege Attorney Work-Product Privilege	1
Portion of Email Drafting Responses to Potential Talking Points	<i>Deliberative Discussions Regarding Drafting Talking Points for Potential Press Inquiries</i>	Deliberative Process Privilege Attorney Work-Product Privilege	2
Portion of Email Drafting Responses to Potential Talking Points	<i>Deliberative Discussions Regarding Drafting Talking Points for Potential Press Inquiries</i>	Deliberative Process Privilege Attorney Work-Product Privilege	3
Draft DACA Fact Sheet	<i>Draft Statements</i>	Deliberative Process Privilege	3
Draft Attorney General Remarks on DACA Rescission	<i>Draft Statements</i>	Deliberative Process Privilege	4
Draft Attorney General Remarks on DACA Rescission	<i>Draft Statements</i>	Deliberative Process Privilege	4
Draft Attorney General Remarks on DACA Rescission	<i>Draft Statements</i>	Deliberative Process Privilege	4
Email Related to Pending Litigation	<i>Executive Branch Communications Concerning Pending Litigation</i>	Attorney Work-Product Privilege	1

⁵ This category of documents is discussed substantively in sections pertaining to documents released in part; however, entire pages of emails were also withheld pursuant to the same rationale, and thus accounted for in the withheld in full section of this Index.

Email Related to Pending Litigation	<i>Executive Branch Communications Concerning Pending Litigation</i>	Deliberative Process Privilege Attorney Work-Product Privilege	6
Email Related to Pending Litigation	<i>Executive Branch Communications Concerning Pending Litigation</i>	Deliberative Process Privilege Attorney Work-Product Privilege	2
Email Related to Pending Litigation	<i>Executive Branch Communications Concerning Pending Litigation</i>	Deliberative Process Privilege Attorney Work-Product Privilege	2
Email Related to Pending Litigation	<i>Executive Branch Communications Concerning Pending Litigation</i>	Deliberative Process Privilege Attorney Work-Product Privilege	1
Email Related to Pending Litigation	<i>Executive Branch Communications Concerning Pending Litigation</i>	Deliberative Process Privilege Attorney Work-Product Privilege	2
Email Related to Pending Litigation	<i>Executive Branch Communications Concerning Pending Litigation</i>	Deliberative Process Privilege Attorney Work-Product Privilege	2
Email Related to Pending Litigation	<i>Executive Branch Communications Concerning Pending Litigation</i>	Deliberative Process Privilege Attorney Work-Product Privilege	1
Email Related to Pending Litigation	<i>Executive Branch Communications Concerning Pending Litigation</i>	Deliberative Process Privilege Attorney Work-Product Privilege	1
Email Related to Pending Litigation	<i>Executive Branch Communications Concerning Pending Litigation</i>	Attorney Work-Product Privilege	40
Email Related to Pending Litigation	<i>Executive Branch Communications Concerning Pending Litigation</i>	Attorney Work-Product Privilege	4
Email Related to Pending Litigation	<i>Executive Branch Communications Concerning Pending Litigation</i>	Deliberative Process Privilege Attorney Work-Product Privilege	1
Email Related to Pending Litigation	<i>Executive Branch Communications Concerning Pending Litigation</i>	Deliberative Process Privilege Attorney Work-Product Privilege	7

Email Related to Pending Litigation	<i>Executive Branch Communications Concerning Pending Litigation</i>	Deliberative Process Privilege Attorney Work-Product Privilege	7
Email Related to Pending Litigation	<i>Executive Branch Communications Concerning Pending Litigation</i>	Deliberative Process Privilege Attorney Work-Product Privilege	1
Draft (unsent) Email Related to Pending Litigation	<i>Executive Branch Communications Concerning Pending Litigation</i>	Deliberative Process Privilege Attorney Work-Product Privilege	1
Email Related to Pending Litigation	<i>Executive Branch Communications Concerning Pending Litigation</i>	Deliberative Process Privilege Attorney Work-Product Privilege	1
Draft (unsent) Email Related to Pending Litigation	<i>Executive Branch Communications Concerning Pending Litigation</i>	Deliberative Process Privilege Attorney Work-Product Privilege	1
Email Related to Pending Litigation	<i>Executive Branch Communications Concerning Pending Litigation</i>	Deliberative Process Privilege Attorney Work-Product Privilege	1
Email Related to Pending Litigation	<i>Executive Branch Communications Concerning Pending Litigation</i>	Deliberative Process Privilege Attorney Work-Product Privilege	1
Email Related to Pending Litigation	<i>Executive Branch Communications Concerning Pending Litigation</i>	Attorney Work-Product Privilege	1

D. DOJ OIP, April 26, 2019 Final Release, Records Released in Part⁶

Bates Number (or Document ID where obscured)	Date⁷	Record Sender/Recipient/Subject	Description of Withheld Material	Exemption	Pages
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⁶ To the extent that excisions have been made by other agencies, such excisions have been marked in OIP's records as having been asserted by the specific agency. In such instances, the asserting agency is responsible for providing the rationale behind the assertion of the specific FOIA Exemption.

⁷ Note: the date stamp and sender/recipient/subject at the top of each selected email chain are provided for the emails.

0016-0018	5/31/2017	From: Chad Readler (CIV) To: Jeffrey Wall (OSG); Danielle Cutrona (OAG) Cc: Jesse Panuccio (OASG) Subject: Re: DAPA	<i>Deliberative Discussions Planning a Meeting</i> <i>Personal Contact Information</i>	5 -- Deliberative Process Privilege 6	3 (in part)
0019-0020	5/31/2017	From: Jeffrey Wall (OSG) To: Chad Readler (CIV); Danielle Cutrona (OAG); Jesse Panuccio (OASG) Subject: RE: DAPA	<i>Personal Contact Information</i> <i>Purely Personal Information</i>	6 6	2 (in part)
0021	5/31/2017	From: Joseph Maher To: John Bash (EOP/WHO); Susanne Cassil; Gene Hamilton; Danielle Cutrona (OAG) Cc: Jeffrey Wall (OSG); Chad Readler (CIV); Gregory Katsas (EOP/WHO); John Walk (EOP/WHO); Jesse Panuccio (OASG) Cynthia Martin Subject: RE: DAPA	<i>Personal Contact Information</i>	6	1 (in part)
0023-0024	5/31/2017	From: Jeffrey Wall (OSG) To: Danielle Cutrona (OAG) Cc: Jesse Panuccio (OASG) Subject: RE: DAPA	<i>Personal Contact Information</i> <i>Purely Personal Information</i>	6 6	2 (in part)
0025-0026	5/31/2017	From: Danielle Cutrona (OAG) To: Jeffrey Wall (OSG) Cc: Jesse Panuccio (OASG) Subject: Re: DAPA	<i>Deliberative Discussions Planning a Meeting</i> <i>Personal Contact Information</i>	5 – Deliberative Process Privilege 6	2 (in part)
0027-0028	5/31/2017	From: Jesse Panuccio (OASG) To: John Bash (EOP/WHO); Danielle Cutrona (OAG); Jeffrey Wall (OSG); Susanne Cassil Cc: Gene Hamilton; Joseph Maher; Chad Readler (CIV); Gregory Katsas (EOP/WHO); John Walk (EOP/WHO)	<i>Personal Contact Information</i>	6	2 (in part)

		Subject: RE: DAPA			
0029-0030		Meeting Invitation for June 5, 2017 Subject: DAPA Call	<i>Deliberative Discussions Planning a Meeting</i> <i>Personal Contact Information</i>	5 – Deliberative Process Privilege 6	2 (in part)
0031		Meeting Invitation for June 5, 2017 Subject: DAPA Call	<i>Deliberative Discussions Planning a Meeting</i> <i>Personal Contact Information</i>	5 – Deliberative Process Privilege 6	1 (in part)
0.7.17107.5021		Meeting Invitation for June 5, 2017 Subject: Fwd: DAPA Call	<i>Personal Contact Information</i>	6	1 (in part)
0.7.17107.11174	6/5/2017	From: Gene Hamilton To: Gregory Katsas (EOP/WHO); Jeffrey Wall (OSG); Nader Baroukh; Danielle Cutrona (OAG); John Bash (EOP/WHO); Joseph Maher; Jesse Panuccio (OASG); Chad Readler (CIV); John Walk (EOP/WHO) Subject: RE: DAPA Call	<i>Personal Contact Information</i>	6	1 (in part)
0034-0035	6/6/2017	From: Gene Hamilton To: Danielle Cutrona (OAG); John Bash (EOP/WHO); Gregory Katsas (EOP/WHO); Jesse Panuccio (OASG); Chad Readler (CIV); John Walk (EOP/WHO); Jeffrey Wall (OSG); Nader Baroukh; Joseph Maher, James McCament Subject: RE: DAPA Call	<i>Deliberative Discussions Regarding DAPA</i> <i>Personal Contact Information</i>	5 – Deliberative Process Privilege 6	2 (in part)
0042	7/12/2017	From: Danielle Cutrona (OAG) To: Sarah Isgur Flores (PAO) Subject: Fwd: Hispanic caucus member challenges Kelly on 'Dreamers' The Hill	<i>Deliberative Discussions Regarding a Potential Response to, and Evaluations of Matters Addressed in, News Articles</i> <i>Personal Contact Information</i>	5 – Deliberative Process Privilege 6	1 (in part)

0043	7/13/2017	From: John Zadrozny (EOP/WHO) To: Danielle Cutrona (OAG) Subject: RE:	<i>Personal Contact Information</i>	6	1 (in part)
0.7.17107.11310	7/13/2017	From: Stephen Miller (EOP/WHO) To: John Zadrozny (EOP/WHO) Cc: Steve Bannon; [(b)(6) per DHS]; Julia Hahn (EOP/WHO); Danielle Cutrona (OAG); Michael Dougherty Subject: Re: Hispanic caucus member challenges Kelly on 'Dreamers' The Hill	<i>Personal Contact Information</i>	6	1 (in part)
0046	7/21/2017	From: Jody Hunt (OAG) To: Rachel Brand (OASG); Jesse Panuccio (OASG) Cc: Danielle Cutrona (OAG) Subject: Fwd: Letter from State Attorneys General	<i>Personal Contact Information</i>	6	1 (in part)
0051	7/21/2017	From: Jody Hunt (OAG) To: Rachel Brand (OASG); Jesse Panuccio (OASG) Cc: Danielle Cutrona (OAG) Subject: Fwd: Corrected Letter from State Attorneys General	<i>Personal Contact Information</i>	6	1 (in part)
0058-0059	8/28/2017	From: Curtis Gannon (OLC) To: Gene Hamilton Cc: Danielle Cutrona (OAG) Subject: RE: [(b)(5)]	<i>Deliberative Discussions and Attorney-Client Privileged Information Provided for the Purpose of Seeking Legal Advice</i> <i>Personal Contact Information</i>	5 – Deliberative Process and Attorney-Client Privileges 6	2 (in part)
0060	9/4/2017	From: Danielle Cutrona (OAG) To: Gene Hamilton Subject: Re: DRAFT Rescission Memo	<i>Personal Contact Information</i>	6	1 (in part)
0061	9/4/2017	From: Chad Readler (CIV) To: Gene Hamilton; Danielle Cutrona (OAG) Subject: RE: DRAFT	<i>Deliberative Discussions Regarding Drafting Process</i>	5 – Deliberative Process and Attorney Work-Product Privileges	1 (in part)

			<i>Personal Contact Information</i>	6	
0090	9/4/2017	From: Danielle Cutrona (OAG) To: Gene Hamilton Subject: RE: DRAFT	<i>Personal Contact Information</i>	6	1 (in part)
0117	9/4/2017	From: Jody Hunt (OAG) To: Rachel Brand (OASG); Jesse Panuccio (OASG); Jeffrey Wall (OSG); Chad Readler (CIV); Curtis Gannon (OLC) Cc: Danielle Cutrona (OAG); Sarah Isgur Flores (PAO) Subject: Fwd: DACA Fact Sheet	<i>Personal Contact Information</i>	6	1 (in part)
0121	9/4/2017	From: Sarah Isgur Flores (PAO) To: Jody Hunt (OAG) Cc: Rachel Brand (OASG); Jesse Panuccio (OASG); Jeffrey Wall (OSG); Chad Readler (CIV); Curtis Gannon (OLC); Danielle Cutrona (OAG) Subject: Re: DACA Fact Sheet	<i>Deliberative Discussions Regarding Drafting Process</i>	5 – Deliberative Process and Attorney Work-Product Privileges	1 (in part)
0126	9/4/2017	From: Danielle Cutrona (OAG) To: Gene Hamilton Subject: RE: DRAFT Rescission Memo	<i>Personal Contact Information</i>	6	1 (in part)
0133	9/4/2017	From: Danielle Cutrona (OAG) To: Chad Readler (CIV) Subject: RE: DRAFT Rescission Memo	<i>Deliberative Discussions Regarding Drafting Process</i>	5 – Deliberative Process Privilege and Attorney Work-Product Privileges	1 (in part)
0139	9/4/2017	From: Elizabeth Neumann To: Nicholas Matich (EOP/WHO); Chad Wolf, Jody Hunt (OAG) Cc: Staff Secretary Subject: RE: DACA Fact Sheet	<i>Personal Contact Information</i>	6	1 (in part)

0140-0141	9/4/2017	From: Danielle Cutrona (OAG) To: John Bash (EOP/WHO) Subject: Re: Draft Memo	<i>Deliberative Discussions Regarding Drafting Process</i>	5 – Deliberative Process and Attorney Work- Product Privileges	2 (in part)
			<i>Personal Contact Information</i>	6	
0.7.17107.11509	9/4/2017	From: Danielle Cutrona (OAG) To: Jody Hunt (OAG) Cc: Sarah Isgur Flores (PAO) Subject: Re: DACA Fact Sheet	<i>Personal Contact Information</i>	6	1 (in part)
0143	9/4/2017	From: Danielle Cutrona (OAG) To: Sarah Isgur Flores (PAO) Subject: Fwd: Revised Memo	<i>Personal Contact Information</i>	6	1 (in part)
0149-0150	9/4/2017	From: Jody Hunt (OAG) To: Rachel Brand (OASG); Jesse Panuccio (OASG); Chad Readler (CIV); Jeffrey Wall (OSG) Cc: Danielle Cutrona (OAG); Curtis Gannon (OLC); Sarah Isgur Flores (PAO) Subject: Fwd: DHS Edits: DACA Fact Sheet	<i>Personal Contact Information</i>	6	1 (in part)
0155	9/5/2017	From: Danielle Cutrona (OAG) To: Stephen Miller (EOP/WHO) Subject: FW: Draft AG statement	<i>Personal Contact Information</i>	6	1 (in part)
0160-0161	9/5/2017	From: Danielle Cutrona (OAG) To: Chad Readler (CIV); Jesse Panuccio (OASG); Curtis Gannon (OLC); Jeffrey Wall (OSG) Cc: Rachael Tucker (OAG); Jody Hunt (OAG) Subject: Fwd: RECISSION OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS ("DACA")	<i>Personal Contact Information</i>	6	2 (in part)
0162	9/5/2017	From: Danielle Cutrona (OAG) To: John Zadrozny (EOP/WHO); Gene Hamilton	<i>Personal Contact Information</i>	6	1 (in part)

		Cc: Zina Bash (EOP/WHO) Subject: RE: Politico: Fight Over Dreamers to Test Bannon's Juice Outside the White House			
0163	9/14/2017	From: Sarah Isgur Flores (PAO) To: Rachael Tucker (OAG) Subject: Re: daca case	<i>Deliberative Discussions Regarding the Planning of Contemplated Public Statements Related to DACA</i>	5 – Deliberative Process Privilege	1 (in part)
0164	9/15/2017	From: Rachael Tucker (OAG) To: [(b)(6) per DHS] Subject: Fwd:	<i>Personal Contact Information</i>	6	1 (in part)
0182-0188	6/30/2017	From: Paul Teller (EOP/WHO) To: John Zadronzy (EOP/WHO); Zina Bash (EOP/WHO); Danielle Cutrona (OAG) Subject: Fwd: AG Paxton Leads 10-State Coalition Urging Trump Administration to Phase Out Unlawful Obama-Era DACA Program	<i>Personal Contact Information</i>	6	7 (in part)
0192	8/23/2017	From: Rachel Brand (OASG) To: Danielle Cutrona (OAG) Subject: Fwd: DACA	<i>Presidential Communications Documents</i>	5 – Attorney Work-Product and Presidential Communications Privileges	1 (in part)
0197	8/24/2017	From: Prim Escalona (OLP) To: Danielle Cutrona (OAG); Chad Mizelle (ODAG) Subject: Fwd: Letter from Governor to the President re DACA	<i>Personal Contact Information</i>	6	1 (in part)

0200	8/24/2017	From: Danielle Cutrona (OAG) To: Stephen Miller (EOP/WHO); Donald McGahn (EOP/WHO); Gregory Katsas (EOP/WHO); Rick Dearborn (EOP/WHO); Andrew Bremberg (EOP/WHO) Cc: Rachel Brand (OASG); Jody Hunt (OAG) Subject:	<i>Personal Contact Information</i>	6	1 (in part)
0201	8/30/2017	From: Danielle Cutrona (OAG) To: Donald McGahn (EOP/WHO) Subject: Draft Letter	<i>Personal Contact Information</i>	6	1 (in part)
0214	9/1/2017	From: Sarah Isgur Flores To: Peggi Hanrahan Subject: Re:	<i>Deliberative Discussions Regarding the Planning of Contemplated Public Statements Related to DACA</i>	5 – Deliberative Process Privilege	1 (in part)
0216	9/1/2017	From: Peggi Hanrahan (OAG) To: Danielle Cutrona Subject: Draft Letter	<i>Personal Contact Information</i>	6	1 (in part)
0219	9/1/2017	From: Danielle Cutrona (OAG) To: Stephen Boyd (OLA) Cc: Sam Ramer (OLA) Subject: RE: Chairman Goodlatte call re: DACA - TIME SENSITIVE	<i>Deliberative Discussions Regarding Potential Congressional Communication</i> <i>Personal Contact Information</i>	5 – Deliberative Process Privilege 6	1 (in part)
0222	9/2/2017	From: Danielle Cutrona (OAG) To: Camden Hybart (OAG) [Attorney General] Subject: DRAFT Letter to DHS	<i>Deliberative Discussions Regarding Drafting Process</i>	5 – Deliberative Process and Attorney Work-Product Privileges	1 (in part)
0224	9/2/2017	From: Danielle Cutrona (OAG) To: John Bash (EOP/WHO) Cc: Donald McGahn (EOP/WHO) Subject: DRAFT letter to DHS	<i>Personal Contact Information</i>	6	1 (in part)
0226	9/2/2017	From: Danielle Cutrona (OAG) To: John Bash (EOP/WHO) Subject: REVISED	<i>Personal Contact Information</i>	6	1 (in part)

0228	9/2/2017	From: Danielle Cutrona (OAG) To: John Bash (EOP/WHO) Subject: RE: DRAFT letter to DHS	<i>Personal Contact Information</i>	6	1 (in part)
0233	9/3/2017	From: Kirstjen Nielsen (EOP/WHO) To: Jody Hunt (OAG) Cc: Zachary Fuentes (EOP/WHO); Emily Mallon (EOP/WHO) Subject: Re: 4:00 today WH meeting on DACA ROLLOUT	<i>Personal Contact Information</i>	6	1 (in part)
0.7.17107.11434	9/3/2017	From: Jody Hunt (OAG) To: Kirstjen Nielsen (EOP/WHO) Subject: Re: 4:00 today WH meeting on DACA ROLLOUT	<i>Personal Contact Information</i>	6	1 (in part)
0235-0237	9/4/2017	From: Peggi Hanrahan (OAG) To: [(b)(6)] Subject: Re: Don't dehumanize dreamers into bargaining chips newt	<i>Personal Contact Information</i>	6	1 (in part)
0238	9/4/2017	From: Danielle Cutrona (OAG) To: John Bash (EOP/WHO) Subject: RE: AG letter	<i>Personal Contact Information</i>	6	1 (in part)
0240	9/4/2017	From: Danielle Cutrona (OAG) To: Donald McGahn (EOP/WHO); Annie Donaldson (EOP/WHO); John Bash (EOP/WHO) Subject: Letter	<i>Personal Contact Information</i>	6	1 (in part)
0244	9/4/2017	From: Danielle Cutrona (OAG) To: Nicholas Matich (EOP/WHO) Subject: RE: DACA Fact Sheet	<i>Personal Contact Information</i>	6	1 (in part)
0248	9/4/2017	From: Danielle Cutrona (OAG) To: John Bash (EOP/WHO) Subject: FINAL	<i>Personal Contact Information</i>	6	1 (in part)
0253	9/5/2017	From: Danielle Cutrona (OAG) To: Stephen Miller (EOP/WHO) Subject: Fwd: POLITICO Playbook, presented by Hewlett Packard Enterprise: HARVEY relief coming this week, debt ceiling could be	<i>Deliberative Discussions Regarding a Potential Response to, and Evaluations of Matters Addressed in, News Articles</i>	5 – Deliberative Process Privilege	1 (in part)

		attached – TRUMP's TEST: Time to cut deals – Framing the DACA debate – POLITICO 50 out today – LOUISE LINTON speaks – B'DAY: Apr...			
0255-0257	9/19/2017	From: Paul Moore (OAG) To: Stephen Boyd (OLA) Cc: Danielle Cutrona (OAG); Michael Murray (ODAG) Subject: Re: AG Sessions visit to OR and meeting request	<i>Personal Contact Information</i>	6	3 (in part)
0258-0259	9/21/2017	From: Mary Blanche Hankey (OAG) To: Prim Escalona (OLA); Stephen Boyd (OLA); Mary Blanche Hankey (OLA) Subject: RE: Phone request with Governor	<i>Personal Contact Information</i>	6	3 (in part)
0.7.17107.10824	8/23/2017	From: Jody Hunt (OAG) To: Camden Hybart (OAG) [Attorney General] Subject: Fwd: [(b)(5)]	<i>President Communications Documents</i>	5 – Deliberative Process, Attorney Work-Product, and Presidential Communications Privileges	1 (in part)
0.7.17107.10852		Meeting Invitation for August 24, 2017 Subject: Fwd: [(b)(5)]	<i>Presidential Communications Documents</i>	5 – Deliberative Process, Attorney Work-Product, and Presidential Communications Privileges	1 (in part)
0384	8/24/2017	From: Jody Hunt (OAG) To: Errical Bryant (OAG) Subject: Re: [(b)(5)]	<i>President Communications Documents</i>	5 – Deliberative Process, Attorney Work-Product, and Presidential Communications Privileges	1 (in part)
0.7.17107.11380	8/24/2017	From: Errical Bryant (OAG) To: Jody Hunt (OAG) Subject: FW: [(b)(5)]	<i>President Communications Documents</i>	5 – Deliberative Process, Attorney Work-Product, and Presidential	1 (in part)

				Communications Privileges	
0.7.17107.10823	8/25/2017	From: Danielle Cutrona (OAG) To: Peggi Hanrahan (OAG) Subject: Fwd: [(b)(5)]	<i>President Communications Documents</i>	5 – Deliberative Process, Attorney Work-Product, and Presidential Communications Privileges	1 (in part)
0405	8/25/2017	From: Danielle Cutrona (OAG) To: Curtis Gannon (OLC); Jesse Panuccio (OASG); Chad Readler (CIV) Subject: FW: [(b)(5)]	<i>President Communications Documents</i>	5 – Deliberative Process, Attorney Work-Product, and Presidential Communications Privileges	1 (in part)
0.7.17107.14290	8/25/2017	From: Rachel Brand (OASG) To: Jesse Panuccio (OASG); Jeremy Bylund (OASG) Cc: Danielle Cutrona (OAG) Subject: Fwd: [(b)(5)]	<i>Deliberative Discussions Regarding Drafting Process</i> <i>President Communications Documents</i>	5 – Deliberative Process, Attorney Work-Product, and Presidential Communications Privileges	1 (in part)
0407-0408	6/7/2017	From: Joseph Maher To: Gregory Katsas (EOP/WHO); Jeffrey Wall (OSG); Gene Hamilton; Nader Baroukh; Danielle Cutrona (OAG); John Bash (EOP/WHO); Jesse Panuccio (OASG); Chad Readler (CIV); John Walk (EOP/WHO); Chad Mizelle (ODAG) Subject: DAPA Call	<i>Personal Contact Information</i>	6	2 (in part)
0415	6/7/2017	From: Chad Readler (CIV) To: Jeffrey Wall (OSG); Danielle Cutrona (OAG); Jesse Panuccio (OASG); Chad Mizelle (ODAG) Subject: FW: DAPA Call	<i>Deliberative Discussions Regarding Drafting Process</i> <i>Personal Contact Information</i>	5 – Deliberative Process and Attorney Work-Product Privileges 6	1 (in part)

0.7.17107.11181	8/25/2017	From: Chad Mizelle (ODAG) To: Chad Readler (CIV) Cc: Jeffrey Wall (OSG); Danielle Cutrona (OAG); Jesse Panuccio (OASG); August Flentje (CIV); Robert Troester (ODAG); Michael Murray (ODAG); Zachary Terwilliger (ODAG) Subject: Re: DAPA Call	<i>Deliberative Discussions Regarding Drafting Process</i>	5 – Deliberative Process and Attorney Work-Product Privileges	1 (in part)
0431-0432	8/25/2017	From: Danielle Cutrona (OAG) To: Peggi Hanrahan (OAG) Subject: Fwd: Texas, et al. v. United States, et al.	<i>Personal Contact Information</i>	6	2 (in part)
0.7.17107.11971	6/30/2017	From: Rachael Tucker (OAG) To: Jeremy Bylund (OASG) Subject: Fwd: Texas, et al. v. United States, et al.	<i>Personal Contact Information</i>	6	1 (in part)
0438-0443	7/5/2017	From: Adam Biggs To: Julie Saltman (CIV); Nina Perales; Adam Bitter Cc: John Tyler (CIV); Daniel Halainen (CIV); Angela Colmenero; Peggy Hamil Subject: RE: Texas v United States – call Thursday	<i>Deliberative Executive Branch Discussions Regarding Pending Litigation</i> <i>Personal Contact Information</i>	5 - Deliberative Process and Attorney Work-Product Privileges 6	6 (in part)
0.7.17107.5182	7/31/2017	From: Jeremy Bylund (OASG) To: Danielle Cutrona (OAG) Subject: Re: [(b)(5)]	<i>Deliberative Executive Branch Discussions Regarding Pending Litigation</i> <i>Purely Personal Information</i>	5 - Deliberative Process and Attorney Work-Product Privileges 6	1 (in part)
0477	8/24/2017	From: Curtis Gannon (OLC) To: Jody Hunt (OAG); Danielle Cutrona (OAG) Subject: DACA Letter	<i>Deliberative Discussions Regarding Drafting Process</i>	5 - Deliberative Process and Attorney Work-Product Privileges	1 (in part)
0479	8/24/2017	From: Danielle Cutrona (OAG) To: Curtis Gannon (OLC); Jody Hunt (OAG)	<i>Deliberative Discussions Regarding Drafting Process</i>	5 - Deliberative Process and	1 (in part)

		Subject: RE: DACA Letter		Attorney Work-Product Privileges	
0481	8/24/2017	From: Curtis Gannon (OLC) To: Danielle Cutrona (OAG); Jody Hunt (OAG) Subject: RE: DACA Letter	<i>Personal Contact Information</i>	6	1 (in part)
0.7.17107.11382	8/24/2017	From: Curtis Gannon (OLC) To: Jody Hunt (OAG); Danielle Cutrona (OAG) Subject: RE: DACA Letter	<i>Deliberative Discussions Regarding Drafting Process</i>	5 - Deliberative Process and Attorney Work-Product Privileges	1 (in part)
			<i>Personal Contact Information</i>	6	
0.7.17107.11390	8/29/2017	From: Curtis Gannon (OLC) To: Danielle Cutrona (OAG) Cc: Jody Hunt (OAG) Subject: RE: letter.dhs.DACA.082717 dc	<i>Deliberative Discussions Regarding Drafting Process</i>	5 - Deliberative Process and Attorney Work-Product Privileges	1 (in part)
0500	8/30/2017	From: Jeffrey Wall (OSG) To: Danielle Cutrona (OAG) Cc: Jody Hunt (OAG) Subject: letter.dhs.DACA.083017 (OSG edits).docx	<i>Deliberative Discussions Regarding Drafting Process</i>	5 - Deliberative Process and Attorney Work-Product Privileges	1 (in part)
0.7.17107.11413	8/31/2017	From: Jody Hunt (OAG) To: Danielle Cutrona (OAG) Subject: Fwd: letter.dhs.DACA.083017 (OSG edits).docx	<i>Deliberative Discussions Regarding Drafting Process</i>	5 - Deliberative Process and Attorney Work-Product Privileges	1 (in part)
			<i>Personal Contact Information</i>	6	
0503	8/31/2017	From: Jody Hunt (OAG) To: Danielle Cutrona (OAG) Subject: Fwd: letter.dhs.DACA.083017 (OSG edits).docx	<i>Deliberative Discussions Regarding Drafting Process</i>	5 - Deliberative Process and Attorney Work-Product Privileges	1 (in part)
			<i>Personal Contact Information</i>	6	

0504	8/31/2017	From: Jody Hunt (OAG) To: Jody Hunt (OAG) Subject: Fwd: letter.dhs.DACA.083017 (OSG edits).docx	<i>Deliberative Discussions Regarding Drafting Process</i> <i>Personal Contact Information</i>	5 - Deliberative Process and Attorney Work- Product Privileges 6	1 (in part)
0506-0507	8/31/2017	From: Adam Bitter To: Julie Saltman (CIV); John Tyler (CIV); Daniel Halainen (CIV); Nina Perales; Gabriel Markoff; Angela Colmenero; Adam Biggs; Peggy Hamil Subject: Texas v. United States: Conference on motion for leave to amend complaint	<i>Deliberative Executive Branch Discussions Regarding Pending Litigation</i> <i>Personal Contact Information</i>	5 - Deliberative Process and Attorney Work- Product Privileges 6	2 (in part)
0508	8/31/2017	From: Danielle Cutrona (OAG) To: Rachel Brand (OASG) Subject: Fwd: [(b)(5)]	<i>Internal Communications Regarding Pending Litigation</i>	5 - Attorney Work-Product Privilege	1 (in part)
0509	9/1/2017	From: Danielle Cutrona (OAG) To: Jeffrey Wall (OSG) Subject: RE:	<i>Deliberative Discussions Regarding Drafting Process</i> <i>Personal Contact Information</i>	5 - Deliberative Process and Attorney Work- Product Privileges 6	1 (in part)
0510	9/2/2017	From: Danielle Cutrona (OAG) To: Curtis Gannon (OLC); Jesse Panuccio (OASG); Jeffrey Wall (OSG); Chad Readler (CIV) Subject: REVISED—CLOSE HOLD	<i>Deliberative Discussions Regarding Drafting Process</i>	5 - Deliberative Process and Attorney Work- Product Privileges	1 (in part)
0512-0513	9/3/2017	From: Sarah Isgur Flores To: Jesse Panuccio (OASG) Cc: Ian Prior (PAO); Danielle Cutrona (OAG); Curtis Gannon (OLC); Jeffrey Wall (OSG); Chad Readler (CIV); Jody Hunt (OAG) Subject: Re: Close hold	<i>Deliberative Discussions Regarding Drafting Talking Points for Potential Press Inquiries</i> <i>Personal Contact Information</i>	5 - Deliberative Process and Attorney Work- Product Privileges 6	2 (in part)

0514 ⁸	9/3/2017	From: Chad Readler (CIV) To: Ian Prior (PAO); Danielle Cutrona (OAG) Cc: Jesse Panuccio (OASG); Curtis Gannon (OLC); Jeffrey Wall (OSG); Sarah Isgur Flores (PAO); Jody Hunt (OAG) Subject: Re: Close hold	<i>Deliberative Discussions Regarding Drafting Talking Points for Potential Press Inquiries</i> <i>Personal Contact Information</i>	5 - Deliberative Process and Attorney Work-Product Privileges 6	1 (in part)
0516-0517	9/3/2017	From: Jeffrey Wall (OSG) To: Ian Prior (PAO); Danielle Cutrona (OAG) Cc: Jesse Panuccio (OASG); Curtis Gannon (OLC); Chad Readler (CIV); Sarah Isgur Flores (PAO); Jody Hunt (OAG) Subject: RE: Close hold	<i>Deliberative Discussions Regarding Drafting Talking Points for Potential Press Inquiries</i>	5 - Deliberative Process and Attorney Work-Product Privileges	2 (in part)
0518 ⁹	9/4/2017	From: Jesse Panuccio (OASG) To: Jeffrey Wall (OSG); Ian Prior (PAO); Danielle Cutrona (OAG) Cc: Curtis Gannon (OLC); Chad Readler (CIV); Sarah Isgur Flores (PAO); Jody Hunt (OAG) Subject: RE: Close hold	<i>Deliberative Discussions Regarding Drafting Talking Points for Potential Press Inquiries</i> <i>Personal Contact Information</i>	5 - Deliberative Process and Attorney Work-Product Privileges 6	1 (in part)
0521 ¹⁰	9/4/2017	From: Curtis Gannon (OLC) To: Jesse Panuccio (OASG); Jeffrey Wall (OSG); Ian Prior (PAO); Danielle Cutrona (OAG) Cc: Chad Readler (CIV); Sarah Isgur Flores (PAO); Jody Hunt (OAG) Subject: RE: Close hold (*deliberative*)	<i>Deliberative Discussions Regarding Drafting Talking Points for Potential Press Inquiries</i> <i>Personal Contact Information</i>	5 - Deliberative Process and Attorney Work-Product Privileges 6	1 (in part)

⁸ Portions of this email chain have been withheld in full, and are accounted for in Section C, *supra*.

⁹ Portions of this email chain have been withheld in full, and are accounted for in Section C, *supra*.

¹⁰ Portions of this email chain have been withheld in full, and are accounted for in Section C, *supra*.

0525-0527	9/4/2017	From: Jeffrey Wall (OSG) To: Danielle Cutrona (OAG); Ian Prior (PAO); Chad Readler (CIV) Cc: Curtis Gannon (OLC); Jesse Panuccio (OASG); Sarah Isgur Flores (PAO); Jody Hunt (OAG) Subject: RE: Close hold (*deliberative*)	<i>Deliberative Discussions Regarding Drafting Talking Points for Potential Press Inquiries</i> <i>Personal Contact Information</i>	5 - Deliberative Process and Attorney Work-Product Privileges 6	3 (in part)
0.7.17107.11487	9/4/2017	From: Chad Readler (CIV) To: Danielle Cutrona (OAG); Ian Prior (PAO) Cc: Curtis Gannon (OLC); Jesse Panuccio (OASG); Jeffrey Wall (OSG); Sarah Isgur Flores (PAO); Jody Hunt (OAG) Subject: RE: Close hold (*deliberative*)	<i>Deliberative Discussions Regarding Drafting Talking Points for Potential Press Inquiries</i> <i>Personal Contact Information</i>	5 - Deliberative Process and Attorney Work-Product Privileges 6	1 (in part)
0.7.17107.13826	9/4/2017	From: Danielle Cutrona (OAG) To: Curtis Gannon (OLC) Subject: Fwd: AG letter	<i>Personal Contact Information</i>	6	1 (in part)
0.7.17107.11499	9/4/2017	From: Curtis Gannon (OLC) To: Danielle Cutrona (OAG); Jody Hunt (OAG); Rachel Brand (OASG); Jesse Panuccio (OASG); Jeffrey Wall (OSG); Chad Readler (CIV) Cc: Sarah Isgur Flores (PAO) Subject: RE: DACA Fact Sheet	<i>Personal Contact Information</i>	6	1 (in part)
0537	9/4/2017	From: Danielle Cutrona (OAG) To: John Bash (EOP/WHO) Subject: Fwd: Scanned letter	<i>Personal Contact Information</i>	6	1 (in part)
0538	9/4/2017	From: Jody Hunt (OAG) To: Rachel Brand (OASG); Jesse Panuccio (OASG) Subject: Fwd: draft statement	<i>Personal Contact Information</i>	6	1 (in part)
0543	9/4/2017	From: Curtis Gannon (OLC) To: Sarah Isgur Flores (PAO); Jody Hunt (OAG); Danielle Cutrona (OAG); Zachary Terwilliger (ODAG);	<i>Deliberative Discussions Regarding Drafting Process</i>	5 – Deliberative Process and Attorney Work-Product Privileges	1 (in part)

		Stephen Boyd (OLA); Jeffrey Wall (OSG); Chad Readler (CIV) Subject: RE: draft statement	<i>Personal Contact Information</i>	6	
0548	9/4/2017	From: Danielle Cutrona To: Sarah Isgur Flores (PAO) Subject: RE: draft statement	<i>Deliberative Discussions Regarding Drafting Process</i> <i>Personal Contact Information</i>	5 – Deliberative Process and Attorney Work-Product Privileges 6	1 (in part)
0.7.17107.11530	9/5/2017	From: Jeffrey Wall (OSG) To: Curtis Gannon (OLC); Sarah Isgur Flores (PAO); Jody Hunt (OAG); Danielle Cutrona (OAG); Zachary Terwilliger (ODAG); Stephen Boyd (OLA); Chad Readler (CIV) Subject: RE: draft statement	<i>Deliberative Discussions Regarding Drafting Process</i> <i>Personal Contact Information</i>	5 – Deliberative Process and Attorney Work-Product Privileges 6	1 (in part)
0554	9/5/2017	From: Danielle Cutrona (OAG) To: Jeffrey Wall (OSG) Cc: Curtis Gannon (OLC); Sarah Isgur Flores (PAO); Jody Hunt (OAG); Danielle Cutrona (OAG); Zachary Terwilliger (ODAG); Stephen Boyd (OLA); Chad Readler (CIV) Subject: Re: draft statement	<i>Personal Contact Information</i>	6	1 (in part)
0555	9/5/2017	From: Danielle Cutrona To: Sarah Isgur Flores (PAO); Ian Prior (PAO) Subject: Fwd: Scanned letter	<i>Personal Contact Information</i>	6	1 (in part)
0556	9/5/2017	From: Danielle Cutrona To: Stephen Boyd (OLA) Subject: Fwd: Scanned letter	<i>Personal Contact Information</i>	6	1 (in part)
0557-0558	9/5/2017	From: Ian Prior (PAO) To: Danielle Cutrona (OAG) Cc: Sean Kennedy Subject: RE: RE:	<i>Personal Contact Information</i>	6	2 (in part)

0559	9/5/2017	From: Sarah Isgur Flores (PAO) To: Sean Kennedy Cc: Danielle Cutrona (OAG) Subject: Fwd: DACA Talking Points and Myth/Fact Sheet	<i>Personal Contact Information</i>	6	1 (in part)
0567-0568	9/5/2017	From: Danielle Cutrona (OAG) To: Devin O'Malley (PAO) Cc: Andrew Hudson (OLP) Subject: RE: Question re: AG's remarks this AM	<i>Deliberative Discussions Regarding Response to Press Inquiry</i> <i>Personal Contact Information</i>	5 – Deliberative Process Privilege 6	2 (in part)
0569-0570	9/5/2017	From: Devin O'Malley (PAO) To: Danielle Cutrona (OAG) Subject: RE: Question re: AG's remarks this AM	<i>Deliberative Discussions Regarding a Response to Press Inquiry</i> <i>Personal Contact Information</i>	5 – Deliberative Process Privilege 6	2 (in part)
0.7.17107.14049	9/5/2017	From: Andrew Hudson (OLP) To: Devin O'Malley (PAO); Ian Prior (PAO) Cc: Danielle Cutrona (OAG) Subject: RE: Question re: AG's remarks this AM	<i>Deliberative Discussions Regarding a Response to Press Inquiry</i> <i>Personal Contact Information</i>	5 – Deliberative Process Privilege 6	1 (in part)
0578	9/5/2017	From: Danielle Cutrona (OAG) To: Chad Readler (CIV) Subject: RE: Texas v. United States (S.D. Tex.)	<i>Personal Contact Information</i>	6	1 (in part)
0579	9/6/2017	From: Ian Prior (PAO) To: Devin O'Malley (PAO) Cc: James Crowell (ODAG); Rachel Parker (OASG); Chad Readler (CIV); Jeffrey Wall (OSG); Sarah Isgur Flores (PAO); Zachary Terwilliger (ODAG); Danielle Cutrona (OAG) Subject: Re: APPROVAL: Response to DACA Lawsuits	<i>Deliberative Discussions Regarding a Response to Press Inquiry</i> <i>Personal Contact Information</i>	5 – Deliberative Process Privilege 6	1 (in part)
0582-0583	9/6/2017	From: Devin O'Malley (PAO) To: Sarah Isgur Flores (PAO); James Crowell (ODAG)	<i>Deliberative Discussions Regarding a Response to Press Inquiry</i>	5 – Deliberative Process Privilege	2 (in part)

		<p>Cc: Ian Prior (PAO); Rachel Parker (OASG); Chad Readler (CIV); Jeffrey Wall (OSG); Zachary Terwilliger (ODAG); Danielle Cutrona (OAG) Subject: RE: APPROVAL: Response to DACA Lawsuits</p>	<p><i>Personal Contact Information</i></p>	6	
0585-0586	9/11/2017	<p>From: Adam Bitter To: Julie Saltman (CIV); John Tyler (CIV); Daniel Halainen (CIV); Nina Perales; Gabriel Markoff; Angela Colmenero; Adam Biggs; Peggy Hamil Subject: Texas v. United States: Conference on motion for leave to amend complaint</p>	<p><i>Deliberative Executive Branch Discussions Regarding Pending Litigation</i></p> <p><i>Personally Contact Information</i></p>	<p>5 - Deliberative Process and Attorney Work-Product Privileges</p> <p>6</p>	2 (in part)
0608	9/14/2017	<p>From: August Flentje (CIV) To: Rachael Tucker (OAG); Michael Murray (ODAG); Jeremy Bylund (OASG) Cc: Scott Stewart (CIV); Brett Shumate (CIV); Chad Readler (CIV); Hashim Mooppa (CIV) Subject: FW: Now Reuters reporting DOJ reconsidering DACA deadline?</p>	<p><i>Personal Contact Information</i></p>	6	1 (in part)
0661	9/14/2017	<p>From: Prim Escalona (OLA) To: Danielle Cutrona (OAG); Stephen Boyd (OLA); Jesse Panuccio (OASG) Subject: RE: SJC DACA Hearing: DOJ Witness Selection</p>	<p><i>Deliberative Discussions Regarding Congressional Witness Selection</i></p> <p><i>Personally Contact Information</i></p>	<p>5 – Deliberative Process Privilege</p> <p>6</p>	1 (in part)

E. DOJ OIP, July 2, 2019 Supplemental Release - Records Withheld in Full, Pursuant to Exemption 5¹¹

Description of Withheld Document	Withholding Category	Exemption 5 Privilege	Pages
Drafts of a Memorandum Pertaining to Principals Committee Meeting	<i>Presidential Communications Documents</i>	Deliberative Process Privilege Attorney Work-Product Privilege Presidential Communications Privilege	5
Draft Email Correspondence with Advisor to the President	<i>Presidential Communications Documents</i>	Deliberative Process Privilege Attorney Work-Product Privilege Presidential Communications Privilege	1
Email Correspondence with Advisors to the President	<i>Presidential Communications Documents</i>	Deliberative Process Privilege Attorney Work-Product Privilege Presidential Communications Privilege	1
Draft of Memorandum Pertaining to Principals Committee Meeting	<i>Presidential Communications Documents</i>	Deliberative Process Privilege Attorney Work-Product Privilege Presidential Communications Privilege	2
Email Correspondence with Advisors to the President	<i>Presidential Communications Documents</i>	Deliberative Process Privilege Attorney Work-Product Privilege Presidential Communications Privilege	1
Drafts of a Memorandum Pertaining to Principals Committee Meeting	<i>Presidential Communications Documents</i>	Deliberative Process Privilege	4

¹¹ To the extent that there is personal contact information within the material listed as withheld in full pursuant to Exemption 5, such personal contact information may additionally be withheld pursuant to Exemption 6.

		Attorney Work-Product Privilege Presidential Communications Privilege	
Email Correspondence with Advisors to the President	<i>Presidential Communications Documents</i>	Deliberative Process Privilege Attorney Work-Product Privilege Presidential Communications Privilege	1
Draft (Unsent) Email from Danielle Cutrona	<i>Draft (unsent) Email Communications</i>	Deliberative Process Privilege	1
Draft (Unsent) Email from Danielle Cutrona	<i>Draft (unsent) Email Communications</i>	Deliberative Process Privilege	1
Draft (Unsent) Email from Danielle Cutrona	<i>Draft (unsent) Email Communications</i>	Deliberative Process Privilege	1
Drafts of Attorney General Remarks on DACA Rescission	<i>Draft Statements</i>	Deliberative Process Privilege	8
Draft DHS DACA External Affairs Guidance	<i>Draft Talking Points and Draft Internal Briefing Material</i>	Deliberative Process Privilege Attorney Work-Product Privilege	28
Draft (Unsent) Email from Danielle Cutrona	<i>Draft (unsent) Email Communications</i>	Deliberative Process Privilege	1
Draft (Unsent) Email from Danielle Cutrona	<i>Draft (unsent) Email Communications</i>	Deliberative Process Privilege	1

F. DOJ OIP, July 2, 2019 Supplemental Release, Records Released in Part¹²

Bates Number (or Document ID where obscured)	Date¹³	Record Sender/Recipient/Subject	Description of Withheld Material	Exemption	Pages
0001	8/16/2017	From: Suzanna McKinney (OAG)	<i>Personal Contact Information</i>	6	1 (in part)

¹² To the extent that excisions have been made by other agencies, such excisions have been marked in OIP's records as having been asserted by the specific agency. In such instances, the asserting agency is responsible for providing the rationale behind the assertion of the specific Exemption.

¹³ Note: the date stamp and sender/recipient/subject at the top of each selected email chain are provided for the emails.

		To: Danielle Cutrona (OAG); Rachel Brand (OASG); Chad Mizelle (ODAG) Subject: Xavier Becerra DACA Letter 7/21			
0017-0018	8/29/2017	From: Gene Hamilton To: Danielle Cutrona (OAG); Chad Reader (CIV); Curtis Gannon (OLC) Subject: FW: write-up on practical issues	<i>Deliberative Discussions Regarding DACA</i> <i>Personal Contact Information</i>	5 – Deliberative Process Privilege 6	2 (in part)
0019	8/31/2017	From: Sarah Isgur Flores To: Danielle Cutrona (OAG) Subject: CNN Story	<i>Deliberative Discussions Regarding a Potential Response to, and Evaluations of Matters Address in, News Articles</i>	5	1 (in part)
0032	9/4/2017	From: Stephen Miller (EOP/WHO) To: John Bash (EOP/WHO) Cc: Danielle Cutrona (OAG) Subject: Re: talking point discussed earlier	<i>Deliberative Discussions Regarding Drafting Talking Points for Potential Press Inquiries</i> <i>Personal Contact Information</i>	5 - Deliberative Process and Attorney-Work Product Privileges 6	1 (in part)
0033	9/4/2017	From: John Bash (EOP/WHO) To: Danielle Cutrona (OAG) Subject: Fwd: Draft Memo	<i>Personal Contact Information</i>	6	1 (in part)
0065	9/4/2017	From: Danielle Cutrona (OAG) To: Ian Prior (PAO) Subject: Re: Daca Q&A	<i>Deliberative Discussions Regarding Drafting Talking Points for Potential Press Inquiries</i>	5 -- Deliberative Process and Attorney-Work Product Privileges	1 (in part)
0066	9/4/2017	From: Danielle Cutrona (OAG) To: Ian Prior (PAO) Subject: Re: Daca Q&A	<i>Deliberative Discussions Regarding Drafting Talking Points for Potential Press Inquiries</i>	5 -- Deliberative Process and Attorney-Work Product Privileges	1 (in part)
0067	9/4/2017	From: Danielle Cutrona (OAG) To: Ian Prior (PAO) Subject: Re: Daca Q&A	<i>Deliberative Discussions Regarding Drafting Talking Points for Potential Press Inquiries</i>	5 -- Deliberative Process and Attorney-Work Product Privileges	1 (in part)

0068	9/4/2017	From: Danielle Cutrona (OAG) To: Ian Prior (PAO) Subject: Re: Daca Q&A	<i>Deliberative Discussions Regarding Drafting Talking Points for Potential Press Inquiries</i>	5 -- Deliberative Process and Attorney-Work Product Privileges	1 (in part)
0069	9/5/2017	From: Stephen Miller (EOP/WHO) To: Danielle Cutrona Subject: RE: POLITICO Playbook, presented by Hewlett Packard Enterprise: HARVEY relief coming this week, debt ceiling could be attached – TRUMP's TEST: Time to cut deals – Framing the DACA debate – POLITICO 50 out today – LOUISE LINTON speaks – B'DAY: Apr...	<i>Deliberative Discussions Regarding a Potential Response to, and Evaluations of Matters Addressed in News Articles</i> <i>Personal Contact Information</i>	5 – Deliberative Process Privilege 6	1 (in part)
0073-0075	9/5/2017	From: Andrea Loving To: [(b)(6) per DHS]; Danielle Cutrona (OAG); Dimple Shah; [(b)(6) per USCIS] Subject: FW: Goodlatte Statement on Ending Executive Overreach on Immigration	<i>Personal Contact Information</i>	6	3 (in part)
0077	9/5/2017	From: John Zadrozny (EOP/WHO) To: Danielle Cutrona (OAG); Gene Hamilton Subject: RE: Politico: Fight Over Dreamers to Test Bannon's Juice Outside the White House	<i>Personal Contact Information</i>	6	3 (in part)
0783-0787	9/5/2017	From: Brad Watts To: Danielle Cutrona (OAG) Subject: FW: McConnell, Schumer	<i>Personal Contact Information</i>	6	6 (in part)
0788-0790	9/5/2017	From: Brad Watts To: Danielle Cutrona (OAG) Subject: FW: Cornyn, Durbin	<i>Personal Contact Information</i>	6	3 (in part)
0791-0793	9/5/2017	From: Brad Watts To: Danielle Cutrona (OAG) Subject: FW: Wrap Up (The Senate Stands Adjourned), Bennet, Cantwell	<i>Personal Contact Information</i>	6	3 (in part)
0794-0796	9/5/2017	From: Brad Watts	<i>Personal Contact Information</i>	6	3 (in part)

		To: Danielle Cutrona (OAG) Subject: FW: Wrap Up (The Senate Stands Adjourned), Bennet, Cantwell - Correction			
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