

Hodge, Jennifer (CRM)

From: Hodge, Jennifer (CRM)
Sent: Thursday, June 1, 2017 10:44 AM
To: Terwilliger, Zachary (ODAG)
Cc: Hulser, Raymond (CRM)
Subject: OEO Projects
Attachments: OEO Mission 5-1-17.docx

Zach,

I attach a brief one-pager that OEO prepared in early May that gives a brief sketch of our mission, the Units, and workload. Per your request this morning, I outline below several of the current projects being handled by OEO:

Electronic Surveillance Unit:

- Working on legislative proposals in coordination with OPL to update Title III, the wiretap statute, to account for changes in technology, including the widespread use of multimedia messaging and other electronic communications, and to empower law enforcement to utilize interceptions to their fullest effect to combat violent crime, transnational criminal organizations, serious fraud and corruption, and other threats to the public.
- Examining submission process to the DAAG for Title III authorizations to make process more efficient for front office and the field, and to further reduce turnaround time (which currently averages less than four days, sometimes less than 3 days at OEO).
- Participating in multi-agency working groups to discuss and resolve current technological problems with interceptions, including Going Dark, and issues with service providers.
- Updating the field through listservs, web postings, webinars, outreach and training, or individual emails regarding all wiretap issues, including providers' increasing use of different means of transmitting information (VoLTE) which has led to issues in the scope of interception and minimization.
- Providing guidance to Appellate Division and field on motions to suppress and appeals raising wiretap issues.
- Drafting new or updated Title III go-bys.

Policy and Statutory Enforcement Unit:

- Increasing outreach to the field to explain DOJ policy, including DOJ media policy, and USAM requirements.
- Reviewing USAM and DOJ policy requirements for necessity, level of signature authority, and scope. For example:
 - PSEU has changed the delegation for attorney search warrant consultations from DAAG to OEO Director.
 - Seeking t (b)(5) per CRM
 - Seeking to revising media polic (b)(5) per CRM
 - Seeking t (b)(5) per CRM
- Improving intake system and process to facilitate more efficient service to the field

Special Operations Unit:

- Serving on multi-agency Threat Mitigation Working Group to evaluate the S-Visa process for foreign cooperators to make it easier for law enforcement to use this tool when combatting transnational crime.
- Reviewing the requirements for use or targeting of a federal prisoner, to include potentially eliminating a step

in the review process and working with BOP on its consensual monitoring policy.

- Reviewing the Witness Security Progra (b)(5) per CRM
- Improving intake system and process to facilitate more efficient service to the field.

FOIA/Privacy Act Unit:

- Undertaking comprehensive review of Criminal Division record-keeping in response to new Privacy Control Requirements added by the National Institute of Standards and Technology, which is tasked with working with agencies to protect information resources (compliance with FISMA-Federal Information Security Management Act of 2002)
- As a result of a 2016 amendment to FOIA allowing for greater public inspection in an electronic format if request made three or more times, the FOIA Unit has been working with Criminal Division ITM to update the FOIA Unit's reading room website and to ensure that the FOIA Unit will have the electronic support necessary to comply with OIP's anticipated guidance on this amendment.

International Prisoner Transfer Unit:

- Working with ITM to go "paperless" to better streamline the application process and provide information to the field.
- As a result of recent OIG audit, continuing to review internal process and format of IPTU memorandum to eliminate back log.

I am available if you have questions or need additional information.

Thanks,

Jennifer

Jennifer A. H. Hodge
Director
Office of Enforcement Operations
Criminal Division
U.S. Department of Justice
(b) (6)

Rothenberg, Laurence E (OLP)

Subject: Media Policy

Location: Main Justice 4236

Start: Tuesday, August 8, 2017 2:30 PM

End: Tuesday, August 8, 2017 4:00 PM

Show Time As: Tentatively accepted

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Rothenberg, Laurence E (OLP)

Required Attendees: Newman, Ryan (OLP); Dickey, Jennifer (OLP); Bolitho, Zachary (ODAG); Groves, Brendan M. (ODAG); Toscas, George (NSD); Wiegmann, Brad (NSD); Grooms, Daniel (USAVAE); Malis, Jonathan M. (USADC (b)(6), (b)(7)(C) per FBI (OGC) (FBI); Flores, Sarah Isgur (OPA); Rybicki, David (CRM)

Attachments: OLP list.docx

List of options attached. The agenda for the meeting is to go through the list identifying one or more to recommend.

Rothenberg, Laurence E (OLP)

Subject: Media Policy

Location: Main Justice 4236

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Recurrence: (none)

Meeting Status: Accepted

Organizer: Rothenberg, Laurence E (OLP)

Required Attendees: Newman, Ryan (OLP); Dickey, Jennifer (OLP); Bolitho, Zachary (ODAG); Groves, Brendan M. (ODAG); Toscas, George (NSD); Wiegmann, Brad (NSD); Grooms, Daniel (USAVAE); Malis, Jonathan M. (USADC (b)(6), (b)(7)(C) per FBI); (b)(6), (b)(7)(C) per FBI (OGC) (FBI); Flores, Sarah Isgur (OPA); Rybicki, David (CRM)

Attachments: OLP list.docx

List of options attached. The agenda for the meeting is to go through the list identifying one or more to recommend.

Rothenberg, Laurence E (OLP)

From: Rothenberg, Laurence E (OLP)
Sent: Wednesday, August 16, 2017 6:56 PM
To: Bolitho, Zachary (ODAG); Groves, Brendan M. (ODAG); Toscas, George (NSD); Wiegmann, Brad (NSD); Malis, Jonathan M. (USADC); Grooms, Daniel (USAVAE); Rybicki, David (CRM); Flores, Sarah Isgur (OPA (b)(6), (b)(7)(C) per FBI (OGC) (FBI)
Cc: Newman, Ryan (OLP); Dickey, Jennifer (OLP)
Subject: draft options memo
Attachments: options memo.docx

Attached please find a draft memo outlining options for the DAG regarding possible changes to the Department's media policy. We welcome your comments and request that, if at all possible, we receive them by mid-day Friday. We also request that you consider the draft close-hold and do not provide a copy to anyone else. Thanks for your help on this project.

Laurence E. Rothenberg
Deputy Assistant Attorney General
Office of Legal Policy
U.S. Department of Justice

(b) (6)

Malis, Jonathan M. (USADC)

From: Malis, Jonathan M. (USADC)
Sent: Thursday, August 17, 2017 7:46 PM
To: Rothenberg, Laurence E (OLP); Bolitho, Zachary (ODAG); Groves, Brendan M. (ODAG); Toscas, George (NSD); Wiegmann, Brad (NSD); Grooms, Daniel (USAVAE); Rybicki, David (CRM); Flores, Sarah Isgur (OPA (b)(6), (b)(7)(C) per FBI) (OGC) (FBI)
Cc: Newman, Ryan (OLP); Dickey, Jennifer (OLP)
Subject: RE: draft options memo
Attachments: OLP options memo DRAFT 8-16-17 (jmm).docx

Thanks Larry. Well done. My suggested edits and comments are attached. Have a good evening. Jon

Jonathan M. Malis
Chief, Criminal Division
District of Columbia

(b) (6)

From: Rothenberg, Laurence E (OLP) [mail (b) (6)]
Sent: Wednesday, August 16, 2017 6:56 PM
To: Bolitho, Zachary (ODAG) (JMD (b) (6)); Groves, Brendan M. (ODAG) (JMD (b) (6)); Toscas, George (NSD) (JMD (b) (6)); Wiegmann, Brad (NSD) (JMD (b) (6)); Malis, Jonathan M. (USAD (b) (6)); Grooms, Daniel (USAVAE (b) (6)); Rybicki, David (CRM (b) (6)); Flores, Sarah Isgur (OPA) (JMD (b) (6) (b)(6), (b)(7)(C) per FBI) (OGC) (FB (b)(6), (b)(7)(C), (b)(7)(E) per FBI)>
Cc: Newman, Ryan (OLP) (JMD (b) (6)); Dickey, Jennifer (OLP) (JMD (b) (6))
Subject: draft options memo

Duplicative Material

Wiegmann, Brad (NSD)

From: Wiegmann, Brad (NSD)
Sent: Friday, August 18, 2017 1:07 PM
To: Malis, Jonathan M. (USADC); Rothenberg, Laurence E (OLP); Bolitho, Zachary (ODAG); Groves, Brendan M. (ODAG); Toscas, George (NSD); Grooms, Daniel (USAVAE); Rybicki, David (CRM); Flores, Sarah Isgur (OPA (b)(6), (b)(7)(C) per FBI. (OGC) (FBI))
Cc: Newman, Ryan (OLP); Dickey, Jennifer (OLP)
Subject: RE: draft options memo
Attachments: options memo (003).docx

Attached are some comments and edits from George and me. Thanks!

From: Malis, Jonathan M. (USADC) [mail (b)(6)]
Sent: Thursday, August 17, 2017 7:46 PM
To: Rothenberg, Laurence E (OLP (b)(6) >; Bolitho, Zachary (ODAG (b)(6) >; Groves, Brendan M. (ODAG (b)(6) >; Toscas, George (NSD (b)(6) >; Wiegmann, Brad (NSD (b)(6) >; Grooms, Daniel (USAVAE (b)(6) >; Rybicki, David (CR (b)(6) >; Flores, Sarah Isgur (OPA (b)(6), (b)(7)(C) per FBI (OGC) (FB (b)(6), (b)(7)(C), (b)(7)(E) per FBI)
Cc: Newman, Ryan (OLP (b)(6) >; Dickey, Jennifer (OLP (b)(6)
Subject: RE: draft options memo

Duplicative Material



Groves, Brendan M. (ODAG)

From: Groves, Brendan M. (ODAG)
Sent: Sunday, August 20, 2017 11:14 PM
To: Rothenberg, Laurence E (OLP)
Cc: Bolitho, Zachary (ODAG)
Subject: RE: draft options memo
Attachments: options memo (004)_bmg.docx

Larry,

Please find attached some additional thoughts on the memo. I'm exceedingly grateful for all of the hard work invested in this project.

Best,
Brendan

From: Rothenberg, Laurence E (OLP)
Sent: Friday, August 18, 2017 12:20 PM
To: Bolitho, Zachary (ODAG (b) (6))
Cc: Groves, Brendan M. (ODAG (b) (6))
Subject: RE: draft options memo

Was there any feedback we should know about from your meeting with the DAG on Tuesday?

From: Bolitho, Zachary (ODAG)
Sent: Friday, August 18, 2017 12:17 PM
To: Rothenberg, Laurence E (OL (b) (6))
Cc: Groves, Brendan M. (ODAG (b) (6))
Subject: RE: draft options memo

I greatly appreciate your work on it. Thanks!

From: Rothenberg, Laurence E (OLP)
Sent: Friday, August 18, 2017 12:17 PM
To: Bolitho, Zachary (ODAG (b) (6))
Cc: Groves, Brendan M. (ODAG (b) (6))
Subject: RE: draft options memo

Sure. I did want to make sure you knew that we were moving things along.

From: Bolitho, Zachary (ODAG)
Sent: Friday, August 18, 2017 10:55 AM
To: Rothenberg, Laurence E (OL (b) (6))
Cc: Groves, Brendan M. (ODAG (b) (6))
Subject: RE: draft options memo

Larry,

I think it makes the most sense for you to incorporate any changes from the rest of the group and then let Brendan and I look over the revised version before it is submitted to the DAG. Is that ok with you?

Thanks,
Zac

From: Rothenberg, Laurence E (OLP)

Sent: Wednesday, August 16, 2017 6:56 PM

To: Bolitho, Zachary (ODAG (b) (6)) >; Groves, Brendan M. (ODAG (b) (6)) >; Toscas, George (NSD (b) (6)) >; Wiegmann, Brad (NSD (b) (6)) >; Malis, Jonathan M. (USAD (b) (6)) >; Grooms, Daniel (USAVAE (b) (6)) >; Rybicki, David (CRM (b) (6)) >; Flores, Sarah Isgur (O (b) (6)) >; (b) (6), (b) (7)(C) per FBI (OGC) (FB (b) (6), (b) (7)(C), (b) (7)(E) per FBI)

Cc: Newman, Ryan (OL (b) (6)) >; Dickey, Jennifer (OL (b) (6))

Subject: draft options memo

Duplicative Material



Groves, Brendan M. (ODAG)

From: Groves, Brendan M. (ODAG)
Sent: Wednesday, August 23, 2017 10:55 PM
To: Gauhar, Tashina (ODAG)
Subject: Fwd: revised version of the media subpoena policy options paper
Attachments: options paper OLP 8_23.docx; ATT00001.htm

Tash, FYSA.

Begin forwarded message:

From: "Rothenberg, Laurence E (OLP) (b) (6)"
Date: August 23, 2017 at 5:23:29 PM EDT
To: "Williams, Beth A (OLP) (b) (6)", "Groves, Brendan M. (ODAG)"
(b) (6), "Bolitho, Zachary (ODAG) (b) (6)",
"Wiegmann, Brad (NSD) (b) (6)", "Toscas, George (NSD)"
(b) (6), "Grooms, Daniel (USAVAE) (b) (6)", "Malis,
Jonathan M. (USADC) (b) (6) (b)(6), (b)(7)(C) per FBI. (OGC) (FBI)"
(b)(6), (b)(7)(C), (b)(7)(E) per FBI>, "Flores, Sarah Isgur (OPA) (b) (6)", "Rybicki, David
(CRM) (b) (6)"
Cc: "Newman, Ryan (OLP) (b) (6)", "Dickey, Jennifer (OLP)"
(b) (6) >
Subject: revised version of the media subpoena policy options paper

Attached please find a revised version of the options paper you reviewed last week, incorporating comments received from NSD, ODAG, and USAO-DC. Please review and comment by the end of the week so that we can finalize. As noted last time, please consider this close-hold and do not share with anyone not on this distribution. Thanks.

Laurence E. Rothenberg
Deputy Assistant Attorney General
Office of Legal Policy
U.S. Department of Justice
(b) (6)

Bolitho, Zachary (ODAG)

From: Bolitho, Zachary (ODAG)
Sent: Thursday, August 24, 2017 2:36 PM
To: Rothenberg, Laurence E (OLP)
Subject: RE: revised version of the media subpoena policy options paper
Attachments: options memo_ZCB_edits.docx

Larry,

Here are my nits (take or leave them) sorry I have been sidetracked the last two days on another matter.

Thanks,
Zac

From: Rothenberg, Laurence E (OLP)
Sent: Wednesday, August 23, 2017 5:26 PM
To: Bolitho, Zachary (ODAG (b) (6)); Groves, Brendan M. (ODAG (b) (6)) >
Subject: FW: revised version of the media subpoena policy options paper

I didn't get comments back on the original from Groom (b)(6), (b)(7)(C) per or Rybicki (also, I don't think I got Zach's nits), but we wanted to keep this moving.

From: Rothenberg, Laurence E (OLP)
Sent: Wednesday, August 23, 2017 5:23 PM
To: Williams, Beth A (OL (b) (6)) >; Groves, Brendan M. (ODAG (b) (6)); Bolitho, Zachary (ODAG (b) (6)); Wiegmann, Brad (NSD (b) (6)) >; Toscas, George (NS (b) (6)) >; Grooms, Daniel (USAVA (b) (6)) >; Malis, Jonathan M. (USAD (b) (6)) (b) (6) (b)(6), (b)(7)(C) per FBI (OGC) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Flores, Sarah Isgur (OPA (b) (6)) >; Rybicki, David (CRM) (b) (6)
Cc: Newman, Ryan (OLP (b) (6)) >; Dickey, Jennifer (OLP (b) (6))
Subject: revised version of the media subpoena policy options paper

Duplicative Material



Wiegmann, Brad (NSD)

From: Wiegmann, Brad (NSD)
Sent: Thursday, August 24, 2017 6:47 PM
To: Rothenberg, Laurence E (OLP); Williams, Beth A (OLP); Groves, Brendan M. (ODAG); Bolitho, Zachary (ODAG); Toscas, George (NSD); Grooms, Daniel (USAVAE); Malis, Jonathan M. (USADC (b)(6), (b)(7)(C) per FBI); (OGC) (FBI); Flores, Sarah Isgur (OPA); Rybicki, David (CRM)
Cc: Newman, Ryan (OLP); Dickey, Jennifer (OLP)
Subject: RE: revised version of the media subpoena policy options paper
Attachments: options paper OLP 8_23.docx

[See attached for some additional edits/comments. Thanks!](#)

From: Rothenberg, Laurence E (OLP)
Sent: Wednesday, August 23, 2017 5:23 PM
To: Williams, Beth A (OLP (b)(6)); Groves, Brendan M. (ODAG (b)(6) >; Bolitho, Zachary (ODAG (b)(6); Wiegmann, Brad (NSD (b)(6) >; Toscas, George (NS (b)(6); Grooms, Daniel (USAVA (b)(6) >; Malis, Jonathan M. (USAD (b)(6) (b)(6), (b)(7)(C) per FBI (OGC) (FB (b)(6), (b)(7)(C), (b)(7)(E) per FBI Flores, Sarah Isgur (OP (b)(6); Rybicki, David (CRM (b)(6)
Cc: Newman, Ryan (OLP (b)(6) Dickey, Jennifer (OLP (b)(6) >
Subject: revised version of the media subpoena policy options paper

Duplicative Material



Groves, Brendan M. (ODAG)

From: Groves, Brendan M. (ODAG)
Sent: Monday, September 4, 2017 10:11 PM
To: Bolitho, Zachary (ODAG)
Subject: Fwd: Media Policy White Paper
Attachments: Media Policy White Paper_9.4.2017.pdf; ATT00001.htm

Hi Zac,

Hope you had a wonderful weekend. Wanted to check in on this. I'm flying back from Florida tomorrow and will miss the staff meeting. Should we perhaps discuss the way ahead with Rob and Jim within the next few days?

Brendan

Begin forwarded message:

From: "Newman, Ryan (OLP) (b) (6)" >
Date: September 4, 2017 at 9:13:29 PM EDT
To: "Groves, Brendan M. (ODAG)" (b) (6) >, "Bolitho, Zachary (ODAG)" (b) (6)
Cc: "Williams, Beth A (OLP) (b) (6)", "Rothenberg, Laurence E (OLP)" (b) (6), "Dickey, Jennifer (OLP)" (b) (6)
Subject: Media Policy White Paper

Brendan and Zach,

Attached is the final version of the media policy white paper. We'd be happy to discuss this with the DAG whenever he is ready and available.

Thanks,
Ryan

Ryan Newman
Principal Deputy Assistant Attorney General
Office of Legal Policy
U.S. Department of Justice
950 Pennsylvania Ave, N.W.
Washington, DC 20530
offic (b) (6) | cel (b) (6)

Bolitho, Zachary (ODAG)

From: Bolitho, Zachary (ODAG)
Sent: Monday, September 4, 2017 10:14 PM
To: Groves, Brendan M. (ODAG)
Subject: FW: hey Zac can you confirm there is no DAG staff meeting at 11:30?
Attachments: options paper OLP 8_23.docx

[Did you see this prior email I sent? Did you have a chance to look at the edits?](#)

From: Bolitho, Zachary (ODAG)
Sent: Tuesday, August 29, 2017 2:59 PM
To: Groves, Brendan M. (ODAG [REDACTED] (b) (6))
Subject: RE: hey Zac can you confirm there is no DAG staff meeting at 11:30?

[I made my edits on top of those from NSD.](#)

From: Groves, Brendan M. (ODAG)
Sent: Tuesday, August 29, 2017 12:28 PM
To: Bolitho, Zachary (ODAG [REDACTED] (b) (6))
Subject: RE: hey Zac can you confirm there is no DAG staff meeting at 11:30?

That works, thanks again.

From: Bolitho, Zachary (ODAG)
Sent: Tuesday, August 29, 2017 11:55 AM
To: Groves, Brendan M. (ODAG [REDACTED] (b) (6))
Subject: RE: hey Zac can you confirm there is no DAG staff meeting at 11:30?

[That's fine. I will send you my edits in track changes, and you can add yours if that works. Or we can do it another way if you'd prefer.](#)

From: Groves, Brendan M. (ODAG)
Sent: Tuesday, August 29, 2017 11:52 AM
To: Bolitho, Zachary (ODAG [REDACTED] (b) (6))
Subject: RE: hey Zac can you confirm there is no DAG staff meeting at 11:30?

Thanks. Should we coordinate our edits so they incorporate them before Beth signs anything? Open to ideas.

From: Bolitho, Zachary (ODAG)
Sent: Tuesday, August 29, 2017 11:29 AM
To: Groves, Brendan M. (ODAG [REDACTED] (b) (6)) >
Subject: RE: hey Zac can you confirm there is no DAG staff meeting at 11:30?

[Brendan,](#)

Sorry, I was in a meeting. The DAG meeting is cancelled I think he is out of town.

I have reviewed the policy and will be sending my propped edits soon.

Thanks,
Zac

From: Groves, Brendan M. (ODAG)
Sent: Tuesday, August 29, 2017 10:01 AM
To: Bolitho, Zachary (ODAG [REDACTED] (b) (6))
Subject: hey Zac can you confirm there is no DAG staff meeting at 11:30?

Also, have you gone through the latest version of the policy we're working on?

Thanks and hope you're well.

BG

Brendan Groves
Counsel to the Deputy Attorney General
U.S. Department of Justice

[REDACTED] (b) (6) (o)

[REDACTED] (b) (6) (c)

Newman, Ryan (OLP)

From: Newman, Ryan (OLP)
Sent: Tuesday, September 5, 2017 7:38 PM
To: Bolitho, Zachary (ODAG); Groves, Brendan M. (ODAG)
Subject: RE: Media Policy White Paper
Attachments: Media Policy White Paper_9.4.2017.docx

Guys, Word version attached. Since this is an OLP product, I'd ask that you please let us review any changes before sending to the DAG.

Thanks,
Ryan

Ryan Newman
Principal Deputy Assistant Attorney General
Office of Legal Policy
U.S. Department of Justice
950 Pennsylvania Ave, N.W.
Washington, DC 20530
offic (b) (6) | cel (b) (6)

From: Bolitho, Zachary (ODAG)
Sent: Tuesday, September 5, 2017 6:29 PM
To: Newman, Ryan (OLP (b) (6)); Groves, Brendan M. (ODAG (b) (6)) >
Subject: RE: Media Policy White Paper

Thanks, Ryan. Could we please get a copy of this in Word format? Jim and Rob may have changes that they will want to make before the DAG sees it.

From: Newman, Ryan (OLP)
Sent: Monday, September 4, 2017 9:13 PM
To: Groves, Brendan M. (ODAG (b) (6)); Bolitho, Zachary (ODAG (b) (6))
Cc: Williams, Beth A (OL (b) (6)); Rothenberg, Laurence E (OLP (b) (6)) >; Dickey, Jennifer (OLP (b) (6))
Subject: Media Policy White Paper

Duplicative Material

Groves, Brendan M. (ODAG)

From: Groves, Brendan M. (ODAG)
Sent: Tuesday, September 5, 2017 10:05 PM
To: Gauhar, Tashina (ODAG)
Subject: Fwd: Media Policy White Paper
Attachments: Media Policy White Paper_9.4.2017.pdf; ATT00001.htm

Tash, here's the latest options memo.

Best,
Brendan

Begin forwarded message:

From: "Bolitho, Zachary (ODAG) (b) (6)"
Date: September 5, 2017 at 9:08:33 PM EDT
To: "Hur, Robert (ODAG (b) (6))" "Crowell, James (ODAG)"
(b) (6)
Cc: "Groves, Brendan M. (ODAG) (b) (6)"
Subject: Fwd: Media Policy White Paper

Rob & Jim,

Brendan and I are on your calendars for Thursday at 5:00 to discuss the 50.10 policy. Attached is the OLP white paper that lays out the various options developed by the working group.

Brendan and I would like to get your thoughts on this before we schedule a time to brief the DAG.

Thanks!
Zac

Begin forwarded message:

From: "Newman, Ryan (OLP) (b) (6)"
Date: September 4, 2017 at 9:13:29 PM EDT
To: "Groves, Brendan M. (ODAG) (b) (6)", "Bolitho, Zachary (ODAG)" (b) (6)
Cc: "Williams, Beth A (OLP) (b) (6)", "Rothenberg, Laurence E (OLP) (b) (6)" "Dickey, Jennifer (OLP)" (b) (6)
Subject: Media Policy White Paper

Duplicative Material

Groves, Brendan M. (ODAG)

From: Groves, Brendan M. (ODAG)
Sent: Monday, September 11, 2017 9:55 PM
To: Bolitho, Zachary (ODAG)
Subject: For Review
Attachments: Media Policy White Paper_9.4.2017_ODAG.docx
Importance: High

Zac,

Please find my edits attached. I attempted to incorporate your earlier edits wherever possible. Do you think you'll have a chance to comprehensively review this in the very near future? It would be ideal to send it back to OLP ASAP.

Thanks very much, and hope you enjoyed the trip!

Best,
Brendan

Brendan Groves
Counsel to the Deputy Attorney General
U.S. Department of Justice

(b) (6) (o)
(b) (6) (c)

Bolitho, Zachary (ODAG)

From: Bolitho, Zachary (ODAG)
Sent: Tuesday, September 12, 2017 5:09 PM
To: Groves, Brendan M. (ODAG)
Subject: RE: For Review
Attachments: Media Policy White Paper_9.4.2017_ODAG.docx

Brendan,

I have made some suggested edits on top of yours. In terms of the meeting, I think it is a good idea to propose Thursday to OLP. If they are free, then please send an email to Jim and Marcy asking if there is any available time on the DAG's calendar. I think we will need to reserve at least 30 minutes.

Thanks for your work on this. And, please hold down the fort this week!

Best,
Zac

From: Groves, Brendan M. (ODAG)
Sent: Monday, September 11, 2017 9:55 PM
To: Bolitho, Zachary (ODAG [REDACTED] (b) (6))
Subject: For Review
Importance: High

Duplicative Material



Groves, Brendan M. (ODAG)

From: Groves, Brendan M. (ODAG)
Sent: Thursday, September 14, 2017 12:31 AM
To: Gauhar, Tashina (ODAG)
Subject: FW: Update (Deliberative / FOUO)
Attachments: Media Policy White Paper_9.4.2017_ODAG.docx

Tash,

Here's a near-final version of the options paper on the media subpoena policy. We should have a clean version by noon on Friday. I'll send you that version, too, which will be easier to read.

We are briefing the DAG next Thursday, Sept 21, at 10:00 am. We would love for you to join.

Best,
Brendan

From: Groves, Brendan M. (ODAG)
Sent: Thursday, September 14, 2017 12:30 AM
To: Crytzer, Katherine (OL [REDACTED] (b) (6))
Cc: Bolitho, Zachary (ODAG [REDACTED] (b) (6)) >; Newman, Ryan (OLP [REDACTED] (b) (6))
Subject: RE: Update (Deliberative / FOUO)

Hi Katie,

[Apologies for the inadvertent earlier email.]

We've reserved time for the DAG's briefing on the media subpoena policy at 10:00 am next Thursday, Sept 21. Our folks should send calendar invites later this week or early the next. As we mentioned, Jim suggested that OLP use powerpoint to outline the options in play. We'll look forward to discussing the briefing in greater detail next week.

Also, we greatly appreciated OLP's work on the options paper. Please find attached ODAG's edits, most of which aim to streamline and simplify the document. If possible, we'd like to have a final version ready by noon on Friday, Sept 15, in order to make the DAG's weekend book. Please let us know if that will not work.

Thanks very much again.

Best,
Brendan

From: Groves, Brendan M. (ODAG)
Sent: Wednesday, September 13, 2017 5:40 PM
To: Crytzer, Katherine (OL [REDACTED] (b) (6)) >
Cc: Bolitho, Zachary (ODA [REDACTED] (b) (6)) >; Newman, Ryan (OLP [REDACTED] (b) (6))

Subject: RE: Update (Deliberative / FOUO)

Thanks, Katie. We'll keep you posted.

Best,
Brendan

From: Crytzer, Katherine (OLP)

Sent: Wednesday, September 13, 2017 5:21 PM

To: Groves, Brendan M. (ODAG (b) (6)) >

Cc: Bolitho, Zachary (ODAG (b) (6)); Newman, Ryan (OLP (b) (6))

Subject: RE: Update (Deliberative / FOUO)

Brendan,

The OLP team can be available before 4:00 PM Thursday, Sept. 21 and anytime Friday, Sept. 22. Please let me know when you are able to secure a time or tentative block of time – I will hold both days on AAG Williams' calendar. Thanks.

Katie

Katie Crytzer

Acting Chief of Staff

Office of Legal Policy

U.S. Department of Justice

950 Pennsylvania Ave., NW

Washington, DC 20530

Office (b) (6)

Cel (b) (6)

(b) (6)

From: Crytzer, Katherine (OLP)

Sent: Tuesday, September 12, 2017 10:41 PM

To: Groves, Brendan M. (ODAG (b) (6))

Cc: Bolitho, Zachary (ODA (b) (6)); Newman, Ryan (OLP (b) (6))

Subject: RE: Update (Deliberative / FOUO)

Thanks, Brendan. I will circle up with my team and get back with you.

Katie

From: Groves, Brendan M. (ODAG)

Sent: Tuesday, September 12, 2017 8:54 PM

To: Crytzer, Katherine (OL (b) (6)) >

Cc: Bolitho, Zachary (ODA (b) (6)); Newman, Ryan (OLP (b) (6))

Subject: RE: Update (Deliberative / FOUO)

Hi Katie,

Thursday and Friday next week (Sept 21 and 22) are the best options, as the DAG is likely out of the office

next Monday, Tuesday, and Wednesday. Of those two days, Thursday is preferable on our end.

Please let me know if your team has significant availability issues next Thursday or Friday. We'll work on securing a specific time (which may be difficult, given the DAG's compressed schedule). Thanks very much.

Best,
Brendan

Brendan Groves
Counsel to the Deputy Attorney General
U.S. Department of Justice

(b) (6) (o)
(b) (6) (c)

From: Crytzer, Katherine (OLP)
Sent: Monday, September 11, 2017 2:37 PM
To: Newman, Ryan (OL (b) (6) >; Groves, Brendan M. (ODAG (b) (6)
Cc: Bolitho, Zachary (ODA (b) (6) >
Subject: RE: Update (Deliberative / FOUO)

Brendan,

It looks like we are ready to discuss participants and dates. From OLP, we anticipate 5 attendees: (1) AAG Beth Williams, (2) COS Katie Crytzer, (3) PDAAG Ryan Newman, (4) DAAG Larry Rothenberg, and (5) Counsel Jenn Dickey. What dates next week work best for the DAG and team? Thank you.

Katie

Katie Crytzer
Acting Chief of Staff
Office of Legal Policy
U.S. Department of Justice
950 Pennsylvania Ave, N.W.
Washington, DC 20530
Offic (b) (6)
Cel (b) (6)
(b) (6)

From: Newman, Ryan (OLP)
Sent: Monday, September 11, 2017 12:29 PM
To: Groves, Brendan M. (ODAG (b) (6)
Cc: Bolitho, Zachary (ODA (b) (6) >; Crytzer, Katherine (OLP (b) (6) >
Subject: RE: Update (Deliberative / FOUO)

Sounds good to us.

Ryan Newman

Principal Deputy Assistant Attorney General
Office of Legal Policy
U.S. Department of Justice
950 Pennsylvania Ave, N.W.
Washington, DC 20530
offic (b) (6) | cel (b) (6)

From: Groves, Brendan M. (ODAG)
Sent: Monday, September 11, 2017 9:51 AM
To: Newman, Ryan (OLP) (b) (6) >
Cc: Bolitho, Zachary (ODAG) (b) (6); Crytzer, Katherine (OLP) (b) (6)
Subject: RE: Update (Deliberative / FOUO)

Hi Ryan,

Thanks very much. We'll pass that along.

Given that the group did not reach consensus, and that the paper summarizes the group's view of the options, we're inclined to think it makes the most sense to have OLP walk through the paper with the DAG. Rob and Jim agreed with that perspective. Please let us know if you see it differently, and we'll be glad to discuss.

Thanks again.

Best,
Brendan

DELIBERATIVE // FOUO

From: Newman, Ryan (OLP)
Sent: Monday, September 11, 2017 9:13 AM
To: Groves, Brendan M. (ODAG) (b) (6) >
Cc: Bolitho, Zachary (ODA) (b) (6); Crytzer, Katherine (OLP) (b) (6)
Subject: RE: Update (Deliberative / FOUO)

Adding Katie, OLP's chief of staff.

It's looking like early next week would probably be best for us. Katie will circle back to lock down a time.

OLP would be happy to lead the presentation, but how do you all feel about having all the members of the working group present?

Ryan Newman
Principal Deputy Assistant Attorney General
Office of Legal Policy
U.S. Department of Justice
950 Pennsylvania Ave, N.W.
Washington, DC 20530
offic (b) (6) | ce (b) (6)

From: Groves, Brendan M. (ODAG)

Sent: Friday, September 8, 2017 6:24 PM

To: Newman, Ryan (OLP) [REDACTED] (b) (6) >

Cc: Bolitho, Zachary (ODA [REDACTED] (b) (6) >

Subject: Update (Deliberative / FOUO)

Hi Ryan,

Zac and I briefed Rob and Jim on the media policy review. Though they have yet to review OLP's paper in detail, they greatly appreciated OLP's leadership in convening the group and refining the various options. The next step is to brief the DAG, which could happen as soon as late next week.

We imagine that OLP would lead the briefing, walking the DAG through each of the five options. Jim wondered whether OLP could put together a (short) power point presentation outlining the options, and perhaps deliver the presentation in the JCC room with a screen.

Could you let us know whether (1) who would attend on your end and (2) whether late next week is too soon?

Also, as we mentioned to Rob and Jim, Zac and I will shortly send some suggested stylistic edits on the paper. Most of the edits represent attempts to distill and clarify certain language. We'll try to get them to you ASAP.

Thanks very much, as always, for your work and leadership.

Best,
Brendan

Brendan Groves
Counsel to the Deputy Attorney General
U.S. Department of Justice

[REDACTED] (b) (6) (o)

[REDACTED] (b) (6) (c)

Groves, Brendan M. (ODAG)

From: Groves, Brendan M. (ODAG)
Sent: Friday, September 15, 2017 2:53 PM
To: Bolitho, Zachary (ODAG)
Subject: FW: final draft of options paper
Attachments: Media Policy White Paper_9.15.17 pm.docx

If you're working right now, can you give this a quick read? I'll call you. May move the briefing next week to Friday

From: Rothenberg, Laurence E (OLP)
Sent: Friday, September 15, 2017 2:39 PM
To: Groves, Brendan M. (ODAG (b) (6))
Cc: Crytzer, Katherine (OLP (b) (6)); Newman, Ryan (OLP (b) (6)); Bolitho, Zachary (ODAG (b) (6))
Subject: final draft of options paper

Attached please find the final draft of the OLP paper on options for changes to the media subpoena policy, as cleared by AAG Williams. We incorporated your edits and added some more material as you indicated.

I should note that on two points you raised, we used slightly different formulas:

-On page 5, (b) (5)

-On page 7, (b) (5)

(b) (5)
So, it seems that we can end the paragraph here and still be accurate in raising the issue.

Laurence E. Rothenberg
Deputy Assistant Attorney General
Office of Legal Policy
U.S. Department of Justice
(b) (6)

Groves, Brendan M. (ODAG)

From: Groves, Brendan M. (ODAG)
Sent: Friday, September 15, 2017 3:53 PM
To: Crowell, James (ODAG)
Cc: Murphy, Marcia (ODAG); Bolitho, Zachary (ODAG)
Subject: RE: Scheduling - Briefing on the Review of DOJ's Media Subpoena Policy
Attachments: Media Policy White Paper_9.15.17 Final.docx

Jim,

Zac and I have prepared a binder on possible revisions to the media subpoena policy for the DAG's weekend book. Please find attached a memo that canvasses the options identified by the OLP-led media subpoena policy review group. I will shortly deliver the briefing book which includes the memo to you and Marcy. We apologize that we weren't able to finalize the package before noon today; OLP sent the final version of the memo moments ago.

We appreciate your help.

Best,
Brendan

From: Crowell, James (ODAG)
Sent: Wednesday, September 13, 2017 6:28 PM
To: Groves, Brendan M. (ODAG) [REDACTED] (b) (6)
Cc: Murphy, Marcia (ODA [REDACTED] (b) (6) >; Bolitho, Zachary (ODAG [REDACTED] (b) (6) >; Gamble, Nathaniel (ODAG) [REDACTED] (b) (6) >
Subject: Re: Scheduling - Briefing on the Review of DOJ's Media Subpoena Policy

Good by me.

Sent from my iPhone

On Sep 13, 2017, at 6:10 PM, Groves, Brendan M. (ODAG) [REDACTED] (b) (6) > wrote:

Jim, Marcy,

Zac and I recently briefed Rob and Jim on the OLP-led review of DOJ's media subpoena policy. Rob and Jim indicated that the next step involved a briefing to the DAG. The briefing would take at least 30 minutes.

OLP leadership are available next Thursday and Friday. (On Thursday, they said they are available before 4 pm). They could also be available the following week.

Provided Jim agrees, can we try and schedule a briefing for next week or the following week? Jim, we will separately discuss attendees with you. We're grateful for your help.

Best,
Brendan

Brendan Groves
Counsel to the Deputy Attorney General
U.S. Department of Justice

(b) (6) (o)

(b) (6) (c)

Groves, Brendan M. (ODAG)

From: Groves, Brendan M. (ODAG)
Sent: Friday, September 15, 2017 6:15 PM
To: Newman, Ryan (OLP); Crytzer, Katherine (OLP); Rothenberg, Laurence E (OLP)
Cc: Bolitho, Zachary (ODAG)
Subject: RE: final draft of options paper
Attachments: Media Policy White Paper_9.15.17 Final.docx

Colleagues,

Please find attached the final version of the memo we delivered to the DAG. It contains minor stylistic edits and corrects a couple of typos (some of which no doubt occurred as a result of our earlier edits).

Also, the briefing has moved to next Friday, Sept 22, at 2:30 pm. We look forward to discussing your plans for the briefing next week. Many thanks again for your leadership and counsel on this issue.

Best,
Brendan

From: Rothenberg, Laurence E (OLP)
Sent: Friday, September 15, 2017 2:39 PM
To: Groves, Brendan M. (ODAG [REDACTED] (b) (6))
Cc: Crytzer, Katherine (OLP [REDACTED] (b) (6)); Newman, Ryan (OLP [REDACTED] (b) (6)); Bolitho, Zachary (ODAG [REDACTED] (b) (6))
Subject: final draft of options paper

Duplicative Material



Groves, Brendan M. (ODAG)

From: Groves, Brendan M. (ODAG)
Sent: Friday, September 15, 2017 6:18 PM
To: Gauhar, Tashina (ODAG)
Cc: Bolitho, Zachary (ODAG)
Subject: Options Memo
Attachments: Media Policy White Paper_9.15.17 Final.docx

Tash, please find attached the options memo for revising the media subpoena policy. We would appreciate your insight. OLP will brief the DAG on the options next Friday at 2:30. We hope you can join.

Best,
Brendan

Brendan Groves
Counsel to the Deputy Attorney General
U.S. Department of Justice

(b) (6) (o)

(b) (6) (c)

Groves, Brendan M. (ODAG)

From: Groves, Brendan M. (ODAG)
Sent: Thursday, September 21, 2017 5:52 PM
To: Bolitho, Zachary (ODAG)
Subject: Media Policy White Paper_9.15.17 Final
Attachments: Media Policy White Paper_9.15.17 Final.docx

This should be the current version.

Bolitho, Zachary (ODAG)

From: Bolitho, Zachary (ODAG)
Sent: Thursday, September 21, 2017 6:18 PM
To: Crytzer, Katherine (OLP); Newman, Ryan (OLP); Rothenberg, Laurence E (OLP)
Cc: Groves, Brendan M. (ODAG)
Subject: FW: Scanned document
Attachments: Options for Changes to the DOJ Policy on Obtaining Info. from Media.pdf

All,

Attached please find handwritten edits to the 50.10 memo that Brendan and I received this afternoon from PADAG Rob Hur. He has asked that these changes be made before the memo is provided to the DAG. Brendan and I will take care of making the changes and getting the document back to Rob. But, we wanted you to see the changes in case you had any objections.

Thanks again for your hard work.

Best,
Zac

From: Atwell, Tonya (ODAG)
Sent: Thursday, September 21, 2017 6:02 PM
To: Bolitho, Zachary (ODAG [REDACTED] (b) (6))
Subject: Scanned document

Zachary,

Please, see the attached.

Thank you,
Tonya

Bolitho, Zachary (ODAG)

From: Bolitho, Zachary (ODAG)
Sent: Friday, September 22, 2017 9:17 AM
To: Groves, Brendan M. (ODAG)
Subject: Edits
Attachments: Media Policy White Paper_9.15.17 Final (002).docx

Brendan,

Attached is the version of the 50.10 policy that includes Rob's edits. I will bring you the copy with Rob's handwritten edits. Would you please go through and make sure I haven't missed any edits or misunderstood his handwritten remarks?>

Thanks!
Zac

Groves, Brendan M. (ODAG)

From: Groves, Brendan M. (ODAG)
Sent: Friday, September 22, 2017 2:39 PM
To: Bolitho, Zachary (ODAG)
Subject: Media Policy White Paper_9.22.17 - DELIBERATIVE - FOUO
Attachments: Media Policy White Paper_9.22.17.docx
Importance: High

Zac,

A thousand thanks for inputting Rob's edits. The attached document includes a few other minor fixes. Can you give me a call when you get a chance? In one place, Rob removed spaces from an ellipses, but he didn't do that in another instance (page 2). I'd appreciate your guidance.

I'm reading the document one last time before trying to place revised copies in the binders.

Brendan

Groves, Brendan M. (ODAG)

From: Groves, Brendan M. (ODAG)
Sent: Friday, September 22, 2017 3:54 PM
To: Bolitho, Zachary (ODAG)
Subject: RE: Media Policy White Paper_9.22.17 - DELIBERATIVE - FOUO
Attachments: Media Policy White Paper_9.22.17.docx
Importance: High

Additional edits:

Pg 6 [REDACTED] (b) (5)

[REDACTED]
[REDACTED]
[REDACTED] (b) (5)

-in the last paragraph, I also pushed “e-“ to the next line.

8: added “the” befo [REDACTED] (b) (5) Let me know if you disagree with that.

12: what do you think about removin [REDACTED] (b) (5)
[REDACTED]? I haven’t removed it.

From: Groves, Brendan M. (ODAG)
Sent: Friday, September 22, 2017 2:39 PM
To: Bolitho, Zachary (ODAG [REDACTED] (b) (6))
Subject: Media Policy White Paper_9.22.17 - DELIBERATIVE - FOUO
Importance: High

Duplicative Material

Bolitho, Zachary (ODAG)

From: Bolitho, Zachary (ODAG)
Sent: Monday, September 25, 2017 4:33 PM
To: Groves, Brendan M. (ODAG)
Subject: Thoughts?
Attachments: Media Policy White Paper_9.22.17 (004).docx

I made some more edits, which are in track changes. Is this too much?

Thanks,
Zac

Groves, Brendan M. (ODAG)

From: Groves, Brendan M. (ODAG)
Sent: Tuesday, September 26, 2017 9:40 PM
To: Bolitho, Zachary (ODAG)
Subject: Media Policy White Paper_9.26.17
Attachments: Media Policy White Paper_9.26.17.docx

Zac,

Please find my edits attached. I think you'll want to breeze through it one last time. Like you, I made a number of changes.

If you would, please be sure to review pages 9-10 and 14-15. I'm grateful for your partnership on this project.

Brendan

Bolitho, Zachary (ODAG)

From: Bolitho, Zachary (ODAG)
Sent: Wednesday, September 27, 2017 1:22 PM
To: Rothenberg, Laurence E (OLP)
Cc: Newman, Ryan (OLP); Groves, Brendan M. (ODAG)
Subject: 50.10 memo with nits
Attachments: Media Policy White Paper_9.26.17(005).docx

Larry,

Attached is a newly edited version of the 50.10 memo with some additional minor nits. As I explained on the phone, please forgive us for making these nits. Brendan and I simply want to avoid getting this sent back to us again from our superiors with edits. Almost all of the changes are little things. If you have any objections to the changes, please let us know. We'd like to have this back ASAP because the DAG will likely review it tomorrow morning or afternoon.

Also, please let me know if there is a time we could meet later this afternoon to discuss the briefing. I will try to track down Zach Terwilliger (the DAG, Rob, and Jim are all out of the office) to see if he has any thoughts on what the DAG envisions for the briefing.

Many thanks,
Zac

Groves, Brendan M. (ODAG)

From: Groves, Brendan M. (ODAG)
Sent: Wednesday, September 27, 2017 5:48 PM
To: Bolitho, Zachary (ODAG)
Subject: FW: 50.10 memo with nits
Attachments: Media Policy White Paper_9.26.17(005) OLP.docx

Zac, are you around? I'm running out but will be back after 7:30 or so. I think their edits are fine. We'll now need to accept all of the track changes and read over the document with a fine-toothed comb one more time.

Best,
Brendan

From: Rothenberg, Laurence E (OLP)
Sent: Wednesday, September 27, 2017 5:02 PM
To: Bolitho, Zachary (ODAG [REDACTED] (b) (6)) >
Cc: Newman, Ryan (OLP [REDACTED] (b) (6)); Groves, Brendan M. (ODAG [REDACTED] (b) (6)) >
Subject: RE: 50.10 memo with nits

We had a few comments on the draft for your consideration in margin notes--some nits on bottom of p. 2 and top of p.9, and some thoughts on p. 10 and 11.

From: Bolitho, Zachary (ODAG)
Sent: Wednesday, September 27, 2017 1:22 PM
To: Rothenberg, Laurence E (OLP [REDACTED] (b) (6))
Cc: Newman, Ryan (OLP [REDACTED] (b) (6)); Groves, Brendan M. (ODAG [REDACTED] (b) (6)) >
Subject: 50.10 memo with nits

Duplicative Material



Bolitho, Zachary (ODAG)

From: Bolitho, Zachary (ODAG)
Sent: Thursday, September 28, 2017 9:54 AM
To: Groves, Brendan M. (ODAG)
Subject: RE: FYI...
Attachments: Media Policy White Paper_9.26.17(006) OLP.docx

[Here it is.](#) Thanks.

From: Groves, Brendan M. (ODAG)
Sent: Thursday, September 28, 2017 9:48 AM
To: Bolitho, Zachary (ODAG [REDACTED] (b) (6) >
Subject: RE: FYI...

Thanks, Zac! I have Rob's binder in my office. Would you mind sending me the latest version so I can insert it and give it back to him? I can also replace the one in Jim's binder.

Let's talk later today about OLP attendees.

From: Bolitho, Zachary (ODAG)
Sent: Thursday, September 28, 2017 9:09 AM
To: Groves, Brendan M. (ODAG [REDACTED] (b) (6)
Subject: FYI...

I inserted revised memo in DAG's binder. Thanks for your help.

Groves, Brendan M. (ODAG)

From: Groves, Brendan M. (ODAG)
Sent: Thursday, September 28, 2017 11:47 AM
To: Bolitho, Zachary (ODAG)
Subject: RE: 50.10 memo with nits
Attachments: Media Policy White Paper_9.28.docx

Zac,

I made 5-10 additional edits. I think we'll want to put this one in the DAG's binder. I can do that. I can also place it in Jim and Rob's binders.

Quick question: fn 7 on page 10 reference (b) (5)do we think that's necessary? I think we can delete it.

Brendan

From: Bolitho, Zachary (ODAG)
Sent: Thursday, September 28, 2017 11:44 AM
To: Rothenberg, Laurence E (OLP (b) (6))
Cc: Newman, Ryan (OLP (b) (6)); Groves, Brendan M. (ODAG (b) (6))
Subject: RE: 50.10 memo with nits

Larry,

I am open at 4:00. Not sure about Brendan.

Thanks,
Zac

From: Rothenberg, Laurence E (OLP)
Sent: Wednesday, September 27, 2017 5:58 PM
To: Bolitho, Zachary (ODAG (b) (6))>
Cc: Newman, Ryan (OLP (b) (6)); Groves, Brendan M. (ODAG (b) (6))
Subject: RE: 50.10 memo with nits

Sounds good. I can get together tomorrow after 3 pm to discuss expectations for Friday

From: Bolitho, Zachary (ODAG)
Sent: Wednesday, September 27, 2017 5:56 PM
To: Rothenberg, Laurence E (OLP (b) (6))
Cc: Newman, Ryan (OLP (b) (6)); Groves, Brendan M. (ODAG (b) (6))
Subject: RE: 50.10 memo with nits

Great catches, Larry. We will make those changes and try to get this through to the DAG.

From: Rothenberg, Laurence E (OLP)

Sent: Wednesday, September 27, 2017 5:02 PM

To: Bolitho, Zachary (ODAG [REDACTED] (b) (6))

Cc: Newman, Ryan (OLP [REDACTED] (b) (6)) >; Groves, Brendan M. (ODAG [REDACTED] (b) (6))

Subject: RE: 50.10 memo with nits

Duplicative Material



Groves, Brendan M. (ODAG)

From: Groves, Brendan M. (ODAG)
Sent: Thursday, September 28, 2017 12:24 PM
To: Rothenberg, Laurence E (OLP); Bolitho, Zachary (ODAG)
Cc: Newman, Ryan (OLP)
Subject: RE: 50.10 memo with nits
Attachments: Media Policy White Paper_9.28.docx

Also, please find attached the ***final*** version of the memo.

Best,
Brendan

From: Rothenberg, Laurence E (OLP)
Sent: Thursday, September 28, 2017 12:09 PM
To: Bolitho, Zachary (ODAG (b) (6))
Cc: Newman, Ryan (OLP (b) (6)) >; Groves, Brendan M. (ODAG (b) (6)) >
Subject: Re: 50.10 memo with nits

That works for me.

On Sep 28, 2017, at 11:44 AM, Bolitho, Zachary (ODAG (b) (6)) > wrote:

Duplicative Material



Options for Changes to the DOJ Policy on Obtaining Information from Members of the Media

I. Introduction

At the direction of the Deputy Attorney General, OLP has examined the Department's policy (hereinafter, "media subpoena policy" or "the policy") on obtaining information from the news media. The policy, codified at 28 C.F.R. § 50.10, governs obtaining information from, or records of, members of the news media. It also governs questioning, arresting, or charging members of the news media. The Deputy Attorney General has asked for options for potential changes to the policy and its implementation procedures to facilitate investigations and prosecutions of unauthorized disclosures of national defense information or of classified information (hereinafter, "unauthorized disclosures").

OLP has reviewed a variety of materials, including the current policy, previous versions of the policy, and materials from the 2013-2015 review of the then-existing policy. We have also reviewed the Department's internal procedures for implementing the policy.¹ We have discussed the policy extensively with members of the National Security Division, the Criminal Division, the FBI Office of the General Counsel, the Office of Public Affairs, and the U.S. Attorney's Offices for the District of Columbia and Eastern District of Virginia. This consultation has provided OLP with the perspectives of the investigators and prosecutors who handle matters involving unauthorized disclosures.

After extensive discussion and deliberation, OLP, in consultation with the relevant components, has identified five options for improving the Department's ability to effectively investigate and prosecute unauthorized disclosure cases:

(b) (5)



¹ See, e.g., United States Attorney's Manual § 9 13.400.

(b) (5)



(b) (5)

Below we describe: (1) the history of the policy (b) (5)
(3) the options for changes, along with their advantages and
disadvantages; an (b) (5)

II. History of the Policy

The media subpoena policy can be traced to the use of subpoenas as part of investigations into extremist groups. In 1969, for example, prosecutors in the trial of the Chicago Seven for involvement with the riots at the 1968 Democratic National Convention subpoenaed three magazines, three television networks, and four Chicago newspapers that had covered the riots. In 1970, prosecutors subpoenaed *New York Times* reporter Earl Caldwell's notes and tapes after he reported spending hours at the Black Panthers headquarters, observing a cache of weapons and hearing calls for violence from the group's leaders. Journalists claimed that government attempts to obtain information from them adversely affected legitimate newsgathering. They said that confidential sources were inhibited from sharing information and that members of the press had been harassed because of the perception that they were working for the government.

The controversy prompted then-Attorney General John Mitchell to issue the first set of departmental guidelines for requesting subpoenas to media organizations in criminal cases. See John N. Mitchell, "Free Press and Fair Trial: The Subpoena Controversy," American Bar Association, St. Louis, Missouri (Aug. 10, 1970). In those guidelines, the Department promised that it would weigh the chilling effect that a media subpoena may have on the exercise of First Amendment rights "against the public interest to be served in the fair administration of justice" in every case. *Id.* at 19. Because the Department "does not consider the press 'an investigative arm of the government,'" it would make "all reasonable attempts . . . to obtain information from non-press sources" before considering a subpoena to members of the media. *Id.* It would negotiate with the press, and, if such negotiations failed, would not issue a subpoena without express authorization from the Attorney General. *Id.* To avoid using "the press as a spring board for investigations," subpoena requests would only seek information "essential to a successful investigation," as opposed to merely "peripheral, non-essential, or speculative information." *Id.* at 20. Requests would also be limited in subject matter and time, and involve information that prosecutors had "unsuccessfully attempted to obtain...from alternative non-press sources." *Id.*

Meanwhile, Caldwell's refusal to comply with the grand jury subpoena relating to the Black Panthers (and other similar cases) proceeded through the court system. Ultimately, the Supreme Court held that reporters had no special First Amendment protection from state or federal grand jury subpoenas. *Branzburg v. Hayes*, 408 U.S. 665 (1972). The Court noted that

“citizens generally are not constitutionally immune from grand jury subpoenas” nor protected “from disclosing to a grand jury information that [they have] received in confidence.” *Id.* at 682. Additionally, the Court explained, the First Amendment “does not invalidate every incidental burdening of the press that may result from the enforcement of civil or criminal statutes of general applicability” or guarantee reporters any “constitutional right of special access to information.” *Id.* at 682–84, 690. “It would be frivolous to assert,” the Court stated, “that the First Amendment, in the interest of securing news or otherwise, confers a license on either the reporter or his news sources to violate valid criminal laws.” *Id.* at 691.

“Although stealing documents or private wiretapping could provide newsworthy information, neither reporter nor source is immune from conviction for such conduct, whatever the impact on the flow of news.” *Id.* And even in cases involving informants who did not themselves commit a crime, “arguments to conceal information relevant to commission of crime have very little to recommend them from the standpoint of public policy.” *Id.* at 696. The Court accordingly refused to forge a “virtually impenetrable constitutional shield, beyond legislative or judicial control . . . to protect a private system of informers operated by the press to report on criminal conduct, a system that would be unaccountable to the public.” *Id.* at 697; *see also In re Grand Jury Subpoena, Judith Miller*, 438 F.3d 1141 (D.C. Cir. 2005); *New York Times v. Gonzales*, 459 F.3d 160 (2d Cir. 2006); *United States v. Sterling*, 724 F.3d 482 (4th Cir. 2013).

In response, the Department modified and formalized the guidelines in the Code of Federal Regulations, 38 Fed. Reg. 29589 (Oct. 26, 1973). The amended 28 C.F.R. § 50.10 maintained the balancing test, along with the requirements that the Department make “all reasonable attempts” to obtain the information from non-media sources, negotiate with the media before requesting a subpoena, and obtain authorization from the Attorney General to pursue a subpoena when negotiations fail.

In 1980, the policy was further amended and its coverage expanded to cover civil cases and subpoenas for telephone toll records. It also directed that negotiations with the news media were to be pursued where the responsible Assistant Attorney General determined that such negotiations would not pose a substantial threat to the integrity of the investigation. Further, where notice to the media of a subpoena for toll records could not be given because of investigative concerns, the policy provided that notice could be delayed for no more than 90 days. *See* 45 Fed. Reg. 76436 (Nov. 19, 1980). With these changes, the guidelines remained in effect until 2014.

The policy’s high standards had a dramatic impact on the number of subpoenas served on the media. During the first two years of the Nixon administration (prior to the adoption of the policy) federal prosecutors served just two media outlets—CBS and NBC—with approximately 60 subpoenas. By contrast, during the 10 years from 2001 to 2010, the Attorney General approved only 92 media subpoenas across *all* media outlets. Those 92 subpoenas included 89 from the Criminal Division, zero from the Civil Division, and three from the Civil Rights

Division. The Department also repeatedly cited the strictures of the policy when opposing the need for a federal media shield law.³

In addition to the limits imposed by the policy, the Privacy Protection Act (PPA), 42 U.S.C. § 2000aa to 2000aa-12, presents a separate hurdle for media subpoena requests. Congress passed the PPA in reaction to the Supreme Court's 1978 decision in *Zurcher v. Stanford Daily*, 436 U.S. 547, 551-52 (1978). In that case, the Court held that police officers had not violated the Fourth Amendment when, pursuant to a warrant, they searched the offices of a Stanford student newspaper for negatives, pictures, and film of an assault on police officers that had occurred during police efforts to remove demonstrators from the Stanford University Hospital's administrative offices. See *Zurcher*, 436 U.S. at 52. The newspaper had published some such photographs under the byline of one of its staff members. *Id.* at 551. The district court had held that the First, Fourth, and Fourteenth Amendments forbade the issuance of a warrant to search the premises of a newspaper not suspected of a crime unless a showing could be made that a subpoena *duces tecum* was impractical. *Id.* at 552. The Supreme Court reversed.

Congress responded by passing the PPA. Under the PPA, it is unlawful for government officials "to search for or seize any work product materials possessed by a person reasonably believed to have a purpose to disseminate to the public a newspaper, book, broadcast, or other similar form of public communication," unless one of two exceptions applies. 42 U.S.C. § 2000aa. First, "there is probable cause to believe that the person possessing such materials has committed or is committing the criminal offense to which the materials relate" (known as the "suspect exception"). *Id.* at § 2000aa(1). Second, "there is reason to believe that the immediate seizure of such materials is necessary to prevent the death of, or serious bodily injury to, a human being." *Id.* at § 2000aa(2). It is likewise unlawful to search or seize non-work product documentary materials possessed by such individuals, unless the request satisfies one of the exceptions above or two other exceptions related to the viability of a subpoena *duces tecum*. *Id.* at § 2000aa(b). Although the PPA generally provides that government officials may not use the suspect exception where "the offense to which the materials relate consists of the receipt, possession, communication, or withholding of such materials or the information contained therein," the PPA expressly provides that "such a search or seizure may be conducted . . . if the offense consists of the receipt, possession, or communication of information relating to the national defense, classified information, or restricted data." *Id.* at §§ 2000aa(a)(1), 2000aa(b)(1). The PPA provides a civil remedy for violations of its provisions. *Id.* at § 2000aa-6.

³ See, e.g., Letter from Principal Deputy Assistant Attorney General Brian A. Benczkowski to the Hon. Lamar S. Smith, Ranking Member, Committee on the Judiciary, July 20, 2007; Testimony of Assistant Attorney General Rachel L. Brand, Hearing on "The Free Flow of Information Act of 2007," House Judiciary Comm. (June 14, 2007); Department of Justice Letter to Sen. Specter dated June 20, 2006, on S. 2831; Testimony of Deputy Attorney General Paul J. McNulty, Hearing on "Reporters' Privilege Legislation: Preserving Effective Federal Law Enforcement," Senate Judiciary Comm. (Sept. 20, 2006); Testimony of Principal Deputy Assistant Attorney General Matthew W. Friedrich, Hearing on "Examining the Department of Justice's Investigation of Journalists Who Publish Classified Information: Lessons from the Jack Anderson Case," Senate Judiciary Comm. (June 6, 2006).

III. Changes to the Policy in the Previous Administration

Attorney General Eric Holder revised the policy in 2014 as a result of public pressure arising out of two cases involving unauthorized disclosures. The first case involved the unauthorized disclosure of details about an al-Qaeda plot to bomb aircraft. In that case, Acting Attorney General James Cole authorized subpoenas for the telephone toll records of Associated Press reporters and editors. The second case involved an unauthorized disclosure of classified information regarding North Korea's nuclear weapons capability. In that case, Attorney General Holder authorized a search warrant for the content of a Fox News reporter's personal e-mail account. In the course of obtaining the warrant, the Department asserted (as required by the PPA) that the reporter was a co-conspirator in the unauthorized disclosure. Both events produced a media outcry.

The 2014 revisions included the following new rules and procedures:

- Notice Requirement: The former requirement to notify a member of the news media of attempts to obtain his communications records or other information from third parties only if an Assistant Attorney General had affirmatively determined that doing so *would not* substantially threaten the integrity of an investigation, was changed to make notice to the member of the news media the default unless the Attorney General affirmatively determined that notification *would* substantially threaten the integrity of an investigation or risk other grave harms;
- Warrants for Work Product: The policy was changed to state that members of the Department should not be authorized to apply for a warrant to obtain work product materials or other documentary materials of a member of the news media under the PPA's suspect exception if the sole purpose was to further the investigation of a person other than the member of the news media;
- Centralization: Review of requests to obtain information was centralized in the Criminal Division's Office of Enforcement Operations (OEO);
- News Media Review Committee: A News Media Review Committee⁴ was created to provide input on requests for media subpoenas; and
- DNI Certification: The Director of National Intelligence was required to certify the significance of the harm of an unauthorized disclosure and the Intelligence Community's (IC's) continued support for prosecution prior to obtaining information from the media.

Attorney General Holder made further changes to the policy in 2015. Most of the 2015 changes made it more difficult for the Department to obtain information from the media. Additionally, the 2015 changes added an exception to the policy for cases in which a member of the news media is a "subject" or "target" of an investigation relating to an offense committed in the course of, or arising out of, newsgathering activities. If the Attorney General makes that

⁴ The News Media Review Committee is composed of the Department's Chief Privacy and Civil Liberties Officer, the Director of the Office of Public Affairs, an Associate Deputy Attorney General, and two senior career Assistant United States Attorneys with relevant expertise and experience but no involvement (supervisory or otherwise) in the matter under consideration. USAM 9 13.400.K.5.

determination, the Attorney General probably would not need to take into account the ordinary considerations for media subpoena requests. Those considerations include, for example, that the government has exhausted all reasonable alternatives in seeking the information and that the information is essential to the investigation. The Attorney General also need not provide notice to the affected members of the news media when seeking their records from third parties, although he may do so. This revision, however, did not change the policy's prohibition on using the "suspect exception" in the PPA to obtain news media work product and other documentary materials if the sole purpose is to further the investigation of a person other than the member of the media, and it could not change the requirements of the PPA itself. *See Memorandum To All Department Employees, "Updated Policy Regarding Obtaining Information From, Or Records Of, Members Of The News Media; And Regarding Questioning, Arresting, Or Charging Member Of The News Media," Jan. 14, 2015.*

IV. [REDACTED] (b) (5)

[REDACTED]
(b) (5)

(b) (5)



(b) (5)



V. Options

(b) (5)



(b) (5)



(b) (5)



(b) (5)



(b) (5)



(b) (5)



(b) (5)



(b) (5)



(b) (5)



(b) (5)



VII. Conclusion

(b) (5)



(b) (5)



Newman, Ryan (OLP)

From: Newman, Ryan (OLP)
Sent: Friday, September 29, 2017 10:18 AM
To: Groves, Brendan M. (ODAG); Rothenberg, Laurence E (OLP); Bolitho, Zachary (ODAG)
Subject: RE: 50.10 memo with nits
Attachments: 20170928 DAG Media Subpoena Policy Briefing_v.6.PPTX

Brendan, here is the current draft. Beth may have some additional changes later, but she's at another meeting right now. We'll get you a final copy later today.

Ryan Newman
Principal Deputy Assistant Attorney General
Office of Legal Policy
U.S. Department of Justice
950 Pennsylvania Ave, N.W.
Washington, DC 20530
office (b) (6) | cel (b) (6)

From: Groves, Brendan M. (ODAG)
Sent: Friday, September 29, 2017 9:26 AM
To: Rothenberg, Laurence E (OLP (b) (6)); Bolitho, Zachary (ODAG)
(b) (6) >
Cc: Newman, Ryan (OLP (b) (6))
Subject: RE: 50.10 memo with nits

This is to confirm that the briefing to the DAG is, in fact, at 4 pm today in the DAG's conference room. Zac will be back in touch to confirm attendees.

Also, Ryan, can we see a copy of the slides? Thanks!

From: Rothenberg, Laurence E (OLP)
Sent: Thursday, September 28, 2017 12:09 PM
To: Bolitho, Zachary (OD G (b) (6))
Cc: Newman, Ryan (OLP (b) (6)); Groves, Brendan M. (OD G (b) (6)) >
Subject: Re: 50.10 memo with nits

Duplicative Material



Sent: Wednesday, September 27, 2017 5:58 PM
To: Bolitho, Zachary (ODAG) <zbolitho@jmd.usdoj.gov>
Cc: Newman, Ryan (OLP) <RNewman@jmd.usdoj.gov>; Groves, Brendan M. (ODAG)

0380

Newman, Ryan (OLP)

From: Newman, Ryan (OLP)
Sent: Friday, September 29, 2017 3:15 PM
To: Groves, Brendan M. (ODAG); Rothenberg, Laurence E (OLP); Bolitho, Zachary (ODAG)
Subject: RE: 50.10 memo with nits
Attachments: 20170928 DAG Media Subpoena Policy Briefing_v.6.PPTX

Final slide package. We'll bring copies for everyone.

Ryan Newman
Principal Deputy Assistant Attorney General
Office of Legal Policy
U.S. Department of Justice
950 Pennsylvania Ave, N.W.
Washington, DC 20530
offic (b) (6) | cel (b) (6)

From: Newman, Ryan (OLP)
Sent: Friday, September 29, 2017 10:45 AM
To: Groves, Brendan M. (ODAG (b) (6)); Rothenberg, Laurence E (OLP)
(b) (6); Bolitho, Zachary (ODAG (b) (6))
Subject: RE: 50.10 memo with nits

(b) (5)

Ryan Newman
Principal Deputy Assistant Attorney General
Office of Legal Policy
U.S. Department of Justice
950 Pennsylvania Ave, N.W.
Washington, DC 20530
offic (b) (6) | cel (b) (6)

From: Groves, Brendan M. (ODAG)
Sent: Friday, September 29, 2017 10:33 AM
To: Newman, Ryan (OLP (b) (6)); Rothenberg, Laurence E (OLP)
(b) (6) Bolitho, Zachary (ODAG (b) (6))>
Subject: RE: 50.10 memo with nits

Based on a quick scan, this looks good (b) (5)

Thanks very much for your work.

From: Newman, Ryan (OLP)
Sent: Friday, September 29, 2017 10:18 AM

To: Groves, Brendan M. (ODAG [REDACTED] (b) (6) [REDACTED]); Rothenberg, Laurence E (OLP)
[REDACTED] (b) (6) [REDACTED]; Bolitho, Zachary (ODAG [REDACTED] (b) (6) [REDACTED])
Subject: RE: 50.10 memo with nits

Duplicative Material



Review of Media Subpoena Policy



Briefing for the Deputy Attorney General
Office of Legal Policy
September 29, 2017

Attorney General Sessions

August 4, 2017

“We respect the important role that the press plays and will give them respect, but it is not unlimited...We must balance their role with protecting our national security and the lives of those who serve in our intelligence community, the armed forces, and all law-abiding Americans.”

Working Group

- **OLP:** AAG Beth Williams, PDAAG Ryan Newman, DAAG Larry Rothenberg, and Counsel Jenn Dickey
- **ODAG:** Counsel Zachary Bolitho and Counsel Brendan Groves
- **NSD:** DAAG George Toscas and DAAG Brad Wiegmann
- **CRM:** DAAG David Rybicki
- **USAO-DC:** Criminal Chief Jon Malis
- **USAO-EDVA:** Criminal Chief Daniel Grooms
- **OPA:** Director of Public Affairs Sarah Isgur Flores
- **FBI OGC:** Counterintelligence Unit Chief (b)(6), (b)(7)(C) per FBI
 - Note that not all participated in every meeting and not all commented on drafts of the memo

Evolution of the Media Policy

- **1970 Policy Implemented by Attorney General Mitchell**
 - Response to controversy over federal investigations of radical groups
 - Make “all reasonable attempts . . . to obtain information from non-press sources”
 - Negotiate with the press to obtain information
 - Seek only information “essential to a successful investigation”
 - Seek information only after “unsuccessfully attempt[ing] to obtain the information from alternative non-press sources”
- **1973 Codified the Policy at 28 C.F.R. § 50.10**
- **1980 Amendments Made Policy Even More Protective of Media**
 - Extended to subpoenas for telephone toll records
 - Applied to civil cases
 - Notice must be given after 90 days

Evolution of the Media Policy

Privacy Protection Act of 1980 (PPA)

- **Unlawful** to seize work product from reporters
- **Except if:**
 - “there is probable cause to believe that the person possessing such materials has committed or is committing the criminal offense to which the materials relate,” and
 - “the offense consists of the receipt, possession, or communication of information relating to the national defense, classified information, or restricted data”
 - commonly referred to as the “**suspect exception**”
- **Result:** Media subpoenas dropped from 100s/year in ‘69-‘70 to 9.2/year from ‘01-‘10

Evolution of the Media Policy

2013 and 2015 Revisions by Attorney General Holder

- Prompted by controversy over the Kim and Sachtleben leak cases
- Mostly strengthened protections for the media:
 - Requires notification to news media unless AG determines substantial threat to investigation
 - Prohibits warrants under the PPA “suspect exception” if sole purpose is investigation of a person other than the member of the news media
 - Requires DNI certification
 - USAM requires OEO review of all requests
 - Establishes News Media Review Committee
- **But** creates exception to most requirements where a member of the news media is a “subject” or “target” of an investigation “relating to an offense committed in the course of, or arising out of, newsgathering activities”

Overview of Current Media Policy

- Aims to strike a balance between:
 - Protecting national security,
 - Ensuring public safety,
 - Promoting effective law enforcement, and
 - Safeguarding the free press
- Applies in both civil and criminal cases
- Covers subpoenas, 2703(d) orders, 3123 orders, and search warrants for information from members of the news media and from third parties

Overview of Current Media Policy

- In general, to obtain information under the current policy:
 - Must show that the information is **essential** to a successful investigation or prosecution / substantially important litigation;
 - Must make “**all reasonable attempts** to obtain the information from alternative, non-media sources;”
 - Must pursue **negotiations** with the reporter; and
 - The Director of National Intelligence must **certify** that the harm is significant, that the leaked information was properly classified, and that the IC supports the investigation or prosecution
- Must provide “**reasonable and timely notice**” to reporter
 - **Unless** “such notice would pose a clear and substantial threat to the integrity of the investigation, risk grave harm to national security, or present an imminent risk of death or serious bodily injury,”
 - **But** notice must be provided no later than **90 days** regardless

Overview of Current Media Policy

➤ “Subject or Target” Exception:

- If AG determines that reporter is a “**subject or target** of an investigation relating to an offense committed in the course of, or arising out of, newsgathering activities:”
 - Must balance interests
 - But essentiality, exhaustion, negotiation, DNI certification, and notice requirements do not apply
- USAM defines “subject” as “a person whose conduct is within the scope of the grand jury’s investigation”
- Would facilitate access to toll records, but not necessarily content

➤ Exigent Circumstances Exception:

- DAAG for CRM may authorize subpoenas and court orders for toll records if necessary to prevent terrorism, a significant and articulable harm to national security, death, kidnapping, substantial bodily harm, offenses against minors, or destruction of critical infrastructure

Overview of Current Media Policy

➤ PPA's "Suspect Exception:"

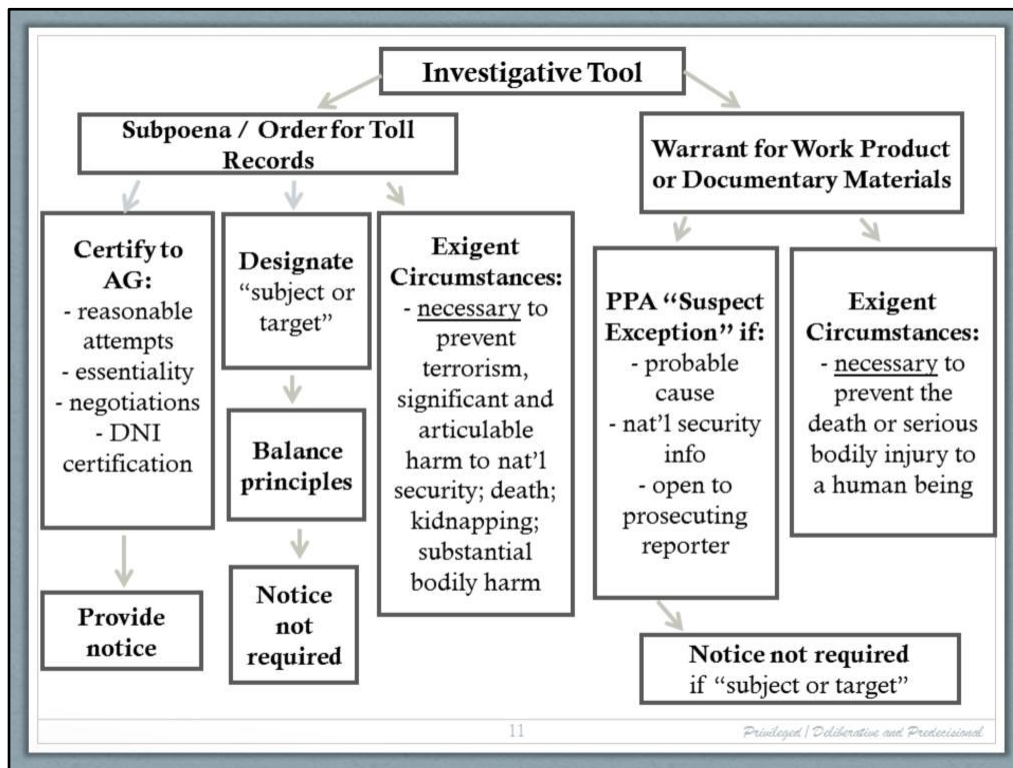
- Can obtain warrant for contents of communications only if (1) probable cause exists and (2) offense involves unauthorized disclosure

➤ Limits on PPA's "Suspect Exception" Under Media Policy:

- May not obtain warrant for "work product materials or other documentary materials" of reporter under the "suspect exception" if the sole purpose is to further the investigation of a person other than the reporter
- Bottom line: Cannot obtain warrant for contents of communications unless government intends to investigate reporter and "suspect exception" is satisfied

➤ Exigent Circumstances Exception:

- DAAG for CRM may authorize application for warrant for contents of communications if "immediate seizure . . . is necessary to prevent the death of, or serious bodily injury to, a human being"



(b) (5)



Options

(b) (5)



(b) (5)



(b) (5)



(b) (5)



(b) (5)



(b) (5)



(b) (5)



Conclusion

(b) (5)



Bolitho, Zachary (ODAG)

From: Bolitho, Zachary (ODAG)
Sent: Saturday, October 28, 2017 12:56 PM
To: Hill, John L. (ODAG)
Cc: Groves, Brendan M. (ODAG)
Subject: Media Policy White Paper_9.28.docx
Attachments: Media Policy White Paper_9.28.docx; ATT00001.txt

John,

I think this is the final version.

Best,
Zac

Simms, Donna Y. (ODAG)

From: Simms, Donna Y. (ODAG)
Sent: Tuesday, October 31, 2017 12:36 PM
To: Bolitho, Zachary (ODAG); Frank, Michael (ODAG)
Subject: FYSA _ WF 3917409 dojprod_Control_Sheet_DOJ_20171031_123456
Attachments: dojprod_Control_Sheet_DOJ_20171031_123456.rtf; 3917409.pdf

Attached.

Donna Simms

U.S. Department of Justice
Office of the Deputy Attorney General
950 Pennsylvania Avenue, NW
Washington, DC 20530

(b) (6)

(b) (6)

RON WYDEN
OREGON

RANKING MEMBER OF COMMITTEE ON
FINANCE

221 DIRKSEN SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-5244

United States Senate
WASHINGTON, DC 20510-3703

COMMITTEES:
COMMITTEE ON FINANCE
COMMITTEE ON BUDGET
COMMITTEE ON ENERGY & NATURAL RESOURCES
SELECT COMMITTEE ON INTELLIGENCE
JOINT COMMITTEE ON TAXATION

October 10, 2017

The Honorable Jefferson B. Sessions III
Attorney General
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Sessions:

I write to seek information on the Department of Justice's use of its surveillance powers to target journalists and news organizations as part of leak investigations.

At a televised press conference on August 4, 2017 you stated that the Department of Justice (DOJ) is ramping up its investigations on leaks and reviewing its internal policies governing investigations of journalists and their sources. As you are aware, in 2015, DOJ revised its guidelines for investigations of members of the media. These revisions were made after several incidents in which DOJ abused its surveillance authority by targeting the press to identify their sources. For example, in 2013, DOJ obtained telephone call records for 20 Associated Press phone lines, including the work and personal phone numbers of individual reporters.

The 2015 revised regulations include a requirement that the Attorney General personally approve all subpoenas and applications for court orders and warrants served to or about members of the news media. This includes including legal demands for telephone and internet records, which could reveal a journalist's sources. The 2015 revisions, while an improvement, still do not go far enough. Journalists play a critical role in our democracy and the chill associated with the government obtaining their communications records in order to identify their sources cannot be overstated.

Although federal law currently permits the government to obtain historical telephone and email records without demonstrating probable cause to a judge, DOJ can and should go above and beyond what is required by statute when investigating journalists. I urge you to expand the protections in the 2015 regulations to further require that, absent an imminent threat to Americans' safety, executive branch personnel not seek a journalist's phone or email records in order to identify the source of a leak to that journalist without a search warrant.

Any further revisions to DOJ's procedure must strengthen, not compromise these essential protections. Moreover, DOJ's power to investigate members of the media should be subjected to close scrutiny by Congress and the American people. To that end, I would appreciate prompt, complete responses to the following questions by November 10, 2017.

911 NE 11TH AVENUE
SUITE 630
PORTLAND, OR 97232
(503) 326-7525

405 EAST 8TH AVE
SUITE 2020
EUGENE, OR 97401
(541) 431-0229

SAC ANNEX BUILDING
105 FIR ST
SUITE 201
LA GRANDE, OR 97850
(541) 962-7691

U.S. COURTHOUSE
310 WEST 6TH ST
ROOM 118
MEDFORD, OR 97501
(541) 858-5122

THE JAMISON BUILDING
131 NW HAWTHORNE AVE
SUITE 107
BEND, OR 97701
(541) 330-9142

707 13TH ST. SE
SUITE 285
SALEM, OR 97301
(503) 589-4555

[HTTP://WYDEN.SENATE.GOV](http://wyden.senate.gov)

PRINTED ON RECYCLED PAPER

0425

1. For each of the past five years, how many times has DOJ used subpoenas, search warrants, national security letters, or any other form of legal process authorized by a court to target members of the news media in the United States and American journalists abroad to seek their (a) communications records, (b) geo-location information, or (c) the content of their communications? Please provide statistics for each form of legal process.
2. Has DOJ revised the 2015 regulations, or made any other changes to internal procedures governing investigations of journalists since January 20, 2017? If yes, please provide me with a copy.

If you have any additional questions about this request, please contact Chris Soghoian on my staff at (202) 224-5244.

Sincerely,



Ron Wyden
United States Senator

Groves, Brendan M. (ODAG)

From: Groves, Brendan M. (ODAG)
Sent: Wednesday, November 8, 2017 2:24 PM
To: Gauhar, Tashina (ODAG)
Subject: FW: 50.10 - Draft Thoughts for Tomorrow's Meeting
Attachments: Draft 50.10 Thoughts for Tomorrow's Meeting.docx

FYSA below and attached. Note: Zac and I did not ask for this. Nor did we know he was coming.

Also, are you able to attend a 50.10 follow up meeting with Rob tomorrow? Currently scheduled for 11 am.

Best,
Brendan

From: Hill, John L. (ODAG)
Sent: Wednesday, November 8, 2017 2:23 PM
To: Hur, Robert (ODAG (b) (6)); Bolitho, Zachary (ODAG (b) (6)); Groves, Brendan M. (ODAG (b) (6))
Subject: 50.10 - Draft Thoughts for Tomorrow's Meeting

Gentlemen,

In preparation for tomorrow's meeting, attached is a two-page document setting forth a few ideas for advancing this project. It draws from the very informative OLP/ODAG Options Memo and from recent experience.

Look forward to talking tomorrow.

John

John L. Hill
Counsel to the Deputy Attorney General
U.S. Department of Justice
(b) (6)

Bolitho, Zachary (ODAG)

From: Bolitho, Zachary (ODAG)
Sent: Thursday, November 16, 2017 4:28 PM
To: Groves, Brendan M. (ODAG)
Subject: (b) (5)
Attachments: (b) (5)_Draft_Markup.docx

Brendan,

Attached is th (b) (5) with some potential edits as we discussed this morning. Feel free to tinker with it.

Best,
Zac

Bolitho, Zachary (ODAG)

From: Bolitho, Zachary (ODAG)
Sent: Wednesday, November 22, 2017 11:00 AM
To: Hill, John L. (ODAG)
Cc: Gauhar, Tashina (ODAG); Groves, Brendan M. (ODAG)
Subject: RE: 50.10
Attachments: Draf (b) (5)_Memo.doc (b) (5)_Draft_Markup.docx

Thanks, John.

Attached please find a draft that Brendan and I have worked on regarding (b) (5). I am also attaching a draft "markup" that shows one option for revising th (b) (5). Please note the bracketed language is meant to suggest alternatives. These are, of course, just drafts. I would be happy to explain our thinking when you have a minute.

Best,
Zac

From: Hill, John L. (ODAG)
Sent: Wednesday, November 22, 2017 10:44 AM
To: Hur, Robert (ODAG (b) (6) >
Cc: Gauhar, Tashina (ODA (b) (6) >; Bolitho, Zachary (ODAG (b) (6)
Groves, Brendan M. (ODA (b) (6)
Subject: 50.10

I just met with Curtis Gannon, Henry Whitaker, and Christine Buzzard from OLC. Bottom lin (b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

John

John L. Hill
Counsel to the Deputy Attorney General
U.S. Department of Justice
(b) (6)

Bolitho, Zachary (ODAG)

From: Bolitho, Zachary (ODAG)
Sent: Wednesday, November 22, 2017 1:50 PM
To: Hur, Robert (ODAG)
Cc: Groves, Brendan M. (ODAG); Hill, John L. (ODAG); Gauhar, Tashina (ODAG)
Subject: 50.10 materials for Monday meeting
Attachments: Draf (b) (5)_Memo_Version_2.doc (b) (5)_Draft_Markup_Version_2.docx

Rob,

We are scheduled to meet with you on Monday at 11:00 a.m. to discuss the next steps regarding 50.10. Attached please find two documents that we would like to discuss during the meeting:

- 1) Rough draft o (b) (5)
(b) (5)
- 2) Rough draft of revisions to th (b) (5) (in red-line so that you can see the proposed changes).

We look forward to hearing your thoughts.

Have a great Thanksgiving!
Zac

Bolitho, Zachary (ODAG)

From: Bolitho, Zachary (ODAG)
Sent: Thursday, November 30, 2017 4:41 PM
To: Groves, Brendan M. (ODAG); Hill, John L. (ODAG); Gauhar, Tashina (ODAG)
Subject: Possible "tiers" of revisions
Attachments: Tiers_Possible_50.10_Options.docx

Colleagues,

Based on our discussion with Rob, I have prepared the attached document containing possible “tiers” of changes that could be made to the 50.10 policy. I welcome your thoughts.

Best,
Zac

Groves, Brendan M. (ODAG)

From: Groves, Brendan M. (ODAG)
Sent: Friday, December 1, 2017 3:58 PM
To: Bolitho, Zachary (ODAG); Hill, John L. (ODAG); Gauhar, Tashina (ODAG)
Subject: RE: Possible "tiers" of revisions
Attachments: Tiers_Possible_50.10_Options.docx

All, please see minor edits in the attached, which includes language on the working group's recommendations. If everyone agrees, should we put this in the DAG's wknd book?

From: Bolitho, Zachary (ODAG)
Sent: Thursday, November 30, 2017 4:41 PM
To: Groves, Brendan M. (ODAG [REDACTED] (b) (6) [REDACTED]); Hill, John L. (ODAG [REDACTED] (b) (6) [REDACTED]); Gauhar, Tashina (ODAG [REDACTED] (b) (6) [REDACTED])
Subject: Possible "tiers" of revisions

Duplicative Material



Groves, Brendan M. (ODAG)

From: Groves, Brendan M. (ODAG)
Sent: Friday, December 1, 2017 5:05 PM
To: Gauhar, Tashina (ODAG)
Subject: FW: DAG's weekly binder
Attachments: 50.10_Proposed_Tiers.doc (b) (5)_Draft_Markup_Version_2 (002).docx;
Draf (b) (5)_Memo_Version_3.docx

FYSA. We added these materials to the DAG's weekend book.

From: Bolitho, Zachary (ODAG)
Sent: Friday, December 1, 2017 4:50 PM
To: Murphy, Marcia (ODAG (b) (6)); Hill, John L. (ODAG (b) (6)); Groves, Brendan M. (ODA (b) (6))
Subject: RE: DAG's weekly binder

Marcy,

Attached please find 3 documents relating to the 50.10 meeting. Could you please put them in the DAG's binder? Sorry for not bringing them in paper format, but I am currently traveling.

Thanks!
Zac

From: Murphy, Marcia (ODAG)
Sent: Friday, December 1, 2017 3:44 PM
To: Hill, John L. (ODAG (b) (6)); Bolitho, Zachary (ODAG (b) (6)); Groves, Brendan M. (ODAG (b) (6))
Subject: DAG's weekly binder
Importance: High

Rob suggested that I check with you to see if you have anything for the binder re: the 50.10 meeting on Thursday?

Marcy Murphy
Confidential Assistant to the
Deputy Attorney General
(b) (6)

Groves, Brendan M. (ODAG)

From: Groves, Brendan M. (ODAG)
Sent: Thursday, December 7, 2017 10:01 AM
To: Bolitho, Zachary (ODAG)
Subject: 50.10_Proposed_Tiers
Attachments: 50.10_Proposed_Tiers.docx

Made some minor edits to the tiers document.

Hill, John L. (ODAG)

From: Hill, John L. (ODAG)
Sent: Thursday, December 7, 2017 11:03 AM
To: Hur, Robert (ODAG); Terwilliger, Zachary (ODAG)
Subject: FW: DAG's weekly binder
Attachments: 50.10_Proposed_Tiers.doc (b) (5)_Draft_Markup_Version_2 (002).docx;
Draf (b) (5)_Memo_Version_3.docx

Just realized you guys weren't copied on this. For today's 11:30 meeting with the DAG.

From: Bolitho, Zachary (ODAG)
Sent: Friday, December 1, 2017 4:50 PM
To: Murphy, Marcia (ODAG (b) (6) >; Hill, John L. (ODAG (b) (6) >; Groves, Brendan M. (ODA (b) (6) >
Subject: RE: DAG's weekly binder

Duplicative Material



Bolitho, Zachary (ODAG)

From: Bolitho, Zachary (ODAG)
Sent: Thursday, December 7, 2017 1:40 PM
To: Groves, Brendan M. (ODAG); Hill, John L. (ODAG); Gauhar, Tashina (ODAG)
Subject: DAG revisions
Attachments: Draf (b) (5)_Memo_Version_4.doc (b) (5)_Draft_Markup_Version_3 (002).docx

All,

I have modified the attached documents to reflect our conversation with the DAG. I think I captured all of his edits, but please review the documents closely to make sure I didn't miss anything.

Also, I agree with Tash's suggestion that we should meet with Rob soon to get some guidance on next steps. Should we shoot for early next week?

Thanks!!
Zac

Hodge, Jennifer (CRM)

From: Hodge, Jennifer (CRM)
Sent: Friday, January 12, 2018 3:24 PM
To: Hill, John L. (ODAG); Sorkin, Deborah; Hulser, Raymond (CRM)
Cc: Groves, Brendan M. (ODAG); Gauhar, Tashina (ODAG); Bolitho, Zachary (ODAG); Zerwitz, Deborah (CRM)
Subject: RE: 50.10
Attachments: 50.10 OEO Redline OEO 1-12-18 (003).docx; USAM 9 13 400 redlines January 12 2018 (002).docx

John,

I attach an initial draft of redlines to the media policy addressi (b) (5)
[REDACTED]
[REDACTED] We have added comments in the redlines to explain the proposed changes. As we were making these changes, we also talked a lot about (b) (5).

We will continue to review the policy as we move forward in the process to see if there are any other potential revisions or clarifications to be made. We look forward to working with you and the group.

Best,

Jennifer

From: Hill, John L. (ODAG)
Sent: Thursday, January 4, 2018 3:52 PM
To: Hodge, Jennifer (CRM (b) (6) >; Sorkin, Deborah (b) (6) >; Hulser, Raymond (CRM (b) (6) >
Cc: Groves, Brendan M. (ODAG (b) (6) >; Gauhar, Tashina (ODAG (b) (6) >; Bolitho, Zachary (ODAG (b) (6) >; Zerwitz, Deborah (CRM (b) (6) >
Subject: RE: 50.10

OEO Team,

Thank you again for meeting with us yesterday. And thank you for offering to provide proposals to address (b) (5)
[REDACTED]
[REDACTED]. Would it be possible to get us draft language addressing those issues by next Friday, January 12?

In the meantime, if you have any questions, please feel free to reach out. We look forward to continued engagement with you on this going forward.

Best,

John

From: Hill, John L. (ODAG)
Sent: Thursday, December 21, 2017 6:08 PM

To: Hodge, Jennifer (CRM [REDACTED] (b) (6) >; Sorkin, Deborah [REDACTED] (b) (6) >; Hulser, Raymond (CRM [REDACTED] (b) (6) >
Cc: Groves, Brendan M. (ODAG [REDACTED] (b) (6) >; Gauhar, Tashina (ODAG [REDACTED] (b) (6) >; Bolitho, Zachary (ODA [REDACTED] (b) (6) >; Zerwitz, Deborah (CRM [REDACTED] (b) (6) >
Subject: RE: 50.10

Good evening. Let's aim to reschedule this meeting for the first week of January. How does Wednesday, the 3rd, work, perhaps at 10:00 a.m.?

John

From: Hodge, Jennifer (CRM)
Sent: Friday, December 15, 2017 11:59 AM
To: Sorkin, Debora [REDACTED] (b) (6) >; Hill, John L. (ODA [REDACTED] (b) (6) >; Hulser, Raymond (CRM [REDACTED] (b) (6) >
Cc: Groves, Brendan M. (ODAG [REDACTED] (b) (6) >; Gauhar, Tashina (ODA [REDACTED] (b) (6) >; Bolitho, Zachary (ODAG [REDACTED] (b) (6) >; Zerwitz, Deborah (CRM [REDACTED] (b) (6) >
Subject: RE: 50.10

John,

Deborah Zerwitz, a Senior Counsel in OEO with extensive experience with 50.10 will take Deborah Sorkin's place next week. I have added her to this email.

Thanks very much.

Jennifer

From: Sorkin, Deborah
Sent: Friday, December 15, 2017 11:42 AM
To: Hill, John L. (ODAG [REDACTED] (b) (6) >; Hulser, Raymond (CRM [REDACTED] (b) (6) >; Hodge, Jennifer (CRM [REDACTED] (b) (6) >
Cc: Groves, Brendan M. (ODAG [REDACTED] (b) (6) >; Gauhar, Tashina (ODAG [REDACTED] (b) (6) >; Bolitho, Zachary (ODAG [REDACTED] (b) (6) >
Subject: RE: 50.10

John,

I am sorry but I am away next week and unable to make a meeting.

Deborah

From: Hill, John L. (ODAG)
Sent: Friday, December 15, 2017 11:12 AM
To: Hulser, Raymond (CRM [REDACTED] (b) (6) >; Hodge, Jennifer (CRM [REDACTED] (b) (6) >; Sorkin, Debora [REDACTED] (b) (6) >
Cc: Groves, Brendan M. (ODAG [REDACTED] (b) (6) >; Gauhar, Tashina (ODAG [REDACTED] (b) (6) >; Bolitho, Zachary (ODAG [REDACTED] (b) (6) >
Subject: 50.10

Ray/Jennifer/Deborah,

Good morning. We'd like to sit down with you and discuss 50.10 next week. I'll throw out a proposed date and time, and everyone can chime in from there re: availability.

How would Tuesday at 11:00 a.m. work?

John

Groves, Brendan M. (ODAG)

From: Groves, Brendan M. (ODAG)
Sent: Wednesday, January 24, 2018 8:11 PM
To: Bolitho, Zachary (ODAG); Hill, John L. (ODAG)
Cc: Gauhar, Tashina (ODAG)
Subject: Update - Policy Review Process (DELIBERATIVE // FOUO)
Attachments: 50.10 Draft Redline 1.19.18.docx; USAM 9 13 400 redlines 1.19.18.docx

Team,

I've updated the policy and the USAM to incorporate the changes we discussed with the DAG and certain additional proposals from OEO (only some of which we accepted). Please find both documents attached.

You'll note that I've placed, for now, th (b) (5) which avoids the need to create a new section. Let me know if you have another idea.

In terms of next steps, I'd like to propose we proceed along the following course:

1. **Meet with OLP Leadership:** I've arranged a meeting with Beth, Katie, and Larry on Monday at 4:30. Please let me know if that time works for you. During the meeting, we will brief Beth on our progress since her briefing to the DAG some months ago. We will also discuss the way ahead, including the need to develop a process and engagement strategy (see #2 below).
2. **Develop an Internal Process and Engagement Strategy:** Before convening the working group, we need to develop a proposal for the DAG on how our internal process will proceed (b) (5). To prepare the proposal, I think we should convene a meeting with ODAG, OLP, OLA, and OPA next week following our meeting with Beth.

a. Along those lines, I think the proposal will consist of two basic components:

- i. **Internal Process** (b) (5)
- ii. (b) (5): This section may have several subparts:
 1. (b) (5)
 2. (b) (5)

3. (b) (5)
(b) (5)
(b) (5)
(b) (5).

3. **Convene the OLP-led Working Group:** Evaluate and formally recommend changes to leadership; prepare a publicly releasable report justifying those changes, etc.

Zac, if everyone agrees with this way ahead, we should probably run this plan past Rob so he's aware. I look forward to your thoughts.

Best,
Brendan

Groves, Brendan M. (ODAG)

From: Groves, Brendan M. (ODAG)
Sent: Friday, January 26, 2018 6:23 PM
To: Crytzer, Katherine (OLP)
Cc: Bolitho, Zachary (ODAG); Gauhar, Tashina (ODAG); Hill, John L. (ODAG); Rothenberg, Laurence E (OLP)
Subject: Policy Documents (DELIBERATIVE // FOUO)
Attachments: 50.10 Draft Redline 1.19.18.docx; USAM 9 13 400 redlines 1.19.18.docx; 50.10_Proposed_Tiers.docx

Hi Katie,

As promised, please find attached draft redlines to the policy and the relevant USAM provisions. We've also attached a document that breaks down potential revisions into "Tiers" of relative priority.

As we discussed, the DAG has reviewed, and is inclined to endorse, the changes identified in Tier 1, all of which are incorporated in the attached redlines. To note, we've placed dra (b) (5) which the DAG has reviewed and edited (b) (5). We can always revisit the placement down the road.

The redlines also include certain changes recommended by OEO. In general, those ed (b) (5). The DAG has *not* reviewed those potential changes; nor has he reviewed the potential changes categorized in Tiers 2-4. Of course, before recommending any such changes, we should very carefully consider the potential costs and benefits. That will be a key role for the working group to play.

We look forward to our discussion on Monday. Please let me know if you need anything else in the meantime.

Best,
Brendan

Rothenberg, Laurence E (OLP)

From: Rothenberg, Laurence E (OLP)
Sent: Friday, February 9, 2018 1:08 PM
To: Groves, Brendan M. (ODAG)
Cc: Bolitho, Zachary (ODAG); Hill, John L. (ODAG)
Subject: RE: Engagement Plan
Attachments: Media Policy - Plan.Executive Summary.2018.02.09 final.docx

Attached pls find the engagement plan. Please let me know if you'd like to discuss and/or when you want to meet with OPA and OLA to get it going.

From: Rothenberg, Laurence E (OLP)
Sent: Friday, February 09, 2018 10:38 AM
To: Groves, Brendan M. (ODAG (b) (6))
Cc: Bolitho, Zachary (ODA (b) (6)); Hill, John L. (ODA (b) (6))
Subject: RE: Engagement Plan

We will have a written plan for you by COB today. In the meantime, I do think we can plan for an ODAG/OLP/OLA/OPA meeting, say, Tuesday? Do you want me to set that up?

From: Groves, Brendan M. (ODAG)
Sent: Thursday, February 08, 2018 8:06 PM
To: Rothenberg, Laurence E (OLP (b) (6))
Cc: Bolitho, Zachary (ODA (b) (6)); Hill, John L. (ODA (b) (6))
Subject: Engagement Plan

Hi Larry,

I wanted to check in on the engagement plan that Beth mentioned OLP would generate. Please let us know how that's going and whether it makes sense to schedule a meeting with OLA and OPA.

We're very grateful for your help.

Thanks very much,
Brendan

Groves, Brendan M. (ODAG)

From: Groves, Brendan M. (ODAG)
Sent: Friday, February 9, 2018 10:46 PM
To: Gauhar, Tashina (ODAG)
Subject: FW: Engagement Plan (DELIBERATIVE // PRIVILEGED // FOUO)
Attachments: Media Policy - Plan.Executive Summary.2018.02.09.docx

Realized I forgot to CC you here. We may meet about this internally on Monday,

From: Groves, Brendan M. (ODAG)
Sent: Friday, February 9, 2018 2:15 PM
To: Bolitho, Zachary (ODAG) (b) (6) >; Hill, John L. (ODAG) (b) (6)
Subject: FW: Engagement Plan (DELIBERATIVE // PRIVILEGED // FOUO)

Gents, please see my initial suggested edits. I think we may want to discuss. Do folks have time at 6 tonight? I have meetings before then, unfortunately. Otherwise, we can meet on Monday.

Best,
Brendan

From: Rothenberg, Laurence E (OLP)
Sent: Friday, February 9, 2018 1:08 PM
To: Groves, Brendan M. (ODAG) (b) (6)
Cc: Bolitho, Zachary (ODA) (b) (6) >; Hill, John L. (ODA) (b) (6) >
Subject: RE: Engagement Plan

Duplicative Material



Groves, Brendan M. (ODAG)

From: Groves, Brendan M. (ODAG)
Sent: Tuesday, February 13, 2018 2:58 PM
To: Bolitho, Zachary (ODAG); Hill, John L. (ODAG)
Subject: RE: Engagement Plan (DELIBERATIVE // PRIVILEGED // FOUO)
Attachments: Media Policy - Plan.Executive Summary.2018.02.09.docx

I've attached my thoughts in track changes.

From: Groves, Brendan M. (ODAG)
Sent: Tuesday, February 13, 2018 12:08 PM
To: Bolitho, Zachary (ODAG (b) (6)); Hill, John L. (ODAG (b) (6))
Subject: RE: Engagement Plan (DELIBERATIVE // PRIVILEGED // FOUO)

That works.

From: Bolitho, Zachary (ODAG)
Sent: Tuesday, February 13, 2018 12:07 PM
To: Hill, John L. (ODA (b) (6)); Groves, Brendan M. (ODAG (b) (6))
Subject: RE: Engagement Plan (DELIBERATIVE // PRIVILEGED // FOUO)

3:00 is fine.

From: Hill, John L. (ODAG)
Sent: Tuesday, February 13, 2018 12:06 PM
To: Bolitho, Zachary (ODAG (b) (6)); Groves, Brendan M. (ODAG (b) (6))
Subject: RE: Engagement Plan (DELIBERATIVE // PRIVILEGED // FOUO)

Why don't we find a time that works for all 3. How about 3:00?

From: Bolitho, Zachary (ODAG)
Sent: Tuesday, February 13, 2018 12:05 PM
To: Groves, Brendan M. (ODAG (b) (6)) >
Cc: Hill, John L. (ODAG (b) (6)) >
Subject: RE: Engagement Plan (DELIBERATIVE // PRIVILEGED // FOUO)

I have a meeting at 2. But, feel free to meet and give me a back-brief. Thanks.

From: Groves, Brendan M. (ODAG)
Sent: Tuesday, February 13, 2018 12:04 PM
To: Hill, John L. (ODAG (b) (6)) Bolitho, Zachary (ODAG (b) (6)) >
Subject: RE: Engagement Plan (DELIBERATIVE // PRIVILEGED // FOUO)

I have another meeting at 1. How about 2?

From: Hill, John L. (ODAG)

Sent: Tuesday, February 13, 2018 11:43 AM

To: Bolitho, Zachary (ODAG [REDACTED] (b) (6) [REDACTED]) >; Groves, Brendan M. (ODAG [REDACTED] (b) (6) [REDACTED]) >

Subject: RE: Engagement Plan (DELIBERATIVE // PRIVILEGED // FOUO)

Let's chat about this. I don't understand why we can't get to the finish line a lot sooner. How about getting together for a few minutes this afternoon perhaps 1:00?

From: Bolitho, Zachary (ODAG)

Sent: Tuesday, February 13, 2018 11:11 AM

To: Groves, Brendan M. (ODAG [REDACTED] (b) (6) [REDACTED]); Hill, John L. (ODAG [REDACTED] (b) (6) [REDACTED]) >

Subject: RE: Engagement Plan (DELIBERATIVE // PRIVILEGED // FOUO)

Sorry for the delayed response. I've looked the document and over and am happy to chat today if you'd like. Overall, I think it looks fine. I wonder if the timeline might be pushed up.

From: Groves, Brendan M. (ODAG)

Sent: Monday, February 12, 2018 3:16 PM

To: Bolitho, Zachary (ODAG [REDACTED] (b) (6) [REDACTED]) >; Hill, John L. (ODAG [REDACTED] (b) (6) [REDACTED])

Subject: RE: Engagement Plan (DELIBERATIVE // PRIVILEGED // FOUO)

In lieu of a meeting, do you all want to review the document and convey your thoughts? It would be good to have a way ahead today if possible so we know when to schedule the meeting with OLA/OPA.

From: Hill, John L. (ODAG)

Sent: Friday, February 9, 2018 2:27 PM

To: Groves, Brendan M. (ODAG [REDACTED] (b) (6) [REDACTED])

Cc: Bolitho, Zachary (ODAG [REDACTED] (b) (6) [REDACTED]) >

Subject: Re: Engagement Plan (DELIBERATIVE // PRIVILEGED // FOUO)

Let's do Monday.

On Feb 9, 2018, at 2:14 PM, Groves, Brendan M. (ODAG [REDACTED] (b) (6) [REDACTED]) wrote:

Duplicative Material



Groves, Brendan M. (ODAG)

From: Groves, Brendan M. (ODAG)
Sent: Tuesday, February 13, 2018 4:48 PM
To: Rothenberg, Laurence E (OLP)
Cc: Crytzer, Katherine (OLP); Bolitho, Zachary (ODAG); Hill, John L. (ODAG)
Subject: RE: Engagement Plan (DELIBERATIVE // FOUO)
Attachments: Media Policy - Plan.Executive Summary.2018.02.09.docx

Hi Larry,

Many thanks to you and your colleagues for preparing such a helpful plan. We appreciate it. Please find attached our suggested edits.

In terms of next steps, would OLP be able to pull together a meeting with OLA and OLP later this week (perhaps on Thursday or Friday) to discuss the engagement plan? We'd also like to attend that meeting.

We plan to check in with Rob on Friday afternoon. If possible, we'd love to relay the results of the OLA/OPA/OLP meeting on the engagement plan. In a perfect world, we'd also like for OLP to send the materials to the expanded working group (see membership list in the engagement plan) very soon as early as Friday afternoon and set a meeting for next Thursday or Friday. On that note, John will work to find time that works on the calendars of the key players next week.

Thanks again, Larry We hope you know how much we appreciate your leadership and work on this issue.

Best,
Brendan

From: Rothenberg, Laurence E (OLP)
Sent: Friday, February 9, 2018 1:08 PM
To: Groves, Brendan M. (ODA [REDACTED] (b) (6) >
Cc: Bolitho, Zachary (ODAG [REDACTED] (b) (6); Hill, John L. (ODAG [REDACTED] (b) (6)
Subject: RE: Engagement Plan

Duplicative Material



Groves, Brendan M. (ODAG)

From: Groves, Brendan M. (ODAG)
Sent: Wednesday, February 14, 2018 6:36 PM
To: Rothenberg, Laurence E (OLP); Bolitho, Zachary (ODAG); Hill, John L. (ODAG)
Cc: Freeman, Lindsey (OLP)
Subject: RE: Engagement Plan (DELIBERATIVE // FOUO)
Attachments: Questions for ODAG.DOCX

Thanks, Larry:

Adding Zac and Hill. It might be easiest to meet briefly to address the questions in the attachment. **Are folks available at 1 pm tomorrow (Thurs)?**

The list of attendees you prepared looks great to me. One change: it looks like the head of OEO may represent CRM.

Thanks to you and Lindsey for your work on this.

Brendan

From: Rothenberg, Laurence E (OLP)
Sent: Wednesday, February 14, 2018 6:24 PM
To: Groves, Brendan M. (ODAG [REDACTED] (b) (6))
Cc: Freeman, Lindsey (OLP [REDACTED] (b) (6))
Subject: RE: Engagement Plan (DELIBERATIVE // FOUO)

I'm making some edits to the timing on the plan, to put on dates rather than "within a week" etc. and a few other clean-ups and then I'll send out for the Friday meeting.

I also want to double-check on two items with you before that:

- 1) per the bullet under "A" on the plan, we had some questions about substance that we wanted to discuss with you, summarized in the attached. I think we should go over those before the expanded working group meets, and perhaps before the materials go out to them;
- 2) I understand that John and Katie are working on scheduling the first meeting of the expanded group based on the key players' schedules, but I also want to double check with you about who would be the right reps from various components. We put together this list, but want to check on your thoughts, esp. on the TBDs:

OAG Rachel Tucker

ODAG Zach Bolitho, Brendan Groves, John Hill

OLP Beth Williams, Mark Champoux, Larry Rothenberg, Lindsey Freeman

OLC representative TBD

NSD George Toscas and Brad Wiegmann

CRM front office representative TBD and/or OEO representative TBD

EOUSA representative TBD

USAO-DC Jon Malis

USAO-EDVA Daniel Grooms

OPA Sarah Isgur Flores

FBI OG (b)(6), (b)(7)(C) per FBI

CIV front office representative TBD

OLA representative TBD

From: Groves, Brendan M. (ODAG)

Sent: Wednesday, February 14, 2018 4:57 PM

To: Rothenberg, Laurence E (OLP (b)(6))

Subject: RE: Engagement Plan (DELIBERATIVE// FOUO)

Larry, I believe I sent you our edits to the plan yesterday. Let me know if you have any questions at all. And, if you don't mind, it would be great if you could circulate it to Friday's group.

We're so grateful for your work.

From: Groves, Brendan M. (ODAG)

Sent: Wednesday, February 14, 2018 12:55 PM

To: Rothenberg, Laurence E (OLP (b)(6))

Cc: Crytzer, Katherine (OLP (b)(6)) >; Bolitho, Zachary (ODAG (b)(6)) >; Hill, John L. (ODAG (b)(6)) >

Subject: RE: Engagement Plan (DELIBERATIVE// FOUO)

Thanks. Looks like the meeting will happen at 11 on Friday. Provided OLP had no issues with our suggested edits, would you mind sending Friday's attendees the engagement plan?

Thanks so much, Larry.

From: Rothenberg, Laurence E (OLP)

Sent: Wednesday, February 14, 2018 11:28 AM

To: Groves, Brendan M. (ODAG (b)(6))

Cc: Crytzer, Katherine (OLP (b)(6)) >; Bolitho, Zachary (ODA (b)(6)) >; Hill, John L. (ODAG (b)(6))

Subject: RE: Engagement Plan (DELIBERATIVE// FOUO)

Sounds good. Would 9 am or 11 am Friday for ODAG/OPA/OLP/OLA work you?

From: Groves, Brendan M. (ODAG)

Sent: Tuesday, February 13, 2018 4:48 PM

To: Rothenberg, Laurence E (OLP (b)(6))

Cc: Crytzer, Katherine (OLP (b)(6)) >; Bolitho, Zachary (ODAG (b)(6)) >; Hill,

John L. (ODAG [REDACTED] (b) (6) >

Subject: RE: Engagement Plan (DELIBERATIVE// FOUO)

Duplicative Material



Rothenberg, Laurence E (OLP)

From: Rothenberg, Laurence E (OLP)
Sent: Thursday, February 15, 2018 12:06 PM
To: Boyd, Stephen E. (OLA); Flores, Sarah Isgur (OPA); Groves, Brendan M. (ODAG); Bolitho, Zachary (ODAG); Hill, John L. (ODAG); Williams, Beth A (OLP); Champoux, Mark (OLP); Freeman, Lindsey (OLP)
Cc: Crytzer, Katherine (OLP)
Subject: engagement plan
Attachments: Media Subpoena Policy - Strategy 2018.02.14.docx

Attached is the engagement plan that OLP has put together for discussion tomorrow.

If no one minds, I will call in, as Friday's are my telework day.

Laurence E. Rothenberg
Deputy Assistant Attorney General
Office of Legal Policy
U.S. Department of Justice

(b) (6)

Process to Determine and Finalize Potential Revisions to Media Subpoena Policy

This memo delineates a process for: (1) determining and finalizing any proposed revisions to the Media Subpoena Policy, and (2) [REDACTED] (b) (5) [REDACTED] regarding the proposed changes.

A. Determine and Finalize Proposed Revisions to the Media Subpoena Policy and [REDACTED] (b) (5) [REDACTED]

- Meeting with OLA/OPA/ODAG/OLP to discuss [REDACTED] (b) (5) [REDACTED]. To be held on 2/16/2018.
- Reconvene Working Group with expanded membership: OAG, ODAG, OLP, OLC, NSD, CRM, EOUSA, USAO-DC, USAO-EDVA, OPA, FBI OGC, CIV, OLA. To be held on 2/23/2018.
- Working Group to reach agreement on the proposed substantive changes to the Media Subpoena Policy. Issues to consider include:

(b) (5)

- To be completed by 3/31/2018
- OLA/OPA/ODAG/OLP (others as needed) to devise a strategy for [REDACTED] (b) (5) [REDACTED], which should include:

(b) (5)

(b) (5)



- To be completed by 3/15/2018

(b) (5)



(b) (5)



(b) (5)



Summary of Decisions To Be Made By Relevant Stakeholders At Each Stage:

	<p><i>Stage I: Finalize Proposed Revisions to the Media Subpoena Policy on</i> (b) (5)</p>	(b) (5)
Recommended timing (subject to change)	<ul style="list-style-type: none"> • (b) (5): 3/15/2018 • Finalize Proposed Revisions to the Media Subpoena Policy: 3/31/2018 	
Working Group	<ul style="list-style-type: none"> • Substance of proposed Media Subpoena Policy changes • (b) (5) 	
OPA/OLA	<ul style="list-style-type: none"> • (b) (5) 	
OPA/OLA/ODAG/OLP [may include others in the Working Group]	<ul style="list-style-type: none"> • (b) (5) 	

Hill, John L. (ODAG)

From: Hill, John L. (ODAG)
Sent: Wednesday, February 28, 2018 11:19 AM
To: Crytzer, Katherine (OLP)
Subject: FW: CVE
Attachments: 50.10_Proposed_Tiers.docx

FYI.

Not Responsive Records



Hill, John L. (ODAG)

From: Hill, John L. (ODAG)
Sent: Thursday, April 26, 2018 9:20 AM
To: Hill, John (USADC)
Subject: FW: Media Subpoena Policy
Attachments: 50.10 Draft Redline 1.19.18.docx; USAM 9 13 400 redlines 1.19.18.docx;
50.10_Proposed_Tiers.docx

From: Hill, John L. (ODAG)
Sent: Wednesday, February 14, 2018 1:57 PM
To: Rachael Tuck (b) (6) (b) (6)
Subject: Media Subpoena Policy

For next Friday's meeting (time still TBD), here are the documents we'll be discussing. The first (50.10) refers to the CFR, the second (9-13.400) refers to the USAM, and the third (tiers) reflects the various options. Tier I has already been vetted through the DAG. You can ignore Tier IV.

John

John L. Hill
Senior Counsel to the Deputy Attorney General
U.S. Department of Justice
(b) (6)

Groves, Brendan M. (ODAG)

From: Groves, Brendan M. (ODAG)
Sent: Thursday, November 29, 2018 6:23 PM
To: Flores, Sarah Isgur (OPA)
Subject: Documents
Attachments: USAM 9 13 400 redlines 1.19.18.docx; 50.10 Draft Redline 1.19.18.docx

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Friday, November 30, 2018 10:54 AM
To: Groves, Brendan M. (ODAG)
Subject: RE: Documents
Attachments: 50.10 Draft Redline 11.30.18.docx

Made the chance to th (b) (5) and changed signature line at bottom. What's your schedule like today to go bother Boyd?

Sarah Isgur Flores
Senior Counsel to the Deputy Attorney General

(b) (6)

From: Groves, Brendan M. (ODAG (b) (6))
Sent: Thursday, November 29, 2018 6:23 PM
To: Flores, Sarah Isgur (OPA (b) (6))
Subject: Documents

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Monday, December 31, 2018 12:05 AM
To: O'Callaghan, Edward C. (ODAG)
Subject: Fwd: Documents
Attachments: 50.10 Draft Redline 11.30.18.docx; ATT00001.htm

(b)(6) - Gary Barnett Email Address

From: (b)(6) - Gary Barnett Email Address
Sent: Wednesday, January 2, 2019 6:17 PM
To: de la Torre, Lindsey (OAG)
Subject: Fwd: Subpoena policy
Attachments: 50.10 Draft Redline 11.30.18.docx; ATT00001.htm

Begin forwarded message:

From: "O'Callaghan, Edward C. (ODAG) (b) (6)"
Date: December 31, 2018 at 2:09:32 PM EST
To: "Barnett, Gary E. (OAG) (b) (6)"
Cc: "Peterson, Andrew (ODAG) (b) (6)"
Subject: RE: Subpoena policy

The attached is a redline that contains comments for some of the proposed changes. OEO had input on areas that they would like to see changed, but we are not committed to any of these at this point. Th (b) (5) change remains the key one.

Edward C. O'Callaghan
(b) (6)

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

From: Barnett, Gary E. (OAG) (b) (6)
Sent: Monday, December 31, 2018 1:54 PM
To: O'Callaghan, Edward C. (ODAG) (b) (6) >
Subject: Re: Subpoena policy

Following up on this. Thanks.

On Dec 28, 2018, at 11:05 AM, Barnett, Gary E. (OAG) (b) (6) wrote:

Ed,

Can you send me the latest version of the draft proposal?

Thanks,

Gary

Kupec, Kerri (OPA)

From: Kupec, Kerri (OPA)
Sent: Friday, January 11, 2019 6:02 PM
To: Barnett, Gary E. (OAG); de la Torre, Lindsey (OAG); Scott, McGregor (USACAE)
Subject: FW: Per foner ... summary of my reporting so far

See below. He plans to run this story on Monday. We should discuss.

From: John Solomo (b) (6)
Sent: Friday, January 11, 2019 3:45 PM
To: Kupec, Kerri (OPA (b) (6)); John Solomo (b) (6)
Subject: Per foner ... summary of my reporting so far

For months now, the Justice Department very quietly has been working on a revision to its guidelines governing how, when and why prosecutors may obtain the records of journalists, particularly in leak cases.

The work has been supervised by Deputy Attorney General Rod Rosenstein's office, especially since former Attorney General Jeff Sessions departed, but it is not yet wrapped up.

Acting Attorney General Matt Whitaker is aware of the effort but has not yet been given a final recommendation. Sources close to Whitaker say he will await final judgment until he sees the recommendations but is skeptical both on a legal and political front about loosening the rules too much.

"After a lengthy period of turmoil and regular criticism from President Trump, DOJ has enjoyed a period of calm normalcy that has put employees' focus back on their work and not the next tweet. Matt doesn't want to disrupt that unless a strong legal case can be made," said a source close to the acting AG. "He's skeptical of the legal precedent and to date no one has delivered a recommendation or rationale yet."

The current guidelines have been in place since Bill Clinton was president and Janet Reno was attorney general and were designed to strike a balance between law enforcement investigative interests and the First Amendment rights of reporters.

In layman's terms, the current system requires prosecutors in most cases to exhaust all obvious investigative methods for identifying leaks before seeking to intrude on a journalist's free speech rights

In addition, the rules generally have required Justice to alert news organizations in advance of a possible subpoena, giving both sides a chance to negotiate before the subpoena is viewed as a nuclear button by most journalists gets pushed.

Multiple sources familiar with the ongoing Justice review tell me there have been two main goals of the current review. The first is to lower the threshold that prosecutors must meet before requesting subpoenas for journalists' records; the second is to eliminate the need to alert a news media organization that Justice intends to issue a subpoena.

With Rosenstein sending signals this week he plans to step aside in a few weeks, palace intrigue has begun to rise inside Justice about whether the rule changes will be finished and recommendations sent to Whitaker.

If not, a process begun under Sessions could drag into the tenure of a new attorney general. Trump has nominated William Barr for the job, which Barr held previously under President George H.W. Bush three decades earlier.

According to my sources, the arguments for changing the rules emanate from the stresses that a massive increase in criminal leak investigations have placed on the DOJ.

Sessions disclosed more than a year ago that there has been a three-fold increase in criminal leak probes, which have ensnared everyone from the former deputy director of the FBI Andrew McCabe to a senior Senate staffer who handled classified documents for Congress.

Advocates for the change argue that prosecutors have spent inordinate time and resources trying to find leakers that could be more easily detected via the reporting news organization's subpoenaed records. The savings in resources could be deployed to other criminal enforcement endeavors.

The advocates also argue the current rules create journalists as a special class whose First Amendment rights are elevated above those of other Americans, something they don't believe the Founding Fathers would have intended. "The view is all men and woman were created equal and that becoming a journalist shouldn't suddenly change that equilibrium," explained one source.

Journalists, on the other hand, are certain to be alarmed by any proposed change, just like they were when the Obama administration escalated its prosecutions of leakers and targeted journalists like James Rosen for scrutiny just because of what they reported.

For a quarter century or more, the current rules have stood even as the breadth of national security leaks and the rise of professional leakers like Julian Assange and Edward Snowden have proliferated.

The Rosenstein effort, whether successful or not, is certain to foster a debate.

I, for one, have a special vantage point molded by personal experience.

As an investigative journalist for The Associated Press back at the start of George W. Bush' administration, the Justice Department and more specifically then Deputy Attorney General Robert Mueller (yes the same one now running the Russia investigation) subpoenaed my phone records without first giving AP notice.

Justice then took special steps to delay notifying me for months, a delay that allowed Mueller's nomination as FBI director to be confirmed by the Senate before lawmakers could be alerted to the intrusion on my First Amendment-protected reporting.

There was an outcry, but it didn't stop the Justice Department from further intrusion. A few months after seizing my phone records without the normal notification, the DOJ went a step further and seized by personal mail through the FBI where Mueller now was the boss.

But this time, they did not use a subpoena or warrant. Instead they used an archaic law known as

border search authority to open a package coming to me from the Phillipines that included a legacy FBI lab report sent to me by a source.

The report was neither classified nor deemed sensitive. It simply was embarrassing to the FBI because it showed the bureau was aware of Al-Qaida terrorist plots targeting airliners well before the 9-11 massacres.

After finding the report, the FBI kept the document from me without seeking a warrant or subpoena, a clear and unequivocal violation of my Fourth Amendment protections against illegal search and seizure.

When my package didn't arrive I became suspicious and eventually proved the FBI had confiscated it illegally. When confronted, the FBI admitted it had engaged in wrongdoing and the bureau, DOJ and AP lawyers worked together to put rules in place to avoid the type of abuses I had been subjected to.

My case showed even with rules in place, DOJ and FBI had the means, motive and will to trample on the First Amendment rights inherent in a free press. Furthermore, I saw the chilling effect that government's intrusion had on my professional work: well-intentioned sources were afraid to talk to me or meet with me for fear they would be caught in a dragnet.

It took months and years to recover from the harm that was done.

--

John Solomon
Executive Vice President
The Hill

(b) (6)

Kupec, Kerri (OPA)

From: Kupec, Kerri (OPA)
Sent: Friday, January 11, 2019 6:02 PM
To: O'Callaghan, Edward C. (ODAG); Rosenstein, Rod (ODAG)
Subject: FW: Per foner ... summary of my reporting so far

See below he plans to run Monday. We can weigh in.

From: John Solomo (b) (6) >
Sent: Friday, January 11, 2019 3:45 PM
To: Kupec, Kerri (OPA (b) (6); John Solomo (b) (6)
Subject: Per foner ... summary of my reporting so far

Duplicative Material



Flores, Sarah Isgur (ODAG)

From: Flores, Sarah Isgur (ODAG)
Sent: Tuesday, January 15, 2019 12:34 PM
To: O'Callaghan, Edward C. (ODAG)
Subject: Fwd: Media Subpoena Policy

A) we need to decide whether (b) (5)

B (b) (5)

C (b) (5)

Begin forwarded message:

From: "Laco, Kelly (OPA) (b) (6)"
Date: January 15, 2019 at 12:22:14 PM EST
To: "Flores, Sarah Isgur (ODAG)" (b) (6) >
Subject: FW: Media Subpoena Policy

From: Saagar Enjeti <enjeti@dailycaller.com>
Sent: Tuesday, January 15, 2019 12:21 PM
To: Laco, Kelly (OP (b) (6))
Subject: Re: Media Subpoena Policy

"The proposed policy would adjust existing guidance which provides 45-90 days notice of intent to subpoena any third party related to a media leak investigation. The new policy would instead remove these timeline strictures on federal investigators"

Saagar Enjeti
White House Correspondent
The Daily Caller
P (b) (6)
T: @esaagar

On Tue, Jan 15, 2019 at 11:42 AM Saagar Enjeti <enjeti@dailycaller.com> wrote:

No problem

On Tue, Jan 15, 2019 at 11:41 AM Laco, Kelly (OPA) (b) (6) > wrote:

Saagar thanks, yes happy to connect. Can you give me a call at noon?

Kelly Laco

Office of Public Affairs

Department of Justice

Office (b) (6)

Ce (b) (6)

From: Saagar Enjeti <enjeti@dailycaller.com>

Sent: Tuesday, January 15, 2019 11:22 AM

To: Kupec, Kerri (OPA (b) (6))

Cc: Laco, Kelly (OPA (b) (6)) >

Subject: Re: Media Subpoena Policy

Hi Kelly,

As Kerri mentioned we're doing a story on the media subpoena policy based on an OTR we did with Acting AG Whitaker yesterday. We'll attribute the information to a senior DOJ official.

I want to go over some of the specifics mentioned and get the story right.

Can you talk on the phone sometime soon? I' (b) (6)

Saagar Enjeti

White House Correspondent

The Daily Caller

P (b) (6)

T: @esaagar

On Tue, Jan 15, 2019 at 11:17 AM Kupec, Kerri (OPA (b) (6)) > wrote:

Kelly, please work with Saagar on his media subpoena policy piece. He wants to make sure he gets it right. Thanks.

From: Saagar Enjeti <enjeti@dailycaller.com>

Sent: Tuesday, January 15, 2019 11:16 AM

To: Kupec, Kerri (OP (b) (6)) >

Subject: Re: Media Subpoena Policy

Hey Kerri, just shoot me the number of your colleague and I'll work through this.

Thanks again,

Saagar Enjeti

White House Correspondent

The Daily Caller

P (b) (6)

T: @esaagar

On Tue, Jan 15, 2019 at 11:08 AM Saagar Enjeti <enjeti@dailycaller.com> wrote:

Hi Kerri,

I just tried calling you. We would really like to report this story out now that the news is public. I believe we could characterize it in a better fashion and contextualize its effect on journalists.

Let me know soon please. Thanks!

Saagar Enjeti
White House Correspondent
The Daily Caller

P (b) (6)

T: @esaagar

On Mon, Jan 14, 2019 at 4:10 PM Saagar Enjeti <enjeti@dailycaller.com> wrote:

Hi Kerri,

Now that The Hill has published the main contours of this policy, are we free to report on it on background purposes?

Thanks,

Saagar Enjeti
White House Correspondent
The Daily Caller

P (b) (6)

T: @esaagar

On Fri, Jan 4, 2019 at 11:04 AM Saagar Enjeti <enjeti@dailycaller.com> wrote:

Thanks.

Saagar Enjeti
White House Correspondent
The Daily Caller

P (b) (6)

T: @esaagar

On Fri, Jan 4, 2019 at 11:03 AM Kupec, Kerri (OPA (b) (6))

wrote:

I will, but I doubt it. There needs to be significant coordination inside the building before anything on that front is hinted at.

Sent from my iPhone

On Jan 4, 2019, at 10:59 AM, Saagar Enjeti <enjeti@dailycaller.com> wrote:

Hi Kerri,

Thanks I really appreciate you looking into this. Can you let me know sometime today if there's any movement on this?

I think we can give the considered change the proper context it needs to be written correctly.

Thanks,

Saagar Enjeti
White House Correspondent
The Daily Caller

(b) (6)

T: @esaagar

On Thu, Jan 3, 2019 at 7:37 PM Kupec, Kerri (OPA)

(b) (6) > wrote:

Hey, Saagar so glad you joined us today (and great meeting you!).

I need some further clearance to mention we are considering a change. I'll circle back tomorrow.

Thanks!
Kerri

From: Saagar Enjeti <enjeti@dailycaller.com>
Sent: Thursday, January 3, 2019 4:10 PM
To: Kupec, Kerri (OPA) (b) (6) >
Subject: Media Subpoena Policy

Kerri,

Thanks so much for having us today! I just tried giving you a call, I' (b) (6)

I would really like to run that media subpoena policy story if possible. Happy to agree to any attribution and to frame it in such a way that that the Department is "considering" a chance to the

policy.

Let me know what you think!

Saagar Enjeti
White House Correspondent
The Daily Caller
P (b) (6)
T: @esaagar

--

Saagar Enjeti
White House Correspondent
The Daily Caller
P (b) (6)
T: @esaagar

O'Callaghan, Edward C. (ODAG)

From: O'Callaghan, Edward C. (ODAG)
Sent: Thursday, June 20, 2019 8:58 AM
To: Simms, Donna Y. (ODAG)
Subject: Pls print in color
Attachments: 50.10 Draft Redline 11.30.18.docx

Edward C. O'Callaghan
Principal Associate Deputy Attorney General
(o (b) (6))
((b) (6))

Sofer, Gregg (OAG)

From: Sofer, Gregg (OAG)
Sent: Thursday, January 30, 2020 4:06 PM
To: Rabbitt, Brian (OAG); Levi, William (OAG)
Subject: Media Policy White Paper_9.14.17.docx
Attachments: Media Policy White Paper_9.14.17.docx

Champoux, Mark (OLP)

From: Champoux, Mark (OLP)
Sent: Tuesday, February 4, 2020 5:03 PM
To: Hovakimian, Patrick (ODAG)
Subject: FW: policy
Attachments: Media Policy White Paper_9.28.docx; 20170928 DAG Media Subpoena Policy Briefing_v.6.PPTX

FYI, from the weekend. If this is something folks are interested in, a meeting to provide background and history is a good idea. Thanks.

MC

(b) (6)

From: Champoux, Mark (OLP)
Sent: Saturday, February 1, 2020 10:00 AM
To: Rosen, Jeffrey A. (ODAG (b) (6))
Cc: Williams, Beth A (OL (b) (6)); DuCharme, Seth (ODA (b) (6))
Subject: RE: policy

Attached are (1) the Sept. 2017 OLP memo discussing potential options to change the Department's media subpoena policy and (2) a slide deck summarizing all of the essential information from the memo.

Best bang for your buck time-wise is the slide deck. We are happy to brief you to give you any other details about the background of this work, the discussions in 2017 and 2018 about whether to move forward, and anything else.

MC

(b) (6)

From: Rosen, Jeffrey A. (ODAG (b) (6))
Sent: Friday, January 31, 2020 6:54 PM
To: Champoux, Mark (OLP (b) (6)) >
Cc: Williams, Beth A (OLP (b) (6)); DuCharme, Seth (ODAG (b) (6)) >
Subject: policy

Mark, I am told that there was a 2017 OLP memo about considering changes to the Department's (b) (5) issuance of subpoenas to the media. I would like to obtain a copy of that. Could you locate and send? Thanks.

Jeff