

**Judicial Watch v. Department of Justice
Civ. Action No. 10-851**

Index of CRT Withholdings Challenged by Judicial Watch

Grp. No.	Doc. No.		Document Type	Author/From	To	Date	Exemption	Description of Withheld Information
1	2	a	Email chain	Steve Rosenbaum*	Chris Coates*	4/29/09	(b)(5)	Supervising Acting DAAG's review and email response to the draft filings for the continuing NBPP litigation and his request for additional supporting video evidence from the Section Chief. The supporting video evidence relates to specific defendants and the Acting DAAG wants to make a candid assessment of the quality of the evidence prior to making recommendations on merits, legal strategies, and proposed relief.
1	4	a	Email chain	Steve Rosenbaum*	Loretta King*	4/29/09	(b)(5)	Supervising Acting DAAG's detailed email response to his supervising Acting AAG with his analysis of the proposed draft filings for continuing NBPP litigation discussing the merits, legal strategies, legal issues, and proposed relief. Acting DAAG makes a candid assessment of legal research and has substantive questions on the case law and breadth of proposed relief and drafted in anticipation of the May 1 filing date for the motion and memorandum for entry of a default judgment. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law and drafted in anticipation of filing the motion and memorandum for entry of default judgment due on May 1 st .
		b		Steve Rosenbaum*	Chris Coates*	4/29/09		
		c		Chris Coates*	Steve Rosenbaum*	4/28/09		
1	5	a	Email Chain	Loretta King*	Steve Rosenbaum*	4/29/09	(b)(5)	Supervising Acting AAG emails with questions to discuss with the Acting DAAG after her review of the proposed draft filings in continuing NBPP litigation discussing the merits, legal strategies, legal issues, and proposed relief.
1	6	a	Email Chain	Chris Coates*	Steve Rosenbaum* Christian Adams* Spencer Fisher*	4/29/09	(b)(5)	Section Chief emails to the supervising Acting DAAG requesting prompt discussion to respond to the Acting DAAG's detailed questions and analysis of the proposed draft filings for continuing NBPP litigation on the merits, legal strategies and issues, constitutional issues, and proposed relief.
1	7	a	Email Chain	Chris Coates*	Steve Rosenbaum*	4/29/09	(b)(5)	Section Chief emails to supervising Acting DAAG that VOT Section is working on responses to the supervisor's detailed analysis and questions regarding the draft filings for pending NBPP litigation on the merits, legal strategies, legal issues, constitutional issues, and proposed relief. This includes a discussion of First Amendment issues and breadth of underlying statutory enforcement authority between the Voting Section management and supervisors in CRT Front Office.

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1	12	a	Email Chain	Steve Rosenbaum*	Chris Coates*	4/30/09	(b)(5)	Supervising Acting DAAG emails response to Section Chief with his frank assessment of the case law and opinion that additional research must be conducted to support the proposed legal strategies and theories. The Section Chief responds with summaries of several different cases regarding different legal points previously raised. This document contains deliberations between the CRT Front Office and Voting Section Management.
		b		Chris Coates*	Steve Rosenbaum*	4/30/09		
1	13	a	Email	Steve Rosenbaum*	Sam Hirsch*	4/30/09		Email from Acting DAAG to DASG with responsibility for CRT forwarding the Acting DAAG's detailed response and analysis of the proposed draft filings in continuing NBPP litigation discussing the merits, legal strategies, and legal issues including constitutional issues. The documents were drafted in anticipation of filing the motion and memorandum for entry of default judgment due on May 1 st . Acting DAAG makes a candid assessment of legal research and has substantive questions on the case law and breadth of proposed relief.
1	14	a	Email	Steve Rosenbaum*	Sam Hirsch*	4/30/09	(b)(5)	Email from Acting DAAG to DASG with responsibility for CRT forwarding the Acting DAAG's detailed response and analysis of the proposed draft filings in continuing NBPP litigation discussing the merits, legal strategies, and legal issues including constitutional issues. Acting DAAG makes a candid assessment of legal research and has substantive questions on the case law and breadth of proposed relief.

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1	17	c		Sam Hirsch*	Steve Rosenbaum*	4/30/09	(b)(5)	DASG requested the Acting DAAG's personal contact information to discuss the proposed draft documents for NBPP litigation. Emails between Acting DAAG and supervising DASG with responsibility for CRT discussing draft documents and legal strategy and merits of NBPP litigation and providing his analyses and opinion of the development of different approaches under consideration.
		d		Sam Hirsch*	Steve Rosenbaum*	4/30/09		
		e		Steve Rosenbaum*	Sam Hirsch*	4/30/09		
		f		Sam Hirsch*	Steve Rosenbaum*	4/30/09		
1	20	a	Email Chain	Chris Coates*	Loretta King* Steve Rosenbaum*	5/4/09	(b)(5)	Emails from Voting Section Chief and Deputy to their supervisors in CRT Front Office Management with candid statements about an earlier meeting discussing specific factual matters and to clarify issues in the draft memorandum of law for the NBPP litigation. The email also provided additional information to correct alleged inaccuracies.
		b		Robert Popper*	Chris Coates*	5/4/09		
1	22	a	Email Chain	Steve Rosenbaum*	Diana Flynn*	5/7/09	(b)(5)	Acting DAAG forwarding draft Memorandum on Proposed Injunction Order for Appellate Section's review, legal assessment and recommendations on the merits, legal strategies, and potential course of actions proposed by VOT Section in the pending NBPP litigation. The memorandum discusses the quality of evidence as related to each defendant as well as the breadth of statutory authority for enforcement and the expansive relief that is sought. This document is predecisional, deliberative containing analyses and discussion exchanged between the VOT Section Management and attorneys, to their supervising Acting DAAG in the Office of the Acting AAG.

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1	23	a	Email	Steve Rosenbaum*	Diana Flynn*	5/7/09	(b)(5)	Acting DAAG forwarding additional documents for CRT Appellate Section's review, including the Acting DAAG's analyses and opinion of the development of different approaches under consideration in NBPP litigation. Email contains the Acting DAAG's candid assessment of legal research with substantive questions on the case law and breadth of proposed relief. This document is predecisional and contains deliberations between the CRT Front Office and the request for Appellate Section's internal legal opinions and recommendations on the merits, legal strategies, constitutional issues, and potential course of actions proposed by VOT Section in the pending NBPP litigation for documents to be finalized for filing on May 15th.
1	24	a	Email Chain	Steve Rosenbaum*	Diana Flynn*	5/7/09	(b)(5)	Acting DAAG forwarding additional documents for CRT Appellate Section's review, including the Acting DAAG's analyses and opinion of the development of different approaches under consideration in NBPP litigation and VOT Section's responses. The Acting DAAG makes a candid assessment of legal research and has substantive questions on the case law and breadth of proposed relief. This document is predecisional and contains deliberations between the CRT Front Office and VOT Section. The Acting DAAG requests Appellate Section's internal legal opinions and recommendations on the merits, legal strategies, constitutional issues, potential course of actions proposed by VOT Section in the pending NBPP litigation, and a summary of relevant case law.
		b		Steve Rosenbaum*	Chris Coates*	4/30/09		
		c		Chris Coates*	Steve Rosenbaum*	4/29/09		
1	25	a	Email	Steve Rosenbaum*	Diana Flynn*	5/7/09	(b)(5)	The Acting DAAG forwarding additional documents for CRT Appellate Section's review, including the Acting DAAG's analyses and opinion of the development of different approaches under consideration in NBPP litigation and VOT Section's analysis and detailed responses to the Acting DAAG's questions on the merits, including an assessment of the case law and various legal strategies and options available. There is also a discussion of relevant First Amendment issues and necessary scope of proposed relief.

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1	26	a	Email Chain	Steve Rosenbaum*	Diana Flynn*	5/7/09	(b)(5)	The Acting DAAG forwarding revised draft pleadings from VOT Section for CRT Appellate Section's review, legal opinions, and recommendations on proposed changes to the legal strategies, merits, constitutional issues, and proposed relief. These changes include a narrowly tailored scope of relief against particular defendants and various types of requested relief. Further, the revisions include a discussion of legal research regarding a limited injunction and First Amendment issues.
		b		Chris Coates*	Loretta King*	5/1/09		
1	27	a	Email	Steve Rosenbaum*	Diana Flynn*	5/7/09	(b)(5)	The Acting DAAG forwarding additional legal research from VOT Section for CRT Appellate Section's review and recommendations including the development of different approaches, potential course of actions, and scope of relief under consideration in NBPP litigation.
1 and 3	28	a	Email Chain	Steve Rosenbaum*	Diana Flynn*	5/7/09	(b)(5) and (b)(7)(C)	The Acting DAAG forwarding witness statements and information on video evidence for CRT Appellate Section's review and recommendations as supporting evidence in NBPP litigation. This document is predecisional and contains deliberations between the CRT Front Office and the request for Appellate Section's legal opinions and recommendations on the merits, legal strategies, constitutional issues, and potential course of actions proposed by VOT Section in the pending NBPP litigation and anticipated filing on May 15th.
		b		Robert Popper*	Chris Coates* Steve Rosenbaum*	4/30/09		

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1	30	a	Email Chain	Steve Rosenbaum*	Loretta King*	5/7/09	(b)(5)	Acting DAAG's email to the supervising Acting AAG's responding to her questions on merits and clarification of facts based on his analysis of evidence and time line. He has additional questions about the supporting evidence and possible discrepancies. This document is predecisional, deliberative containing analyses and discussions between the Acting AAG and the Acting DAAG in CRT Front Office. It also contains analyses and discussions among the Voting Section staff, and also between the Voting Section staff and IT staff on access and viewing supporting factual evidence. The supporting video evidence relates to specific defendants.
		b		Loretta King*	Steve Rosenbaum*	5/7/09		
		c		Steve Rosenbaum*	Loretta King*	5/7/09		
		d		IT Staff	Christian Adams* Spencer Fisher* Robert Popper* IT Staff Chris Coates* Steve Rosenbaum*	5/7/09		
		e		Spencer Fisher*	IT Staff	5/7/09		
		f		Robert Popper*	Christian Adams* Spencer Fisher*	5/7/09		

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		g		Steve Rosenbaum*	Robert Popper*	5/7/09		
		h		Robert Popper*	Chris Coates* Steve Rosenbaum*	4/30/09		
1	32	a	Email Chain	Steve Rosenbaum*	Loretta King*	5/7/09	(b)(5)	The Acting DAAG emails to supervising Acting AAG forwarding his inquiry to VOT Section Chief discussing the evidence and time line, requesting clarification of facts, and asking questions on the merits and underlying evidence and requesting additional information. This document is predecisional, deliberative containing analyses and discussions between VOT Section management and the supervising Acting AAG and acting DAAG in CRT Front Office.
		b		Steve Rosenbaum*	Chris Coates*	5/7/09		
1	34	a	Email Chain	Steve Rosenbaum*	Chris Coates*	5/8/09	(b)(5)	Supervising Acting DAAG to VOT Section Chief requesting further research on legal issues and clarification of facts and timeline and suggesting other avenues of research.
		b		Chris Coates*	Steve Rosenbaum*	5/8/09		
1	35	a	Email	Chris Coates*	Steve Rosenbaum*	5/8/09	(b)(5)	Section Chief to Supervising Acting DAAG that VOT Section will conduct additional research on legal issues and clarify factual issues regarding NBPP statements, analysis of evidence and clarification of time line.
1	36	a	Email	Steve Rosenbaum*	Sam Hirsch*	5/8/09	(b)(5)	Acting DAAG forwarding to DASG with responsibility for CRT the draft remedial memorandum which discusses the quality of evidence as related to each defendant as well as the breadth of statutory authority for enforcement and the expansive relief that is sought. The DASG was also

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								given notice that CRT Appellate Section's analysis and opinion of draft documents and legal strategy was requested.
1	39	a	Email Chain	Steve Rosenbaum*	Diana Flynn*	5/11/09	(b)(5)	Acting DAAG forwarding additional information on NBPP evidence, timeline, and clarification of factual evidence for CRT Appellate Section's review, under consideration in NBPP litigation. The CRT Front Office requested Appellate Section's opinions and recommendations on the merits, legal strategies, constitutional issues, and potential course of actions proposed by VOT Section in the pending NBPP litigation.
		b		Chris Coates*	Steve Rosenbaum*	5/11/09		
		c		Steve Rosenbaum*	Chris Coates*	5/8/09		
		d		Chris Coates*	Steve Rosenbaum*	5/8/09		
		e		Steve Rosenbaum*	Chris Coates*	5/7/09		
		f		Chris Coates*	Loretta King*	5/6/09		
1	40	a	Email Chain w/ attachments	Steve Rosenbaum*	Marie McElderry*	5/11/09	(b)(5)	Supervising Acting DAAG's response to CRT Appellate Section attorney and resent copies of proposed draft documents for Appellate Section's review and legal advice. This is a request for Appellate Section's internal legal opinions and recommendations on the merits, legal strategies, constitutional issues, and potential course of actions proposed by VOT Section in the pending NBPP litigation.
		b		Chris Coates*	Loretta King*	5/6/09		

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		c	Draft Memorandum	Chris Coates* Robert Popper* Christian Adams* Spencer Fisher*	Loretta King*	5/6/09		Email attachment has the draft memorandum on proposed injunctive relief.
1	42	a	Email	Steve Rosenbaum*	Loretta King*	5/11/09	(b)(5)	Acting DAAG to supervising Acting AAG summarizing his analyses and various discussions with VOT Section on legal issues and merits and expressing his frank statements about the quality of evidence and representations of facts and case law. This document contains predecisional, deliberations between CRT Front Office senior management.
1	44	a	Email	Steve Rosenbaum*	Sam Hirsch*	5/11/09	(b)(5)	Acting DAAG to DASG with responsibility for CRT with additional information and research for his review including NBPP statements and posting on web sites and timeline evidence.
1	47	a	Email Chain	Marie McElderry*	Steve Rosenbaum*	5/11/09	(b)(5)	CRT Appellate Section attorney to supervising Acting DAAG with candid statement of her opinion about the proposed relief and scope with detailed discussions on the merits, legal strategies and remedies. This document is predecisional and contains deliberations between CRT Front Office and Appellate Section.
		b		Steve Rosenbaum*	Marie McElderry*	5/11/09		
		c		Marie McElderry*	Steve Rosenbaum*	5/11/09		
		d		Steve Rosenbaum*	Marie McElderry*	5/11/09		
		e		Marie McElderry*	Steve Rosenbaum*	5/11/09		

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1	49	a	Email Chain	Steve Rosenbaum*	Sam Hirsch*	5/11/09	(b)(5)	Acting DAAG forwarding to DASG with responsibility for CRT with summary of his analyses and various discussions with VOT Section on legal issues and merits and expressing his frank statements about the quality of evidence and representations of facts and case law. This document is predecisional and contains deliberations between CRT Front Office and VOT Section management.
		b		Steve Rosenbaum*	Loretta King*	5/11/09		
		c		Chris Coates*	Steve Rosenbaum*	5/11/09		
1	50	a	Email Chain	Steve Rosenbaum*	Sam Hirsch*	5/12/09	(b)(5)	Acting DAAG to DASG with responsibility for CRT with requested follow-up information and confirmation that additional actions would be conducted in the investigation and identifying that actions would be taken by another Section Chief as requested.
		b		Sam Hirsch*	Steve Rosenbaum*	5/11/09		
		c		Steve Rosenbaum*	Sam Hirsch*	5/11/09		
		d		Sam Hirsch*	Steve Rosenbaum*	5/11/09		
1	52	a	Email	Steve Rosenbaum*	Loretta King*	5/13/09	(b)(5)	Acting DAAG to supervising Acting AAG forwarding emails from CRT Appellate Section Chief and CRT Appellate attorney with their detailed legal analyses including the application of constitutional provisions and judicial precedent to strategies and relief under consideration in the ongoing NBPP litigation, as well as an assessment of the strength of potential legal arguments, and presenting different possible scenarios in the litigation.

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1	55	a	Email Chain	Steve Rosenbaum*	Loretta King*	5/13/09	(b)(5)	Acting DAAG advising his supervising Acting AAG of DASG's request for a memorandum by the Acting DAAG reviewing various options, legal strategies, and different proposals of relief as related to each separate defendant. Acting DAAG forwarding emails from Appellate Section Chief's and Appellate Attorney's with their detailed legal analyses including the application of constitutional provisions and judicial precedent to strategies and relief under consideration in the ongoing NBPP litigation, as well as an assessment of the strength of potential legal arguments, and presenting different possible scenarios in the litigation.
		b		Steve Rosenbaum*	Sam Hirsch*	5/13/09		
		c		Sam Hirsch*	Steve Rosenbaum*	5/13/09		
		d		Steve Rosenbaum*	Sam Hirsch*	5/13/09		
		e		Diana Flynn*	Steve Rosenbaum*	5/13/09		
		f		Marie McElderry*	Diana Flynn*	5/12/09		
1	57	a	Email	Steve Rosenbaum*	Sam Hirsch*	5/14/09	(b)(5)	Acting DAAG to DASG with responsibility for CRT forwarding revised proposed draft documents for review and analysis of the draft filings for pending NBPP litigation on the merits, legal strategies, legal issues, constitutional issues, and proposed relief. The proposed filings discuss the quality of evidence as related to each defendant, the statutory authority for enforcement, consideration of First Amendment issues, and proposed scope of relief against the defendants.

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1	59	a	Email Chain	Steve Rosenbaum*	Diana Flynn*	5/14/09	(b)(5)	Acting DAAG forwarding revised proposed draft documents to CRT Appellate Section requesting advice and opinions on the merits, legal strategies, legal issues, constitutional issues, and proposed relief for pending NBPP litigation. The proposed filings discuss the quality of evidence as related to each defendant, the statutory authority for enforcement, consideration of First Amendment issues, and the proposed scope of relief against the defendants.
		b		Steve Rosenbaum*	Loretta King*	5/14/09		
		c		Chris Coates*	Steve Rosenbaum*	5/14/09		
1 and 3	60	a	Email Chain	Chris Coates*	Steve Rosenbaum*	5/15/09	(b)(5) and (b)(7)(C)	VOT Section Chief's and Deputy's response to their supervising Acting DAAG for additional information on merit and legal strategies and supporting evidence. This document summarizes several different witness statements and analyzes the evidence. This document is predecisional and contains deliberations between the VOT Section Chief and his supervising Acting AAG.
		b		Robert Popper*	Chris Coates*	5/15/09		
		c		Steve Rosenbaum*	Chris Coates*	5/15/09		
1	63	a	Email Chain	Steve Rosenbaum*	Diana Flynn*	5/15/09	(b)(5)	Acting DAAG to CRT Appellate Section discussing the most recent proposal for the draft pleadings, legal strategies, and scope of the proposed relief type. This document is predecisional and contains deliberations between CRT Front Office and Appellate Section. Acting DAAG forwarding emails from Appellate Section Chief's and Appellate Attorney's with their detailed legal analyses including the application of constitutional provisions and judicial precedent to strategies and relief under consideration in the ongoing NBPP litigation, as well as an assessment of the strength of potential legal arguments, and different possible scenarios in the litigation.
		b		Diana Flynn*	Steve Rosenbaum*	5/15/09		
		c		Marie McElderry*	Diana Flynn*	5/15/09		
1	64	a	Email	Steve Rosenbaum*	Chris Coates*	5/15/09	(b)(5)	Acting DAAG's response to VOT Section Chief on parameters and scope of relief in the draft motion. This document is predecisional and contains deliberations between the VOT Section Chief and his supervising Acting AAG.

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1	65	a	Email Chain	Steve Rosenbaum*	Chris Coates* Loretta King*	5/15/09	(b)(5)	Acting DAAG's response to VOT Section Chief discussing legal effect of procedural rules and scope of relief in the draft motion. This document is predecisional and contains deliberations between the VOT Section Chief and his supervising Acting AAG.
		b		Steve Rosenbaum*	Chris Coates* Loretta King*	5/15/09		
		c		Chris Coates*	Steve Rosenbaum* Loretta King*	5/15/09		
1	67	a	Email Chain	Steve Rosenbaum*	Sam Hirsch*	5/15/09	(b)(5)	Acting DAAG forwarded to DASG with responsibility for CRT the proposed pleadings drafted in anticipation for filing the motion and memorandum for default on May 15 th . The proposed filings discuss the dismissal of claims against three defendants, the statutory authority for enforcement, First Amendment issues, and proposed scope of relief against the remaining defendant.
		b		Chris Coates*	Loretta King* Steve Rosenbaum*	5/15/09		
1	68	a	Email	Steve Rosenbaum*	Loretta King* Sam Hirsch*	5/15/09	(b)(5)	Acting DAAG's analysis and revisions to the proposed draft order for entry of default judgment to his supervising Acting AAG and DASG. This document is predecisional and contains deliberations between the Acting DAAG and his supervisors in CRT Front Office and DASG and drafted in anticipation of filing on May 15th.
1	69	a	Email	Steve Rosenbaum*	Loretta King* Sam Hirsch*	5/15/09	(b)(5)	Acting DAAG's analysis and revisions to the proposed notice of dismissal and motion and memorandum for entry of default judgment to his supervising Acting AAG and DASG. This document is predecisional and contains deliberations between the Acting DAAG and his supervisors in CRT Office of the Acting AAG and DASG. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law and is exempt under attorney work product privilege and drafted in anticipation of filing on May 15th.

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1	70	a	Email	Steve Rosenbaum*	Chris Coates*	5/15/09	(b)(5)	Acting DAAG's further analysis, review and revisions to several draft documents and forwarding to VOT Section for review on substantive issues, to proof, and finalize in anticipation of the May 15 th filing with the court.
1	74	a	Email Chain	Steve Rosenbaum*	Chris Coates* Robert Popper*	5/15/09	(b)(5)	Acting DAAG's response to VOT Section Chief and VOT Deputy Chief containing revised legal strategy and omitting witness statements in anticipation of the May 15 th filing with the court.
		b		Robert Popper*	Steve Rosenbaum* Chris Coates*	5/15/09		
		c		Steve Rosenbaum*	Chris Coates*	5/15/09		
1	81	a	Email Chain	Chris Coates*	Chris Herren*	5/15/09	(b)(5)	VOT Section Chief to VOT Deputy Chief describing the supervising Acting AAG's and the Acting DAAG's most recent proposals on legal strategy and scope of relief regarding particular defendants in the NBPP case.
1	82	a	Email Chain	Steve Rosenbaum*	Loretta King*	5/22/09	(b)(5)	Acting DAAG to supervising Acting AAG forwarding copies of Acting DAAG's comments and candid concerns on merit, legal strategies, and scope of relief in VOT Section's proposed pleadings in April.

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2	37	a	Email Chain	Robert Popper*	Kathy Anderson	5/11/09	(b)(5)	This document is from CRT Office of the Acting AAG staff to the Voting Section requesting draft language about filing the proposed motion for default judgment in NBPP litigation for an internal report.
		b		John Russ	Kathy Anderson Robert Popper*	5/11/09		
		c		Kathy Anderson	John Russ*	5/11/09		
3 (and 1)	28	a	Email Chain	Steve Rosenbaum*	Diana Flynn*	5/7/09	(b)(5) and (b)(7)(C)	Acting DAAG forwarding witness statements and information on video evidence for CRT Appellate Section's review for consideration as supporting evidence in NBPP litigation. This document is predecisional and contains deliberations between the CRT Front Office and the request for Appellate Section's internal legal opinions and recommendations on the merits, legal strategies, constitutional issues, and potential course of actions proposed by VOT Section in the pending NBPP litigation.
		b		Robert Popper*	Chris Coates* Steve Rosenbaum*	4/30/09		
3 (and 1)	60	a	Email Chain	Chris Coates*	Steve Rosenbaum*	5/15/09	(b)(5) and (b)(7)(C)	Section Chief's response to his supervising Acting DAAG for additional information on merit and supporting evidence and summarizing several different witness statements in which witnesses are identified by name.
		b		Robert Popper*	Chris Coates*	5/15/09		
		c		Steve Rosenbaum*	Chris Coates*	5/15/09		

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4	80	a	Email	Steve Rosenbaum*	Helaine Greenfeld* Andrew Kline*	5/18/09	(b)(5)	Acting DAAG advised his supervisor that final versions of pleadings were filed with court and provided copies of documents. The document advises of a final order in the NBPP litigation and discusses nature of the relief. This document is deliberative since it shows details and facts related to the Department process and also contains attorney discussion, opinions, and comments and facts related to distribution. The email provides additional comment and characterization of the nature of the case and the relief sought. The email also shows details and facts related to the nomination process in the Department.
5	83	a	Email Chain	Steve Rosenbaum*	Sam Hirsch* Alejandro Miyar	5/28/09	(b)(5)	Acting DAAG's comments to DASG with responsibility for CRT and comments to OPA on publicity about NBPP litigation and legal analysis of default judgments and inaccuracies of the stated facts in the NBPP case. The email provides additional comments and characterization of the case.
		b		Steve Rosenbaum*	Sam Hirsch* Alejandro Miyar	5/28/09		
		c		Sam Hirsch*	Alejandro Miyar Steve Rosenbaum*	5/28/09		
		d		Alejandro Miyar	Steve Rosenbaum* Sam Hirsch*	5/28/09		

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5	84	a	Email Chain	Steve Rosenbaum*	Alejandro Miyar Sam Hirsch*	5/28/09	(b)(5)	Acting DAAG's comments to DASG with responsibility for CRT and to OPA that internal deliberative discussions are protected and legal analysis of facts and law in the NBPP case. The email provides additional comments and characterization of the case.
		b		Alejandro Miyar	Sam Hirsch* Steve Rosenbaum*	5/28/09		
		c		Sam Hirsch*	Steve Rosenbaum* Alejandro Miyar	5/28/09		
5	85	a	Email Chain	Steve Rosenbaum*	Tracy Schmalder Sam Hirsch* Alejandro Miyar	5/28/09	(b)(5)	Acting DAAG's comments to DASG with responsibility for CRT and to OPA on reasons for dismissal of defendants in NBPP litigation and legal analysis of dismissals and legal obligations of DOJ. The email provides additional comments and characterization of the case.
		b		Tracy Schmalder	Alejandro Miyar Sam Hirsch* Steve Rosenbaum*	5/28/09		

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Index of CRT Withholdings Challenged by Judicial Watch

Grp. No.	Doc. No.		Document Type	Author/From	To	Date	Exemption	Description of Withheld Information
		c		Alejandro Miyar	Tracy Schmalder Sam Hirsch* Steve Rosenbaum*	5/28/09		
		d		Tracy Schmalder	Alejandro Miyar	5/28/09		
6 (and 3)	86		Memorandum	CRT Employee	Mary Patrice Brown*	9/25/09	(b)(5), (b)(7)(A), and (b)(7) (C)	Individual's Response to pending OPR investigation which includes author's thoughts on litigation developments and characterizations of actions and discussions with colleagues in the NBPP litigation. Author describes discussions among officials on litigation strategy and various litigation options and assessments of outcomes.
6 (and 3)	87		Memorandum	CRT Employee	Mary Patrice Brown*	10/7/09	(b)(5), (b)(7)(A), and (b)(7) (C)	Individual's Response to pending OPR investigation which includes author's thoughts on litigation developments and characterizations of actions and discussions with colleagues in the NBPP litigation. Author describes discussions among officials on litigation strategy and various litigation options and assessments of outcomes.
6 (and 3)	88		Memorandum	CRT Employee	Mary Patrice Brown*	10/2/09	(b)(5), (b)(7)(A), and (b)(7) (C)	Individual's Response to pending OPR investigation which includes author's thoughts on litigation developments and characterizations of actions and discussions with colleagues in the NBPP litigation. Author describes discussions among officials on litigation strategy and various litigation options and assessments of outcomes.
6 (and 3)	89		Memorandum	CRT Employee	Mary Patrice Brown*	10/8/09	(b)(5), (b)(7)(A), and (b)(7) (C)	Individual's Response to pending OPR investigation which includes author's thoughts on litigation developments and characterizations of actions and discussions with colleagues in the NBPP litigation. Author describes discussions among officials on litigation strategy and various litigation options and assessments of outcomes.

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Grp. No.	Doc. No.		Document Type	Author/From	To	Date	Exemption	Description of Withheld Information
6 (and 3)	90		Draft Memorandum	CRT Employee	Mary Patrice Brown*	undated	(b)(5), (b)(7)(A), and (b)(7) (C)	Individual's Response to pending OPR investigation which includes author's thoughts on litigation developments and characterizations of actions and discussions with colleagues in the NBPP litigation. Author describes discussions among officials on litigation strategy and various litigation options and assessments of outcomes.
6 (and 3)	91		Draft Memorandum	CRT Employee	Mary Patrice Brown*	undated	(b)(5), (b)(7)(A), and (b)(7) (C)	Individual's Response to pending OPR investigation which includes author's thoughts on litigation developments and characterizations of actions and discussions with colleagues in the NBPP litigation. Author describes discussions among officials on litigation strategy and various litigation options and assessments of outcomes.
6 (and 3)	92		Draft Memorandum	CRT Employee	Mary Patrice Brown*	undated	(b)(5), (b)(7)(A), and (b)(7) (C)	Individual's Response to pending OPR investigation which includes author's thoughts on litigation developments and characterizations of actions and discussions with colleagues in the NBPP litigation. Author describes discussions among officials on litigation strategy and various litigation options and assessments of outcomes.
6 (and 3)	93		Draft Memorandum	CRT Employee	Mary Patrice Brown*	undated	(b)(5), (b)(7)(A), and (b)(7) (C)	Individual's Response to pending OPR investigation which includes author's thoughts on litigation developments and characterizations of actions and discussions with colleagues in the NBPP litigation. Author describes discussions among officials on litigation strategy and various litigation options and assessments of outcomes.

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Grp. No.	Doc. No.		Document Type	Author/From	To	Date	Exemption	Description of Withheld Information
6 (and 3)	94		Memorandum	CRT Employee	Mary Patrice Brown*	undated	(b)(5), (b)(7)(A), and (b)(7) (C)	Individual's Response to pending OPR investigation which includes author's thoughts on litigation developments and characterizations of actions and discussions with colleagues in the NBPP litigation. Author describes discussions among officials on litigation strategy and various litigation options and assessments of outcomes.
6 (and 3)	95		Draft Memorandum	CRT Employee	Mary Patrice Brown*	Undated	(b)(5), (b)(7)(A), and (b)(7) (C)	Individual's Response to pending OPR investigation which includes author's thoughts on litigation developments and characterizations of actions and discussions with colleagues in the NBPP litigation. Author describes discussions among officials on litigation strategy and various litigation options and assessments of outcomes.
6 (and 3)	96		Draft Memorandum	CRT Employee	Mary Patrice Brown*	Undated	(b)(5), (b)(7)(A), and (b)(7) (C)	Individual's Response to pending OPR investigation which includes author's thoughts on litigation developments and characterizations of actions and discussions with colleagues in the NBPP litigation. Author describes discussions among officials on litigation strategy and various litigation options and assessments of outcomes.
6 (and 3)	97		Draft Memorandum	CRT Employee	Mary Patrice Brown*	Undated	(b)(5), (b)(7)(A), and (b)(7) (C)	Individual's Response to pending OPR investigation which includes author's thoughts on litigation developments and characterizations of actions and discussions with colleagues in the NBPP litigation. Author describes discussions among officials on litigation strategy and various litigation options and assessments of outcomes.

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Grp. No.	Doc. No.		Document Type	Author/From	To	Date	Exemption	Description of Withheld Information
6 (and 3)	98		Draft Memorandum	CRT Employee	Mary Patrice Brown*	Undated	(b)(5), (b)(7)(A), and (b)(7) (C)	Individual's Response to pending OPR investigation which includes author's thoughts on litigation developments and characterizations of actions and discussions with colleagues in the NBPP litigation. Author describes discussions among officials on litigation strategy and various litigation options and assessments of outcomes.
6 (and 3)	99		Draft Memorandum	CRT Employee	Mary Patrice Brown*	Undated	(b)(5), (b)(7)(A), and (b)(7) (C)	Individual's Response to pending OPR investigation which includes author's thoughts on litigation developments and characterizations of actions and discussions with colleagues in the NBPP litigation. Author describes discussions among officials on litigation strategy and various litigation options and assessments of outcomes.

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List of Acronyms:

DASG - Deputy Associate Attorney General
OPA - Office of Public Affairs
OPR - Office of Professional Responsibility
CRT - Civil Rights Division
VOT - Voting Section of Civil Rights Division
AWP- Attorney Work Product Privilege
DPP - Deliberative Process Privilege

AAAG - Acting Assistant Attorney General of Civil Rights Division
ADAAG - Acting Deputy Assistant Attorney General of Civil Rights Division
Appellate - Appellate Section of Civil Rights Division
NBPP - New Black Panther party

CRT AAG/Front Office

Loretta King, Acting Assistant Attorney General (former)
Steve Rosenbaum, Acting Deputy Assistant Attorney General (former)
Kathy Anderson, Special Assistant to Acting Assistant Attorney General

Appellate Section

Diana Flynn, Chief of Appellate Section
Marie McElderry, Senior Appellate Attorney (now retired)

Voting Section

Chris Coates, Chief (former)
Rebecca Wertz, Principal Deputy
Robert Popper, Deputy Chief
Chris Herren, Deputy Chief
J. Christian Adams, Trial Attorney (now resigned)
Spencer Fisher, Trial Attorney
John Russ, Trial Attorney

Criminal Section

Andrew Kline, Special Litigation Counsel

Office of Professional Responsibility

Mary Patrice Brown, Counsel

Office of Associate Attorney General

Helaine Greenfeld, Deputy Associate Attorney General
Sam Hirsch, Deputy Associate Attorney General

Note: Attorneys listed in the index are designated with an asterisk at the end of their names.

Judicial Watch v. Department of Justice**Civ. Action No. 10-851**U.S. District Court
District of Columbia

Index of OIP Withholdings

*Acronyms:***OAG** – Office of the Attorney General**CRT** – Civil Rights Division**DAG** – Deputy Attorney General**ODAG** – Office of the Deputy Attorney General**OLA** – Office of Legislative Affairs**ASG** – Associate Attorney General**OASG** – Office of the Associate Attorney General**AG** – Attorney General**NBPP** – New Black Panther Party*Description of the forty-eight pages of records withheld by OIP on behalf of the OAG, ODAG, and OASG, which are being challenged by plaintiff.*

Group	Document #		Document Type	Author/From	To	Subject/Title	Date	Exemption	Pages	Description of Withheld Information
Grp. 1	101	b	Email	Steven Rosenbaum	Sam Hirsch	New Black Panther Party Update	4/30/09	(b)(5)	1	E-mail from attorney at CRT to OASG briefing on the current status of litigation and providing his opinion on the development of different approaches under consideration.
	102		E-mail	Tom Perrelli	Sam Hirsch	Where are we on the Black Panther Party Case?	5/14/09	(b)(5)	1	E-mail asking for update on the NBPP litigation between officials in OASG, and noting ODAG's current thoughts on logistics in the case.
	103	b	E-mail chain	Steven Rosenbaum	Sam Hirsch	FW: New Black Panther Party -- your questions	5/15/09	(b)(5)	3	E-mails forwarding and presenting legal analysis from CRT Appellate Section attorneys on questions presented from the CRT Front Office; specifically, the attorneys provide their legal assessments and recommendations on a potential course of action in the NBPP case. The Appellate Section's analysis is forwarded to OASG.
c		Diana Flynn		Steven Rosenbaum cc: Marie McElderry	New Black Panther party - - your questions	5/15/09				
d		Marie McElderry		Diana Flynn	Questions from the Front Office	5/15/09				

Group	Document #		Document Type	Author/From	To	Subject/Title	Date	Exemption	Pages	Description of Withheld Information
	104	a	E-mail chain	Sam Hirsch	Tom Perrelli	RE: Black Panthers?	5/14/09	(b)(5)	1	E-mails between attorneys in OASG regarding the current status of the NBPP litigation and an update on the status of deliberations in CRT regarding legal strategies under consideration in that Office.
		b		Tom Perrelli	Sam Hirsch	Black Panthers?	5/14/09			
	105	a	E-mail chain	Sam Hirsch	Tom Perrelli	NBPP	5/15/09	(b)(5)	1	E-mail discussion between attorneys in OASG and CRT, then within OASG, regarding current status of the NBPP litigation and, specifically, CRT's development of a position with respect to potential actions under consideration in the case.
		b		Sam Hirsch	Tom Perrelli	FW: Timing	5/15/09			
		c		Sam Hirsch	Loretta King, Steven Rosenbaum	Timing	5/15/09			
	106	c	E-mail	Sam Hirsch	Tom Perrelli	NBPP	5/15/09	(b)(5)	1	E-mail between OASG attorneys regarding edits to court papers in the NBPP litigation and commenting on the status of the case.
107	a	E-mail	Sam Hirsch	Donald Verrilli, Aaron Lewis, Tom Perrelli	Fw: New Black Panther	5/16/09	(b)(5)	1	E-mail from OASG to OAG, ODAG and OASG officials forwarding court papers filed in the NBPP litigation, as well as e-mails briefing recipients on the nature of the relief sought therein. E-mail provides additional comment and characterization of relief sought.	
121		E-mail	Sam Hirsch	Steven Rosenbaum	NBPP	5/15/09	(b)(5)	1	E-mail from an OASG attorney to a CRT attorney presenting OASG's view on a course of action under consideration in the case, and discussing timeline of the litigation as well as possible options regarding deadlines.	
Grp. 2	112		Handwritten Attorney Meeting Notes	Daphna Renan	N/A	CRT Weekly mtg	4/30/09	(b)(5)	1	Handwritten notes taken at a "CRT Weekly Meeting" in which a variety of pending CRT matters are discussed. Author's notes reflect a discussion of the NBPP case and raises a question about the nature of the lawsuit. *Only a limited portion of these notes relate to the subject of plaintiff's FOIA request.

Group	Document #	Document Type	Author/From	To	Subject/Title	Date	Exemption	Pages	Description of Withheld Information
	113	Handwritten Attorney Meeting Notes	Daphna Renan	N/A	CRT weekly mtg	5/09	(b)(5)	1	Handwritten notes taken at a "CRT Weekly Meeting" in which a variety of pending CRT matters are discussed. Author's notes reflect a discussion of a development in the NBPP litigation. *Only a limited portion of these notes relate to the subject of plaintiff's FOIA request.
	114	Handwritten Attorney Meeting Notes	Daphna Renan	N/A	CRT Weekly Mtg.	5/14/09	(b)(5)	2	Handwritten notes taken at a "CRT Weekly Meeting" in which a variety of pending CRT matters are discussed. Author's notes reflect a discussion of a potential court filing in the NBPP litigation and the ASG's thoughts on that filing. *Although 2 pages in length, only a limited portion of these notes relate to the subject of plaintiff's FOIA request.
	116	Chronology	Sam Hirsch	Uncertain, but was forwarded to OAG, ODAG and PAO	Chronology re New Black Panther Party case:	5/09	(b)(5)	27	Detailed "chronology" of the Department's involvement in the NBPP litigation as presented from the author's perspective. Includes the author's characterization of actions and discussions with and among Department colleagues since the inception of the lawsuit, but focusing primarily on the time period of 4/29/09-5/21/09. This document contains an unvarnished presentation of author's thoughts on litigation decisions, actions, strategies, and recommendations as they developed, as well as ruminations and retrospective analyses on the variety of decisionmaking processes in CRT, OASG, ODAG and OAG with respect to the NBPP litigation. Author describes and paraphrases discussion among officials regarding litigation strategy, potential courses of action and the viability of different litigation options as well as assessments of potential outcomes, in addition to providing his own insight into all aspects of his involvement in the litigation.

Group	Document #		Document Type	Author/From	To	Subject/Title	Date	Exemption	Pages	Description of Withheld Information
Grp. 3	110		Briefing Paper	Karen Stevens, CRT	N/A	New Black Panther Party: VRA Litigation	Undated	(b)(5)	2	Briefing paper, including talking points, for the AG regarding the Department's handling of the NBPP litigation and the decision to drop charges against three defendants. This briefing paper identifies selected aspects of the Department's handling of the NBPP litigation, and serves to brief the AG on how he may prepare for potential inquiries during upcoming Hill testimony.
	111		Briefing Paper		N/A	Black Panthers	Undated	(b)(5)	2	Briefing paper, including talking points, for the ASG regarding the Department's handling of the NBPP litigation and the decision to drop charges against three defendants. This briefing paper identifies potential issues and various aspects of the Department's handling of the NBPP litigation, and serves to brief the ASG on how he may prepare for inquiries.
	117	a	E-mail chain	Charlotte Burrows	Gary Grindler	RE: Letter to House Judic- - New Black Panther party	1/20/10	(b)(5)	3	Forward of an e-mail with the subject "New Black Panther Party: Response to Lamar Smith" by an ODAG attorney, who then presents a detailed analysis to the DAG on certain points of CRT's decisionmaking process in the NBPP litigation. The ODAG attorney provides CRT's explanations on its handling of the litigation and opines on how most appropriately to present certain aspects of the case in a draft letter to Congress.
	b	Gary Grindler		Charlotte Burrows	RE: Letter to House Judic- - New Black Panther party	1/20/10				
	c	Charlotte Burrows		Gary Grindler	RE: Letter to House Judic- - New Black Panther party	1/20/10				
	d	Steven Rosenbaum		Judy Appelbaum, Nancy Scott-Finan, Sam Hirsch, Charlotte Burrows, Daphna Renan. cc: Loretta King	New Black Panther Party: Response to Lamar Smith	6/23/09				

Identification of Key Department of Justice Officials

OAG

Aaron Lewis

ODAG

Gary Grindler, Acting Deputy Attorney General
Charlotte Burrows, Associate Deputy Attorney General
Daphna Renan, Counsel
Kathryn Ruemmler, Donald Verrilli, David Margolis

OASG

Tom Perrelli, Associate Attorney General
Sam Hirsch, Deputy Associate Attorney General

OLA

Judy Appelbaum, Nancy Scott-Finan

CRT

Loretta King, Acting Assistant Attorney General (former)
Steve Rosenbaum, Acting Deputy Assistant Attorney General (former)

Diana Flynn, Chief of Appellate Section
Marie McElderry, Senior Appellate Attorney (now retired)
Karen Stevens, Counsel to the Assistant Attorney General (former)