



U.S. Department of Justice

Criminal Division

Office of Enforcement Operations

Washington, D.C. 20530

March 19, 2015

Via Electronic Delivery

Ramona Raula Cotca, Esq.
Kate Bailey
Judicial Watch
425 Third Street, SW, Suite 800
Washington, DC 20024
rcotca@judicialwatch.org

Re: CRM-300444674
KWC:PR3

Dear Ms. Cotca:

This letter serves as the third installment of the Criminal Division's rolling production in Judicial Watch, Inc. v. U.S. Department of Justice, 14-cv-1239, (D.D.C.), pursuant to the Meet and Confer Report filed September 23, 2014. Your request seeks records concerning meetings and/or communications between the Department of Justice Criminal Division Public Integrity Section and the Internal Revenue Service Tax Exempt and Government Entities Division, the White House, Members of Congress and/or congressional staff, and any non-government entity, regarding 501(c)(4) or other tax-exempt organizations.

After carefully reviewing 775 pages of records, this Office has determined that seventy one pages are appropriate for release with excisions and 704 pages are being withheld in full pursuant to:

5 U.S.C. § 552(b)(3), which concerns matters specifically exempted from release by statute (in this instance, 26 U.S.C. § 6103, which pertains to tax return information);

5 U.S.C. § 552(b)(5), which concerns certain inter- and intra-agency communications protected by the deliberative process privilege, and the attorney work-product privilege;

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties; and

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all requesters and should not be taken as an indication that excluded records do, or do not, exist.

Although I am aware that your request is the subject of ongoing litigation and that appeals are not ordinarily acted on in such situations, I am required by statute and regulation to inform you of your right to an administrative appeal of this determination. Your appeal must be in writing and addressed to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001. Your appeal must be received within sixty days from the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,



Kenneth Courter
Chief
FOIA/PA Unit

Enclosures

cc: Bradley Cohen, Esq.
U.S. Department of Justice
P.O. Box 883
Washington, DC 20044
bradley.cohen@usdoj.gov

From: [REDACTED] </o=crm/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=[REDACTED]>
(b)(6), (7)(C) To: [REDACTED]
Cc: [REDACTED] (CRT) </o=crm/ou=wash/cn=recipients/cr [REDACTED]>
Bcc:
Subject: Re: Interviews
Date: Tue Jul 16 2013 17:22:45 EDT
Attachments:

(b)(6), (7)(C) [REDACTED] -

One last issue. If any of your clients have documents they are providing to Congress that you can (or would like to) provide to us before their testimony, we would be pleased to receive them. We are 6103 authorized and I can connect you with TIGTA to confirm; we would like the unredacted documents. If you have none, that is ok. I just know that some employees have assembled their own set, in which instance it is helpful to obtain them.

Thanks,

(b)(6), (7)(C) [REDACTED]

From: [REDACTED]
(b)(6), (7)(C) Sent: Monday, July 15, 2013 08:51 PM Eastern Standard Time
To: [REDACTED]
Cc: [REDACTED] (CRT)
Subject: Interviews

(b)(6), (7)(C) [REDACTED] -

Per our conversation today, I understand that the clients of yours listed below are testifying before Congress on the date listed. We are available to slate interviews for each of these individuals on whatever day works for you – the day before, day of, or day after they testify. Please just let us know where and what time you would like to meet. If you decide it is easier for you to come to us, we can provide space at offices near Judiciary Square or the White House. (As I told you over the phone, I am unavailable the week of 7/22, but [REDACTED], who is cc'd on this email, will be there for the [REDACTED] interview.)

(b)(6), (7)(C)

Congressional Schedule:

(b)(6), (7)(C)

[REDACTED]
[REDACTED]

(b)(6), (7)(C)

██████████
██████████

We would like to interview ██████████ as soon as possible as well. If ██████ is available to come to D.C. during the week of 7/29, that would be great. If not, we could interview ██████ in Cincinnati the week of 8/5.

(b)(6), (7)(C)

Finally, I feel less pressed to schedule an interview with ██████████. I would certainly like to interview ██████ but I think we could hold off on ██████ until later in August, unless you (or ██████) have a pressing need to accomplish an interview.

(b)(6), (7)(C)

With respect to Garrity waivers, it would be helpful for your clients to execute them if they have given prior statements or testimony. If they did not speak to the TIGTA auditors, they could just cross that off; if they have not given a prior statement to anyone in Congress, they can cross that off; if they have given no previous statement, they do not need to execute one. Let me know if you have any questions about that.

Thanks,

(b)(6), (7)(C)

██████████
Trial Attorney
Public Integrity Section
Criminal Division
United States Department of Justice
1400 New York Ave, NW, 12th Floor
Washington, D.C. 20005

(b)(6), (7)(C)

Ofc: ██████████
Cell: ██████████

From: [REDACTED] </o=crm/ou=exchange
administrative group (fydibohf23spdlt)/cn=recipients/cn=[REDACTED]>
(b)(6), (7)(C) To: [REDACTED]
[REDACTED]
Cc:
Bcc:
Subject: Re: Interviews
Date: Wed Jul 17 2013 17:44:56 EDT
Attachments:

(b)(6), (7)(C) Thank you [REDACTED] - appreciate it. I just spoke with our agent -- we unfortunately cannot be available Friday. Sorry this won't work.

(b)(6), (7)(C) Perhaps we can try to do [REDACTED] and [REDACTED] on a single day the week of 8/5 (or one in the afternoon, the other following AM) so you could maximize a trip out to Cincy.

(b)(6), (7)(C) From: [REDACTED] [mailto:[REDACTED]]
Sent: Wednesday, July 17, 2013 05:41 PM Eastern Standard Time
To: [REDACTED]
Subject: RE: Interviews

(b)(6), (7)(C) Hi [REDACTED]

(b)(6), (7)(C) Attached please find the executed Garrity waivers for [REDACTED].
These are the ones that I have so far.

(b)(6), (7)(C) [REDACTED]

(b)(6), (7)(C) From: [REDACTED] [mailto:[REDACTED]]
Sent: Wednesday, July 17, 2013 4:52 PM
To: [REDACTED]
Subject: Re: Interviews

(b)(6), (7)(C) Just tried you. Pls call my cell at [REDACTED] so we can sort this out. Thanks.

(b)(6), (7)(C) From: [REDACTED] [mailto:[REDACTED]]
Sent: Wednesday, July 17, 2013 04:28 PM Eastern Standard Time
To: [REDACTED]
Subject: RE: Interviews

(b)(6), (7)(C) Hi [REDACTED]

(b)(6), (7)(C) I just learned that the Senate is not planning on interviewing [REDACTED] on Tuesday, 7/23, which means that [REDACTED] likely will not return to DC that week. I am not sure yet if this would work, but would you or someone be available to meet with [REDACTED] this Friday afternoon? It may be possible for [REDACTED] to stay in DC after the hearing tomorrow, but I'm not sure if that is the case.

(b)(6), (7)(C) [REDACTED]

(b)(6), (7)(C) From: [REDACTED] [mailto:[REDACTED]@usdoj.gov]
Sent: Tuesday, July 16, 2013 5:23 PM
To: [REDACTED]
Cc: [REDACTED] (CRT)
Subject: Re: Interviews

(b)(6), (7)(C) [REDACTED]

One last issue. If any of your clients have documents they are providing to Congress that you can (or would like to) provide to us before their testimony, we would be pleased to receive them. We are 6103 authorized and I can connect you with TIGTA to confirm; we would like the unredacted documents. If you have none, that is ok. I just know that some employees have assembled their own set, in which instance it is helpful to obtain them.

Thanks,

(b)(6), (7)(C) [REDACTED]

(b)(6), (7)(C) From: [REDACTED]
Sent: Monday, July 15, 2013 08:51 PM Eastern Standard Time
To: [REDACTED]
Cc: [REDACTED] (CRT)
Subject: Interviews

(b)(6), (7)(C) [REDACTED]

(b)(6), (7)(C) Per our conversation today, I understand that the clients of yours listed below are testifying before Congress on the date listed. We are available to slate interviews for each of these individuals on whatever day works for you – the day before, day of, or day after they testify. Please just let us know where and what time you would like to meet. If you decide it is easier for you to come to us, we can provide space at offices near Judiciary Square or the White House. (As I told you over the phone, I am unavailable the week of 7/22, but [REDACTED], who is cc'd on this email, will be there for the [REDACTED] interview.)

Congressional Schedule:

[REDACTED]

[REDACTED]

(b)(6), (7)(C)

[REDACTED]

[REDACTED]

(b)(6), (7)(C) We would like to interview [REDACTED] as soon as possible as well. If [REDACTED] is available to come to D.C. during the week of 7/29, that would be great. If not, we could interview [REDACTED] in Cincinnati the week of 8/5.

(b)(6), (7)(C) Finally, I feel less pressed to schedule an interview with [REDACTED]. I would certainly like to interview [REDACTED] but I think we could hold off on [REDACTED] until later in August, unless you (or [REDACTED]) have a pressing need to accomplish an interview.

With respect to Garrity waivers, it would be helpful for your clients to execute them if they have given prior statements or testimony. If they did not speak to the TIGTA auditors, they could just cross that off; if they have not given a prior statement to anyone in Congress, they can cross that off; if they have given no previous statement, they do not need to execute one. Let me know if you have any questions about that.

Thanks,

(b)(6), (7)(C)

[REDACTED]

Trial Attorney

Public Integrity Section

Criminal Division

United States Department of Justice

1400 New York Ave, NW, 12th Floor

Washington, D.C. 20005

(b)(6), (7)(C)

Ofc: [REDACTED]

Cell: [REDACTED]

(b)(6), (7)(C) CONSENT AND WAIVER FORM

I, [REDACTED], an employee of the IRS, understand that there is a Department of Justice criminal investigation related to public allegations that IRS officials unlawfully discriminated against applicants for tax exempt status. I understand that statements I have made in connection with my IRS employment, if acquired by threat of termination or other significant adverse employment consequence, may not be used against me in any criminal investigation or proceeding under the principles announced in *Garrity v. New Jersey*, 385 U.S. 493 (1967).

I have made statements on dates prior to this Consent and Waiver Form to IRS personnel, TIGTA auditors and Congress, which relate to the matters under investigation (hereinafter "my prior statements"). I hereby acknowledge that my prior statements were made voluntarily and were not induced by threat of termination or other significant adverse employment consequence. Notwithstanding, I waive my claims I may otherwise have under *Garrity* regarding my prior statements, including an argument that my prior statements (or any evidence derived from my prior statements) cannot be used against me in any criminal investigation or proceeding. I voluntarily consent to all of my prior statements being furnished to special agents of the FBI and TIGTA, as well as attorneys from the Department of Justice, to be used for any reason relevant to the pending criminal investigation and any future criminal proceeding.

By my signature below, in consultation with my attorney, I hereby voluntarily, knowingly, and intelligently give the above described consent and waive any rights I may have under *Garrity* related to my prior statements.

[REDACTED]
Printed Name
[REDACTED]
Attorney Name

[REDACTED]
Signature
[REDACTED]
Attorney Signature

7-15-2015
Date
Z/ID/13
Date

(b)(6), (7)(C)

CONSENT AND WAIVER FORM

(b)(6), (7)(C)

I, [REDACTED], am an employee of the IRS. I understand that there is a Department of Justice criminal investigation related to public allegations that IRS officials unlawfully discriminated against applicants for tax-exempt status. I understand that statements I have made in connection with my IRS employment, if induced by threat of termination or other significant adverse employment consequence, may not be used against me in any criminal investigation or proceeding under the principles announced in *Garrity v. New Jersey*, 385 U.S. 493 (1967).

I have made statements on dates prior to this Consent and Waiver Form to IRS personnel, TIGTA auditors, and Congress, which relate to the matters under investigation (hereinafter "my prior statements"). I hereby acknowledge that my prior statements were made voluntarily and were not induced by threat of termination or other significant adverse employment consequence. Moreover, I waive any claims I may otherwise have under *Garrity* regarding my prior statements, including any argument that my prior statements (or any evidence derived from my prior statements) cannot be used against me in any criminal investigation or proceeding. I voluntarily consent to all of my prior statements being furnished to special agents of the FBI and TIGTA, as well as attorneys from the Department of Justice, to be used for any reason relevant to the pending criminal investigation and any future criminal proceeding.

By my signature below, in consultation with my attorney, I hereby voluntarily, knowingly, and intelligently give the above described consent and waive any rights I may have under *Garrity* related to my prior statements.

(b)(6), (7)(C)

[REDACTED]
Printed Name

[REDACTED]
Attorney Name

[REDACTED]
Signature

[REDACTED]
Attorney Signature

07-17-2013
Date

7-17-13
Date

CONSENT AND WAIVER FORM

(b)(6), (7)(C)

I, [REDACTED] am an employee of the IRS. I understand that there is a Department of Justice criminal investigation related to public allegations that IRS officials unlawfully discriminated against applicants for tax-exempt status. I understand that statements I have made in connection with my IRS employment, if induced by threat of termination or other significant adverse employment consequence, may not be used against me in any criminal investigation or proceeding under the principles announced in *Garrity v. New Jersey*, 385 U.S. 493 (1967).

I have made statements on dates prior to this Consent and Waiver Form to IRS personnel, TIGTA auditors, and Congress, which relate to the matters under investigation (hereinafter "my prior statements"). I hereby acknowledge that my prior statements were made voluntarily and were not induced by threat of termination or other significant adverse employment consequence. Moreover, I waive any claims I may otherwise have under *Garrity* regarding my prior statements, including any argument that my prior statements (or any evidence derived from my prior statements) cannot be used against me in any criminal investigation or proceeding. I voluntarily consent to all of my prior statements being furnished to special agents of the FBI and TIGTA, as well as attorneys from the Department of Justice, to be used for any reason relevant to the pending criminal investigation and any future criminal proceeding.

By my signature below, in consultation with my attorney, I hereby voluntarily, knowingly, and intelligently give the above described consent and waive any rights I may have under *Garrity* related to my prior statements.

(b)(6), (7)(C)

[REDACTED]	[REDACTED]
Printed Name	Signature
[REDACTED]	[REDACTED]
Attorney Name	Attorney Signature

July 8, 2013
 Date
 7/8/13
 Date

(b)(6), (7)(C) From: [REDACTED] </o=crm/ou=exchange administrative group (fydibohf23spdl)/cn=recipients/cn=[REDACTED]>
To: [REDACTED]
Cc:
Bcc:
(b)(6), (7)(C) Subject: Re: [REDACTED] Documents [IWOV-DMS.FID372443]
Date: Fri Jul 19 2013 15:04:01 EDT
Attachments:

Of course. Thank you!

(b)(6), (7)(C) From: [REDACTED] [mailto:[REDACTED]]
Sent: Friday, July 19, 2013 03:03 PM Eastern Standard Time
To: [REDACTED]
Subject: RE: [REDACTED] Documents [IWOV-DMS.FID372443]

My assistant is out sick today. So it will have to be early next week for the additional documents. I hope that is ok. Thanks.

(b)(6), (7)(C) From: [REDACTED] [mailto:[REDACTED]@usdoj.gov]
Sent: Thursday, July 18, 2013 2:14 PM
To: [REDACTED]
Cc: [REDACTED]@crt.usdoj.gov'; [REDACTED]@tigta.treas.gov'; [REDACTED]
Subject: Re: [REDACTED] Documents [IWOV-DMS.FID372443]

Would that be too much of an imposition? Would be a huge help.

(b)(6), (7)(C) From: [REDACTED] [mailto:[REDACTED]]
Sent: Thursday, July 18, 2013 10:28 AM Eastern Standard Time
To: [REDACTED]
Cc: [REDACTED]@crt.usdoj.gov' [REDACTED]@crt.usdoj.gov>; [REDACTED]@tigta.treas.gov' <[REDACTED]@tigta.treas.gov>; [REDACTED]
Subject: RE: [REDACTED] Documents [IWOV-DMS.FID372443]

Yes, the contents of the smaller binder are included on the disk. If you want those documents separated out—as we have them – we can provide that.

(b)(6), (7)(C) From: [REDACTED] [mailto:[REDACTED]@usdoj.gov]
Sent: Wednesday, July 17, 2013 6:21 PM
To: [REDACTED]

(b)(6), (7)(C) Cc: [REDACTED]@crt.usdoj.gov'; [REDACTED]@tigta.treas.gov'; [REDACTED]
Subject: Re: [REDACTED] Documents [IWOV-DMS.FID372443]

This makes perfect sense; thank you. Are you in position to share the contents of the smaller binder? We are interested in seeing documents and communications that post-date the documents provided to the auditors. Also, are the contents of the smaller binder included in the disc provided to IRS (which, incidentally, we have now received)?

From: [REDACTED] [mailto:[REDACTED]]
Sent: Wednesday, July 17, 2013 04:12 PM Eastern Standard Time

(b)(6), (7)(C) To: [REDACTED]
Cc: [REDACTED]@crt.usdoj.gov' <[REDACTED]@crt.usdoj.gov>; [REDACTED]@tigta.treas.gov' <[REDACTED]@tigta.treas.gov>; [REDACTED]
Subject: RE: [REDACTED] Documents [IWOV-DMS.FID372443]

(b)(6), (7)(C) [REDACTED]

The BOLO Timeline is attached. Regarding any additional documents, to clarify, what we provided to you is what [REDACTED] provided to Holly Paz in response to the TIGTA document requests. Those were the emails in the large binder that we had at the proffer. There is a second, smaller binder, that contains documents [REDACTED] gave to us, but were not responsive to TIGTA's request. That includes the Lois Lerner email and emails regarding the left-leaning organizations. Also, the disk that we sent to the IRS for eventual production to Congress and to you contains [REDACTED] entire "Advocacy Organizations" folder from [REDACTED] email account, some of which is duplicative of the documents produced to TIGTA (that you now have). The volume of data on the disk is quite large.

(b)(6), (7)(C)

If I have not managed to make sense, I am available to talk as well so that you can have a complete understanding of what we have. Thanks.

(b)(6), (7)(C) [REDACTED]

From: [REDACTED] [mailto:[REDACTED]@usdoj.gov]
Sent: Tuesday, July 16, 2013 7:22 PM

(b)(6), (7)(C) To: [REDACTED]
Cc: [REDACTED]@crt.usdoj.gov'; [REDACTED]@tigta.treas.gov'; [REDACTED]
Subject: RE: [REDACTED] Documents [IWOV-DMS.FID372443]

(b)(6), (7)(C) One last issue on the documents. We noticed that the last documents are dated about July 2012. For example, the email that [REDACTED] sent to Lerner after the May 10, 2013, announcement was not included. Are there some emails not included in this batch and, if so, are you in a position to provide them?

From: [REDACTED]
Sent: Tuesday, July 16, 2013 5:25 PM

(b)(6), (7)(C)

To: [REDACTED]
Cc: [REDACTED]@crt.usdoj.gov'; [REDACTED]@tigta.treas.gov'; [REDACTED]
Subject: Re: [REDACTED] Documents [IWOV-DMS.FID372443]

(b)(6), (7)(C)

[REDACTED]
Are you still intending to send the timeline, which per my email of last week will be subject to the proffer agreement?

From: [REDACTED]
Sent: Monday, July 15, 2013 03:31 PM Eastern Standard Time

(b)(6), (7)(C)

To: [REDACTED]
Cc: [REDACTED] (CRT) <[REDACTED]@crt.usdoj.gov>; [REDACTED]@tigta.treas.gov
<[REDACTED]@tigta.treas.gov>; [REDACTED]
Subject: RE: [REDACTED] Documents [IWOV-DMS.FID372443]

(b)(6), (7)(C)

[REDACTED]
Thank you so much. Really appreciate it.

(b)(6), (7)(C)

From: [REDACTED] [mailto:[REDACTED]]
Sent: Monday, July 15, 2013 3:15 PM

(b)(6), (7)(C)

To: [REDACTED]
Cc: [REDACTED] (CRT); [REDACTED]@tigta.treas.gov; [REDACTED]
Subject: RE: [REDACTED] Documents [IWOV-DMS.FID372443]

(b)(6), (7)(C)

[REDACTED]
As we discussed, I am sending you two attachments. One is the emails from before 3/1/12 and one is after. Please be aware though that in organizing by date we went with the most recent date on the email chain, so something that was forwarded or replied to after 3/1/12 may still have emails further back in the chain that pre-date 3/1/12. Let me know if you have any questions or have any trouble with the attachments.

(b)(6), (7)(C)

(b)(6), (7)(C)

From: [REDACTED] [mailto:[REDACTED]]
Sent: Friday, July 12, 2013 6:05 AM

(b)(6), (7)(C) To: [REDACTED]
Cc: [REDACTED] (CRT); [REDACTED]@tigta.treas.gov
Subject: [REDACTED] Documents

(b)(6), (7)(C) [REDACTED]

Thank you again for meeting with us yesterday. I write to follow up on the two document related issues we discussed.

(b)(6), (7)(C) First, we would appreciate receiving the time line related to the "TAG spreadsheet" and "BOLO" that [REDACTED] prepared. As we stated, that timeline will be covered by the proffer agreement [REDACTED] executed yesterday. (I will scan and email you a copy of the proffer agreement when I return to Washington.)

(b)(6), (7)(C) Second, we would also appreciate obtaining the email communications that you obtained from [REDACTED] pertaining to the 501(c)-application issues we discussed yesterday, i.e., the public allegations that the IRS "targeted" certain groups based on their political viewpoints, in particular groups associated with the "Tea Party." As I explained yesterday, due to the filter procedures we have in place, could you please divide the communications into two groups, those dated before and those dated on or after March 1, 2012? To the extent practical, the emails dated on or after March 1, 2012, should be placed in a sealed envelope or otherwise clearly separated from the first batch (i.e., if they are scanned and emailed, please do so in separate files). To the extent any of these applications contain taxpayer information, return information, and/or taxpayer return information, the Department of Justice and the FBI have referral authority under 18 U.S.C. 6103(h) to view this information by virtue of our participation in a joint investigation with TIGTA. I have cc'd TIGTA SA [REDACTED], who was present at the meeting yesterday and confirmed this orally, to further confirm it by way of this writing. Please let us know if you have any questions concerning that.

We are happy to receive the documents via email or hard copy – whatever is easiest for you. If you prefer to send the documents by email, please encrypt them to the extent they contain information covered by 6103 (this function is available on PDF); if you prefer to provide them by hard copy, please let me us know that and we can make arrangements to pick them up.

Thank you again for your cooperation in this matter – we appreciate it.

(b)(6), (7)(C) [REDACTED]

Trial Attorney

Public Integrity Section

Criminal Division

United States Department of Justice
1400 New York Ave, NW, 12th Floor
Washington, D.C. 20005

(b)(6), (7)(C)

Ofc: [REDACTED]

Cell: [REDACTED]

CONFIDENTIAL WARNING

This email message, together with any attachments, is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and as such is privileged and confidential.

If you are not the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this message in error, please notify us immediately by telephone (b)(6), (7)(C) [REDACTED] or by return email and delete this message, along with any attachments, from your computer.

Thank You

CONFIDENTIAL WARNING

This email message, together with any attachments, is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and as such is privileged and

(b)(6), (7)(C) From: [redacted] </o=crm/ou=exchange
administrative group (fydibohf23spdlt)/cn=recipients/cn=[redacted]
To: [redacted]
Cc:
Bcc:
(b)(6), (7)(C) Subject: Re: [redacted]
Date: Tue Jul 23 2013 08:02:40 EDT
Attachments: image001.jpg

No objection at all - happy to go to you.

(b)(6), (7)(C) From: [redacted]
Sent: Tuesday, July 23, 2013 07:56 AM Eastern Standard Time
To: [redacted]
Subject: RE: [redacted]

(b)(6), (7)(C) Dear [redacted]; If you have no objection, I would prefer to meet here. [redacted]
[redacted] We are meeting with [redacted] late this afternoon and will follow up afterwards.

Thanks, [redacted]
[redacted]

(b)(6), (7)(C)

(b)(6), (7)(C) From: [redacted] [mailto:[redacted]@usdoj.gov]
Sent: Sunday, July 21, 2013 2:13 PM
To: [redacted]
Subject: RE: [redacted]

(b)(6), (7)(C) [redacted]

Your email accurately summarizes our conversation. As you are aware though, your client's and the investigation's status is based on information available now. If your client's status changes anytime before the interview, I will certainly let you know.

You are correct that we have 6103 authorization by virtue of TIGTA's referral of this matter to DOJ and FBI for a joint criminal investigation. We will ask a TIGTA agent to be present for the interview for that purpose.

Attached is the proffer agreement we discussed.

(b)(6), (7)(C) Once you have had an opportunity to speak with your client, please feel free to give me a call if you have any additional questions or concerns. The best way to reach me this week is via cell phone (listed below). I have [REDACTED] penciled in for Wednesday, 8/7 – please let me know if that still works and, if so, what time. (We would prefer to do a time in the morning or after lunch, but ultimately can be flexible.) We are happy to host a meeting at the FBI in Covington or Cincinnati, or to come to your offices – whatever is most convenient for you.

(b)(6), (7)(C) [REDACTED]

Trial Attorney

Public Integrity Section

Criminal Division

United States Department of Justice

1400 New York Ave, NW, 12th Floor

Washington, D.C. 20005

(b)(6), (7)(C) Ofc: [REDACTED]

Cell: [REDACTED]

(b)(6), (7)(C) From: [REDACTED]
Sent: Friday, July 19, 2013 2:34 PM
To: [REDACTED]
Subject: [REDACTED]

(b)(6), (7)(C) Dear [REDACTED]; This will follow up with our discussion today regarding our client [REDACTED]. You advised that you were an attorney with the Department of Justice Public Integrity/Civil Rights division and that you, another lawyer and an FBI agent wanted to interview our client in Cincinnati during the week of August 5. I advised that our client is out of town until Monday but I will follow-up with [REDACTED] on his return.

(b)(6), (7)(C) You also indicated that [REDACTED] was not a target of any criminal investigation and that at this point in time no conclusion/determination had been made that any crime had been committed or that anyone was a target. I would appreciate your confirming that so that I can allay our clients concerns. You also indicated you would send a proffer agreement for my review. I would suspect that the proffer agreement that you use is similar to those that I see from the local U.S. attorney's office but I would like to review the same and go over it with our client. Lastly, you advised that your office is 6103 authorized based upon a request from TIGTA to assist in the investigation.

All of my contact information is in the signature block below. Have a good weekend and,

Thanks, [REDACTED]

(b)(6), (7)(C)

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PROFFER AGREEMENT

The United States of America, represented by its undersigned attorney, and [REDACTED] enter into this proffer agreement with respect to a proffer to be made by [REDACTED] to agents and attorneys of the United States concerning [REDACTED] knowledge about matters that are the subject of the instant criminal investigation.

(b)(6), (7)(C)

1. [REDACTED] will answer honestly, truthfully and completely all questions posed to [REDACTED] by agents and attorneys of the United States.

(b)(6), (7)(C)

2. By discussing these matters and by accepting [REDACTED] proffer, the United States does not intend in any way to agree to, or represent that it will, confer immunity upon [REDACTED] for any possible federal criminal acts committed by [REDACTED] nor has the United States made any representation or agreement about the disposition of any federal criminal charges which might be filed against [REDACTED]

(b)(6), (7)(C)

3. Should any prosecution be brought against [REDACTED] by the United States, the United States will not offer in evidence in its case-in-chief against [REDACTED], or at sentencing of [REDACTED], any statements made by [REDACTED] pursuant to this proffer agreement, except in a prosecution for false statements, obstruction of justice in the current investigation, or perjury, or as noted in paragraph 5.

(b)(6), (7)(C)

4. The United States can use information derived from statements by [REDACTED] under the proffer agreement directly or indirectly for the purpose of obtaining leads to other evidence, which evidence may be used by the United States against [REDACTED] in any prosecution of [REDACTED]

(b)(6), (7)(C)

5. Should any prosecution of [REDACTED] be undertaken, the United States may use [REDACTED] statements as substantive evidence for the purpose of cross-examination of [REDACTED] should [REDACTED] testify at any phase of the case, including motions, trial, or sentencing. The United States may also use [REDACTED] statements as substantive evidence to oppose any motions or to rebut any

(b)(6), (7)(C)

(b)(6), (7)(C) evidence, factual assertions or arguments offered by or on behalf of [REDACTED] at any pretrial, trial or sentencing phase.

(b)(6), (7)(C) 6. The provisions of Rule 410 of the Federal Rules of Evidence and Rule 11(f) of the Federal Rules of Criminal Procedure do not apply to any statements made by [REDACTED] or any evidence derived from those statements, and [REDACTED] waives any right to challenge the admissibility of such evidence under either of these rules.

Dated: _____

FOR THE UNITED STATES

(b)(6), (7)(C) _____
Trial Attorney
U.S. Department of Justice

FOR THE WITNESS:

(b)(6), (7)(C) _____
Witness

(b)(6), (7)(C) _____
Attorney

(b)(6), (7)(C) From: [REDACTED] </o=crm/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=[REDACTED]>
To: [REDACTED]
Cc: [REDACTED] (CRT) </o=crm/ou=wash/cn=recipients/cn=[REDACTED]>
Bcc: [REDACTED]
Subject: Re: [REDACTED]
Date: Wed Jul 24 2013 13:02:59 EDT
Attachments: image001.jpg

This is indeed workable - thank you. Your client has every assurance that we are 6103 authorized. A TIGTA representative will attend the interview to confirm and answer any questions you or your client have about that. Further, when I get to a computer terminal (rather than my Blackberry), I will send you an email that cc's a TIGTA representative confirming same.

See you at 2pm on 8/7.

(b)(6), (7)(C) From: [REDACTED]
Sent: Wednesday, July 24, 2013 11:36 AM Eastern Standard Time
To: [REDACTED]
Cc: [REDACTED]
Subject: [REDACTED]

(b)(6), (7)(C) Dear [REDACTED]; I am returning herewith the Proffer Agreement which [REDACTED] and I have signed. [REDACTED] is willing to submit to a voluntary interview under that agreement. [REDACTED] is concerned that you and the FBI have necessary 6103 authorization and/or a (l) (4) letter. [REDACTED] does not want [REDACTED] co-operation to put [REDACTED] in any position that jeopardizes [REDACTED] employment.

(b)(6), (7)(C) I also would appreciate meeting in our offices. My schedule is clear on 8/7 and I would suggest 2:00 P. M. that afternoon. That will allow our client to work part of the day and have any last minute questions that [REDACTED] may have of me addressed before the interview. You can execute the proffer letter when we meet. Please let me know if my proposal is workable.

Thanks, [REDACTED]
[REDACTED]

(b)(6), (7)(C)

(b)(6), (7)(C)



From: [REDACTED] (CRT)
</o=crm/ou=wash/cn=recipients/cn=[REDACTED]>
To: [REDACTED]
(b)(6), (7)(C) Cc: [REDACTED] </o=crm/ou=exchange
administrative group (fydibohf23spdlt)/cn=recipients/cn=[REDACTED]>; [REDACTED]
Bcc:
Subject: RE: Interviews in IRS matter
Date: Tue Jul 23 2013 15:37:41 EDT
Attachments:

(b)(6), (7)(C) Thanks, [REDACTED]

I will check with our team and get back to you. I am guessing this – or something very close to it—will work.

(b)(6), (7)(C) From: [REDACTED]
Sent: Tuesday, July 23, 2013 2:44 PM
To: [REDACTED] (CRT)
Cc: [REDACTED] (CRM); [REDACTED]
Subject: RE: Interviews in IRS matter

(b)(6), (7)(C) Hi [REDACTED]

Thanks for your email. Let me know if this tentative schedule would work for you—

Monday, 7/29, at our office

(b)(6), (7)(C) 1:00 [REDACTED]
4:00 [REDACTED]

Wednesday, 7/31, at our office

(b)(6), (7)(C) 2:00 [REDACTED]

(b)(6), (7)(C) Either Wednesday, 7/31 or the afternoon of 8/1—[REDACTED]. (It would work best for our schedules if [REDACTED])

can be interviewed sometime next week as well).

(b)(6), (7)(C) Also, I am trying to arrange a day during the week of August 5 that I can travel to Cincinnati for [REDACTED] and [REDACTED]. I'll be in touch with you soon about that as well.

Thanks,

(b)(6), (7)(C) [REDACTED]

(b)(6), (7)(C) [REDACTED]

From: [REDACTED] (CRT) [mailto:[REDACTED]@usdoj.gov]
Sent: Tuesday, July 23, 2013 12:56 PM
(b)(6), (7)(C) To: [REDACTED]
Cc: [REDACTED] (CRM)
Subject: Interviews in IRS matter

(b)(6), (7)(C) [REDACTED]

(b)(6), (7)(C) [REDACTED] is out this week, but I understand that you and [REDACTED] had several discussions about scheduling interviews with your clients. I wanted to follow up to see if we can flesh out next week's schedule. We are hoping and expecting to interview [REDACTED] next week. Please confirm that they will be in town. Also let me know, given their scheduled congressional testimony, what dates/times they will be available for interviews.

(b)(6), (7)(C) As [REDACTED] may have indicated, we plan to be in Cincinnati the week of August 5 and would very much like to interview [REDACTED] while we are there, unless you anticipate that they will

be traveling to D.C. in the very near future (in which case we are happy to interview them in D.C. instead).

I am in the office all day today and tomorrow. Feel free to call me so that we can discuss. Thank you.

(b)(6), (7)(C)

[Redacted]

[Redacted]

Civil Rights Division

Criminal Section

(b)(6), (7)(C)

[Redacted]

From: [Redacted] (CRM)
Sent: Tuesday, July 16, 2013 5:23 PM
To: [Redacted]
Cc: [Redacted] (CRT)
Subject: Re: Interviews

(b)(6), (7)(C)

(b)(6), (7)(C)

[Redacted]

One last issue. If any of your clients have documents they are providing to Congress that you can (or would like to) provide to us before their testimony, we would be pleased to receive them. We are 6103 authorized and I can connect you with TIGTA to confirm; we would like the unredacted documents. If you have none, that is ok. I just know that some employees have assembled their own set, in which instance it is helpful to obtain them.

Thanks,

(b)(6), (7)(C)

[Redacted]

From: [Redacted]
Sent: Monday, July 15, 2013 08:51 PM Eastern Standard Time
To: [Redacted]
Cc: [Redacted] (CRT)
Subject: Interviews

(b)(6), (7)(C)

(b)(6), (7)(C)

[Redacted]

Per our conversation today, I understand that the clients of yours listed below are testifying before Congress on the date listed. We are available to slate interviews for each of these individuals on whatever day works for you – the day before, day of, or day after they testify. Please just let us know where and what time you would like to meet. If you decide it is easier for you to come to us, we can provide space at offices near Judiciary Square or the White House. (As I told you over the phone, I am unavailable the week of 7/22, but [REDACTED], who is cc'd on this email, will be there for the [REDACTED] interview.)

(b)(6), (7)(C)

Congressional Schedule:

[REDACTED]

[REDACTED]

(b)(6), (7)(C)

[REDACTED]

[REDACTED]

(b)(6), (7)(C) We would like to interview [REDACTED] as soon as possible as well. If [REDACTED] is available to come to D.C. during the week of 7/29, that would be great. If not, we could interview [REDACTED] in Cincinnati the week of 8/5.

(b)(6), (7)(C) Finally, I feel less pressed to schedule an interview with [REDACTED]. I would certainly like to interview [REDACTED] but I think we could hold off on [REDACTED] until later in August, unless you (or [REDACTED]) have a pressing need to accomplish an interview.

With respect to Garrity waivers, it would be helpful for your clients to execute them if they have given prior statements or testimony. If they did not speak to the TIGTA auditors, they could just cross that off; if they have not given a prior statement to anyone in Congress, they can cross that off; if they have given no previous statement, they do not need to execute one. Let me know if you have any questions about that.

Thanks,

(b)(6), (7)(C)

[REDACTED]

Trial Attorney

Public Integrity Section

Criminal Division

United States Department of Justice

1400 New York Ave, NW, 12th Floor

Washington, D.C. 20005

Ofc: [REDACTED]

(b)(6), (7)(C)

Cell: [REDACTED]

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For more information please visit <http://www.symanteccloud.com>

From: [REDACTED] TIGTA
<[REDACTED]@tigta.treas.gov>
To: [REDACTED] (CRT)
<[REDACTED]@crt.usdoj.gov>; [REDACTED]
Cc: [REDACTED] </o=crm/ou=exchange
administrative group (fydibohf23spdlf)/cn=recipients/cn=[REDACTED]>
Bcc:
Subject: RE: IRS interviews/ 6103
Date: Thu Jul 25 2013 08:06:16 EDT
Attachments:

(b)(6), (7)(C)

(b)(6), (7)(C)

Please accept this e-mail as confirmation that you are permitted and we have the authority to receive any 6103 material as this is a joint TIGTA, FBI and DOJ investigation. If you have any additional questions feel free to contact me on my cell phone.

Thanks

(b)(6), (7)(C)

Treasury Inspector General for Tax Administration

(b)(6), (7)(C)

From: [REDACTED] (CRT) [mailto:[REDACTED]@usdoj.gov]
Sent: Wednesday, July 24, 2013 3:41 PM
(b)(6), (7)(C) To: [REDACTED]
Cc: [REDACTED] TIGTA; [REDACTED] (CRM)
Subject: IRS interviews/ 6103

(b)(6), (7)(C)

I am writing to confirm our interview schedule and to provide assurance about the 6103 issue we discussed today.

Interviews will be held next week at your office on the following schedule (the times you proposed).

Monday, July 29

1:00 [REDACTED]

(b)(6), (7)(C)

4:00 [REDACTED]

Wednesday, July 31

(b)(6), (7)(C) 2:00 [REDACTED]

(b)(6), (7)(C) We will hold off on [REDACTED] for now and contact you later about potential interview dates in September.

(b)(6), (7)(C) We will find a mutually convenient time during the week of August 5 to interview [REDACTED].

(b)(6), (7)(C) As [REDACTED] previously told you, DOJ/ FBI is authorized to review 6103 material that relates to the subject of the May 14, 2013, Treasury Inspector General Audit Report, Inappropriate Criteria Were Used to Identify Tax-Exempt Applications for Review. [REDACTED], cc'd on this email, is with TIGTA and will send you an email confirming that we have authority to receive this information.

I look forward to meeting you next week.

(b)(6), (7)(C) [REDACTED]
[REDACTED]

Civil Rights Division

Criminal Section

(b)(6), (7)(C) [REDACTED]

From: [REDACTED]
To: [REDACTED] TIGTA
(b)(6), (7)(C) Cc: [REDACTED] @crt.usdoj.gov>;
[REDACTED] </o=crm/ou=exchange administrative group
(fydibohf23spdlf)/cn=recipients/cn=[REDACTED]>
Bcc: [REDACTED]
(b)(6), (7)(C) Subject: RE: [REDACTED]
Date: Mon Jul 29 2013 07:26:24 EDT
Attachments: image001.jpg

(b)(6), (7)(C) Dear [REDACTED]; Thanks you for your response. We will talk further with our client and I expect the interview will proceed as scheduled.

Thanks, [REDACTED]

(b)(6), (7)(C) [REDACTED]

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(b)(6), (7)(C) From: [REDACTED] TIGTA [mailto:[REDACTED]@tigta.treas.gov]
Sent: Sunday, July 28, 2013 8:58 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: [REDACTED]

(b)(6), (7)(C) [REDACTED]

(b)(6), (7)(C) This is a confirmation e-mail as requested by [REDACTED]. As [REDACTED] stated below, any documents provided by your client will be provided to a TIGTA agent who will be present and participating in the meeting. There are no 26 USC 6103 issues. If you have any other questions feel free to contact me on my cell phone.

Thanks

(b)(6), (7)(C) [REDACTED]
[REDACTED]
Baltimore Field Office
Washington Field Division

(b)(6), (7)(C) [REDACTED]

(b)(6), (7)(C) From: [REDACTED] [mailto:[REDACTED]]
Sent: Sunday, July 28, 2013 6:11 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: [REDACTED]

(b)(6), (7)(C) [REDACTED]

(b)(6), (7)(C) Further to our emails below, I write to assure you that the Department of Justice and FBI are authorized to receive and review material protected by 26 U.S.C. 6103 relating to the subject of the May 14, 2013, Treasury Inspector General Audit Report (titled "Inappropriate Criteria Were Used to Identify Tax-Exempt Applications for Review"). This authority is by virtue of our participation with TIGTA in a joint investigation of this matter. I have cc'd TIGTA [REDACTED] of the Washington Field Division, who will send a confirmation email to this end. Moreover, a TIGTA special agent will be present at the interview to provide your client the same assurance; and, to the extent you possess any documents you are able to share with us in advance of or during the interview, TIGTA will take possession of the documents and then provide them to DOJ and FBI. In essence, both by way of the discussion of any return information during the interview or through any documents your client provides, TIGTA will actually be making the disclosure to DOJ and FBI.

If you have additional questions or simply want to discuss the mechanics of this more, please let me know. I am also happy to discuss with you what I suspect the source of the comment that "the IRS has provided no guidance" is – which is essentially the mechanical differences between the congressional and criminal investigations. I am unavailable tomorrow (Monday, 7/29/13), but am generally available to speak (and will plan to give you a call in any event) the remaining days of the week.

(b)(6), (7)(C) [REDACTED]

Trial Attorney

Public Integrity Section

Criminal Division

United States Department of Justice

1400 New York Ave, NW, 12th Floor

Washington, D.C. 20005

(b)(6), (7)(C) Ofc: [REDACTED]

Cell: [REDACTED]

From: [REDACTED]

Sent: Saturday, July 27, 2013 9:47 AM

(b)(6), (7)(C) To: [REDACTED]

Cc: [REDACTED]

Subject: Re: [REDACTED]

Let's discuss next week when I return to DC. I appreciate your and your client's concerns and we will absolutely address them. 6103 is not an impediment; I can provide some insight into this and will also make sure you have sufficient assurances.

From: [REDACTED]

Sent: Saturday, July 27, 2013 09:21 AM Eastern Standard Time

(b)(6), (7)(C) To: [REDACTED]

Cc: [REDACTED]

Subject: [REDACTED]

(b)(6), (7)(C) Dear [REDACTED]

As you know we have advised our client to submit to a voluntary interview with you, the FBI and TIGTA. The union has advised against same and made a curious statement in responding to us:

"A significant concern we have is disclosure. Although the FBI may say they have full disclosure rights, the IRS has provided no guidance. If this becomes an issue, the FBI will not be character witness in any admin matter."

(b)(6), (7)(C) I am not sure exactly what this means and I do not profess to any special expertise in understanding 26 U.S.C. 6103 and/or all other privacy statutes and regulations that [REDACTED] may be subject to as an IRS employee. I do not want [REDACTED] co-operation to be the basis for any employment action against [REDACTED] either. Any suggestion on how best to address this concern so that we adequately protect our client's employment?

My schedule is fairly light next week and I will be available to discuss this with you. Have a good weekend!

Thanks, [REDACTED]

(b)(6), (7)(C)

"It is amazing what you can accomplish if you do not care who gets the credit." President Harry S. Truman

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From: [REDACTED] (CRT)
</o=crm/ou=wash/cn=recipients/cn=[REDACTED]>
To: [REDACTED]
(b)(6), (7)(C) Cc: [REDACTED]@tigta.treas.gov
<[REDACTED]@tigta.treas.gov>; [REDACTED]
</o=crm/ou=exchange administrative group
(fydibohf23spdlt)/cn=recipients/cn=[REDACTED]>; [REDACTED]
Bcc: [REDACTED]
Subject: RE: IRS interviews/ 6103
Date: Tue Jul 30 2013 18:18:23 EDT
Attachments:

Excellent. Thanks so much! We will see you tomorrow.

From: [REDACTED]
Sent: Tuesday, July 30, 2013 6:17 PM
(b)(6), (7)(C) To: [REDACTED] (CRT)
Cc: [REDACTED]@tigta.treas.gov; [REDACTED] (CRM); [REDACTED]
Subject: RE: IRS interviews/ 6103

(b)(6), (7)(C) Hi [REDACTED]

(b)(6), (7)(C) I've confirmed with [REDACTED] and [REDACTED] that they are available for interviews next Tuesday in Covington, Ky. We can talk more tomorrow about the logistics.

(b)(6), (7)(C) [REDACTED]

From: [REDACTED] (CRT) [mailto:[REDACTED]@usdoj.gov]
Sent: Friday, July 26, 2013 5:42 PM
(b)(6), (7)(C) To: [REDACTED]
Cc: [REDACTED]@tigta.treas.gov; [REDACTED] (CRM); [REDACTED]
Subject: RE: IRS interviews/ 6103

Thanks!

(b)(6), (7)(C) From: [REDACTED]
Sent: Friday, July 26, 2013 5:42 PM

(b)(6), (7)(C) To: [REDACTED] (CRT)
Cc: [REDACTED]@tigta.treas.gov; [REDACTED] (CRM); [REDACTED]
Subject: RE: IRS interviews/ 6103

Hi all,

(b)(6), (7)(C) Please find attached executed Garrity waivers for [REDACTED] and [REDACTED].

(b)(6), (7)(C) [REDACTED]

From: [REDACTED] (CRT) [mailto:[REDACTED]@usdoj.gov]
Sent: Thursday, July 25, 2013 11:37 AM

(b)(6), (7)(C) To: [REDACTED]
Cc: [REDACTED]@tigta.treas.gov; [REDACTED] (CRM); [REDACTED]
Subject: RE: IRS interviews/ 6103

(b)(6), (7)(C) Thanks for the info, [REDACTED] I'll let the team know, and we can touch base again next week before or after the interviews. We may be able to reserve a date then. We appreciate your letting us know about potential scheduling conflicts in advance.

(b)(6), (7)(C) [REDACTED]
[REDACTED]

Civil Rights Division

Criminal Section

(b)(6), (7)(C) [REDACTED]

From: [REDACTED]
Sent: Thursday, July 25, 2013 11:34 AM

(b)(6), (7)(C) To: [REDACTED] (CRT)
Cc: [REDACTED]@tigta.treas.gov; [REDACTED] (CRM); [REDACTED]
Subject: RE: IRS interviews/ 6103

(b)(6), (7)(C) Hi [REDACTED]

To follow up on our conversation from yesterday—[REDACTED] actually has limited time in September due to travel plans. [REDACTED] should be available to be interviewed on September 10 or 11, so please make a note on your calendar for those dates, if possible.

(b)(6), (7)(C) [REDACTED]

From: [REDACTED] (CRT) [mailto:[REDACTED]@usdoj.gov]
Sent: Wednesday, July 24, 2013 3:41 PM
To: [REDACTED]
Cc: [REDACTED]@tigta.treas.gov; [REDACTED] (CRM)
Subject: IRS interviews/ 6103

(b)(6), (7)(C)

(b)(6), (7)(C) [REDACTED]

I am writing to confirm our interview schedule and to provide assurance about the 6103 issue we discussed today.

Interviews will be held next week at your office on the following schedule (the times you proposed).

Monday, July 29

1:00 [REDACTED]

(b)(6), (7)(C)

4:00 [REDACTED]

Wednesday, July 31

(b)(6), (7)(C) 2:00 [REDACTED]

(b)(6), (7)(C) We will hold off on [REDACTED] for now and contact you later about potential interview dates in September.

(b)(6), (7)(C) We will find a mutually convenient time during the week of August 5 to interview [REDACTED]
[REDACTED]

(b)(6), (7)(C) As [REDACTED] previously told you, DOJ/ FBI is authorized to review 6103 material that relates to the subject of the May 14, 2013, Treasury Inspector General Audit Report, Inappropriate Criteria Were Used to Identify Tax-Exempt Applications for Review. [REDACTED], cc'd on this email, is with TIGTA and will send you an email confirming that we have authority to receive this information.

I look forward to meeting you next week.

(b)(6), (7)(C) [REDACTED]
[REDACTED]

Civil Rights Division

Criminal Section

(b)(6), (7)(C) [REDACTED]

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CONSENT AND WAIVER FORM

(b)(6), (7)(C)

I, [REDACTED] am an employee of the IRS. I understand that there is a Department of Justice criminal investigation related to public allegations that IRS officials unlawfully discriminated against applicants for tax-exempt status. I understand that statements I have made in connection with my IRS employment, if induced by threat of termination or other significant adverse employment consequence, may not be used against me in any criminal investigation or proceeding under the principles announced in *Garrity v. New Jersey*, 385 U.S. 493 (1967).

I have made statements on dates prior to this Consent and Waiver Form to IRS personnel, TIGTA auditors, and Congress, which relate to the matters under investigation (hereinafter "my prior statements"). I hereby acknowledge that my prior statements were made voluntarily and were not induced by threat of termination or other significant adverse employment consequence. Moreover, I waive any claims I may otherwise have under *Garrity* regarding my prior statements, including any argument that my prior statements (or any evidence derived from my prior statements) cannot be used against me in any criminal investigation or proceeding. I voluntarily consent to all of my prior statements being furnished to special agents of the FBI and TIGTA, as well as attorneys from the Department of Justice, to be used for any reason relevant to the pending criminal investigation and any future criminal proceeding.

By my signature below, in consultation with my attorney, I hereby voluntarily, knowingly, and intelligently give the above described consent and waive any rights I may have under *Garrity* related to my prior statements.

(b)(6), (7)(C)

[REDACTED]	[REDACTED]	7-26-13
Printed Name	Signature	Date
[REDACTED]	[REDACTED]	7-26-13
Attorney Name	Attorney Signature	Date

CONSENT AND WAIVER FORM

(b)(6), (7)(C)

I, [REDACTED] am an employee of the IRS. I understand that there is a Department of Justice criminal investigation related to public allegations that IRS officials unlawfully discriminated against applicants for tax-exempt status. I understand that statements I have made in connection with my IRS employment, if induced by threat of termination or other significant adverse employment consequence, may not be used against me in any criminal investigation or proceeding under the principles announced in *Garrity v. New Jersey*, 385 U.S. 493 (1967).

I have made statements on dates prior to this Consent and Waiver Form to IRS personnel, TIGTA auditors, and Congress, which relate to the matters under investigation (hereinafter "my prior statements"). I hereby acknowledge that my prior statements were made voluntarily and were not induced by threat of termination or other significant adverse employment consequence. Moreover, I waive any claims I may otherwise have under *Garrity* regarding my prior statements, including any argument that my prior statements (or any evidence derived from my prior statements) cannot be used against me in any criminal investigation or proceeding. I voluntarily consent to all of my prior statements being furnished to special agents of the FBI and TIGTA, as well as attorneys from the Department of Justice, to be used for any reason relevant to the pending criminal investigation and any future criminal proceeding.

By my signature below, in consultation with my attorney, I hereby voluntarily, knowingly, and intelligently give the above described consent and waive any rights I may have under *Garrity* related to my prior statements.

(b)(6), (7)(C)

[REDACTED]
Printed Name

[REDACTED]
Attorney Name

[REDACTED]
Signature

[REDACTED]
Attorney Signature

7/25/13
Date

7/26/13
Date

From: [REDACTED] </o=crm/ou=exchange
administrative group (fydibohf23spdlt)/cn=recipients/cn=[REDACTED]>
(b)(6), (7)(C) To: [REDACTED]
Cc: [REDACTED] (CRT)
</o=crm/ou=wash/cn=recipients/cn=[REDACTED]>
Bcc:
Subject: Re: Documents
Date: Wed Jul 31 2013 20:43:09 EDT
Attachments:

Address for next week:

[REDACTED]

(b)(6), (7)(C)

My cell is [REDACTED] in case of problems.

From: [REDACTED]
Sent: Wednesday, July 31, 2013 08:30 PM Eastern Standard Time
(b)(6), (7)(C) To: [REDACTED]
Cc: [REDACTED] (CRT) <[REDACTED]@crt.usdoj.gov>; [REDACTED] TIGTA <[REDACTED]@tigta.treas.gov>
Subject: Documents

(b)(6), (7)(C)

[REDACTED]

On Monday you gave us a document bates stamped [REDACTED] 0009 that contains 6103 redactions. It is an email from [REDACTED] to [REDACTED] dated 7/27/2010. I would like to obtain the unredacted version. Do you have it? If so, are you in a position to produce it? I have cc'd [REDACTED] from TIGTA, who by way of a separate email will authorize disclosure (and in fact the disclosure should cc [REDACTED] In the event that you do not possess the unredacted document, are you able to let us know who the two organizations listed in the email are?

(b)(6), (7)(C)

Thank you,

(b)(6), (7)(C)

[REDACTED]

(b)(6), (7)(C)

[REDACTED]

Trial Attorney

Public Integrity Section

Criminal Division

United States Department of Justice

1400 New York Ave, NW, 12th Floor

Washington, D.C. 20005

Ofc: [REDACTED]

(b)(6), (7)(C)

Cell: [REDACTED]

From: [REDACTED] </o=crm/ou=exchange
administrative group (fydibohf23spdlf)/cn=recipients/cn=[REDACTED]
[REDACTED]>
To: [REDACTED]
(b)(6), (7)(C) [REDACTED] TIGTA
<[REDACTED]@tigta.treas.gov>
Cc: [REDACTED]@usdoj.gov
<[REDACTED]@crt.usdoj.gov>; [REDACTED]
[REDACTED]
Bcc:
Subject: RE: Documents
Date: Thu Aug 01 2013 16:53:27 EDT
Attachments:

Thank you.

(b)(6), (7)(C) From: [REDACTED]
Sent: Thursday, August 01, 2013 4:44 PM
To: [REDACTED] TIGTA; [REDACTED]
Cc: [REDACTED]@usdoj.gov; [REDACTED]
Subject: RE: Documents

Hi all,

(b)(6), (7)(C) Please find attached unredacted versions of the documents that we gave to you from [REDACTED], as well as unredacted versions of the documents that [REDACTED] has produced to the House Oversight Committee. [REDACTED]—are you available tomorrow morning to talk? I can talk to you about [REDACTED]'s involvement in the same manner that we have for other witnesses.

(b)(6), (7)(C) [REDACTED]

(b)(6), (7)(C) From: [REDACTED] TIGTA [mailto:[REDACTED]@tigta.treas.gov]
Sent: Thursday, August 01, 2013 7:40 AM
To: [REDACTED]@usdoj.gov; [REDACTED]
Cc: [REDACTED]@usdoj.gov
Subject: Re: Documents

(b)(6), (7)(C) [REDACTED]

(b)(6), (7)(C) In reference to [REDACTED] email below, you are authorized to provide us any documents containing 6103 related information. Please send any electronic documents directly to this email, or cc me on any

(b)(6), (7)(C) documents you send [REDACTED] If there are paper documents you wish to provide us, please let me know a convenient time, and I will send someone to your office to collect them. I greatly appreciate your help and assistance in this matter

Thank You,

(b)(6), (7)(C) [REDACTED]

From: [REDACTED] [mailto:[REDACTED]@usdoj.gov]
Sent: Wednesday, July 31, 2013 08:30 PM Eastern Standard Time

(b)(6), (7)(C) To: [REDACTED]
Cc: [REDACTED] (CRT) <[REDACTED]@usdoj.gov>; [REDACTED] TIGTA
Subject: Documents

(b)(6), (7)(C) [REDACTED]

(b)(6), (7)(C) On Monday you gave us a document bates stamped [REDACTED] 0009 that contains 6103 redactions. It is an email from [REDACTED] to [REDACTED] dated 7/27/2010. I would like to obtain the unredacted version. Do you have it? If so, are you in a position to produce it? I have cc'd [REDACTED] from TIGTA, who by way of a separate email will authorize disclosure (and in fact the disclosure should cc [REDACTED] In the event that you do not possess the unredacted document, are you able to let us know who the two organizations listed in the email are?

Thank you,

(b)(6), (7)(C) [REDACTED]

(b)(6), (7)(C) [REDACTED]

Trial Attorney

Public Integrity Section

Criminal Division

United States Department of Justice

1400 New York Ave, NW, 12th Floor

Washington, D.C. 20005

(b)(6), (7)(C) Ofc: [REDACTED]

(b)(6), (7)(C) Cell: [REDACTED]

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For more information please visit <http://www.symanteccloud.com>

From: [REDACTED] </o=crm/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=[REDACTED]>
To: [REDACTED] (CRT) </o=crm/ou=wash/cn=recipients/cn=[REDACTED]>; [REDACTED]
Cc: [REDACTED]
Bcc: [REDACTED]
Subject: RE: Documents
Date: Thu Aug 01 2013 18:13:38 EDT
Attachments:

(b)(6), (7)(C)

(b)(6), (7)(C) I'm available. [REDACTED]

From: [REDACTED] (CRT) [mailto:[REDACTED]@usdoj.gov]
Sent: Thursday, August 01, 2013 6:11 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Documents

(b)(6), (7)(C)

(b)(6), (7)(C) I am likely not in at that time, but please just talk to [REDACTED]. He can brief me.

From: [REDACTED]
Sent: Thursday, August 01, 2013 4:59 PM
To: [REDACTED] (CRM)
Cc: [REDACTED] (CRT); [REDACTED]
Subject: RE: Documents

(b)(6), (7)(C)

I'll call you at 10:30 if that works for you.

From: [REDACTED] [mailto:[REDACTED]@usdoj.gov]
Sent: Thursday, August 01, 2013 4:58 PM
To: [REDACTED]
Cc: [REDACTED]@usdoj.gov; [REDACTED]
Subject: RE: Documents

(b)(6), (7)(C)

(b)(6), (7)(C) Sorry [REDACTED] I missed the part below about talking. Yes – what time? After 10 is best.

(b)(6), (7)(C) From: [REDACTED]

Sent: Thursday, August 01, 2013 4:44 PM

(b)(6), (7)(C) To: [REDACTED] TIGTA; [REDACTED]
Cc: [REDACTED]@usdoj.gov; [REDACTED]
Subject: RE: Documents

Hi all,

(b)(6), (7)(C) Please find attached unredacted versions of the documents that we gave to you from [REDACTED], as well as unredacted versions of the documents that [REDACTED] has produced to the House Oversight Committee. [REDACTED]—are you available tomorrow morning to talk? I can talk to you about [REDACTED]'s involvement in the same manner that we have for other witnesses.

(b)(6), (7)(C) [REDACTED]

From: [REDACTED] TIGTA [mailto:[REDACTED]@tigta.treas.gov]

(b)(6), (7)(C) Sent: Thursday, August 01, 2013 7:40 AM
To: [REDACTED]@usdoj.gov; [REDACTED]
Cc: [REDACTED]@usdoj.gov
Subject: Re: Documents

(b)(6), (7)(C) [REDACTED]

(b)(6), (7)(C) In reference to [REDACTED] email below, you are authorized to provide us any documents containing 6103 related information. Please send any electronic documents directly to this email, or cc me on any documents you send [REDACTED]. If there are paper documents you wish to provide us, please let me know a convenient time, and I will send someone to your office to collect them. I greatly appreciate your help and assistance in this matter

Thank You,

(b)(6), (7)(C) [REDACTED]

From: [REDACTED] [mailto:[REDACTED]@usdoj.gov]

(b)(6), (7)(C) Sent: Wednesday, July 31, 2013 08:30 PM Eastern Standard Time
To: [REDACTED]
Cc: [REDACTED] (CRT) <[REDACTED]@usdoj.gov>; [REDACTED] TIGTA
Subject: Documents

(b)(6), (7)(C) [REDACTED] -

(b)(6), (7)(C) On Monday you gave us a document bates stamped [REDACTED] 0009 that contains 6103 redactions. It is an email from [REDACTED] to [REDACTED] dated 7/27/2010. I would like to obtain the unredacted version. Do you have it? If so, are you in a position to produce it? I have cc'd [REDACTED] from TIGTA, who by way of a separate email will authorize disclosure (and in fact the disclosure should cc [REDACTED]. In the event that you do not possess the unredacted document, are you able to let us know who the two organizations listed in the email are?

Thank you,

(b)(6), (7)(C) [REDACTED]

(b)(6), (7)(C) [REDACTED]

Trial Attorney

Public Integrity Section

Criminal Division

United States Department of Justice

1400 New York Ave, NW, 12th Floor

Washington, D.C. 20005

(b)(6), (7)(C) Ofc: [REDACTED]

Cell: [REDACTED]

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For more information please visit <http://www.symanteccloud.com>

(b)(6), (7)(C) From: [REDACTED] </o=crm/ou=exchange
administrative group (fydibohf23spdlt)/cn=recipients/cn=[REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Bcc: [REDACTED]
(b)(6), (7)(C) Subject: RE: [REDACTED]
Date: Fri Aug 02 2013 11:04:20 EDT
Attachments: image001.jpg

2:00 would be great. Thank you.

(b)(6), (7)(C) From: [REDACTED]
Sent: Friday, August 02, 2013 11:01 AM
To: [REDACTED]
Subject: RE: [REDACTED]

(b)(6), (7)(C) Dear [REDACTED] I will check and see if [REDACTED] are available this afternoon after 2:00. [REDACTED]
[REDACTED] have dealt with [REDACTED] at the IRS in getting the previous authorizations. His contact info is
[REDACTED]@irs.counsel.treas.gov.

Thanks, [REDACTED]

(b)(6), (7)(C) [REDACTED]

"It is amazing what you can accomplish if you do not care who gets the credit." President Harry S. Truman

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From: [REDACTED] [mailto:[REDACTED]@usdoj.gov]
Sent: Friday, August 02, 2013 10:28 AM
(b)(6), (7)(C) To: [REDACTED]
Cc: [REDACTED] (CRT)
Subject: RE: [REDACTED]

(b)(6), (7)(C) [REDACTED] – I want to make sure I understand your partner's concern. Can we slate a call for this afternoon? Also, is there a particular IRS counsel you are dealing with?

Thanks,

(b)(6), (7)(C) [REDACTED]

From: [REDACTED]
Sent: Friday, August 02, 2013 9:47 AM
(b)(6), (7)(C) To: [REDACTED]
Cc: [REDACTED] TIGTA; [REDACTED]
Subject: [REDACTED]

(b)(6), (7)(C) Dear [REDACTED] My partner, [REDACTED] is an employment lawyer and is [REDACTED] sounding board and mentor. [REDACTED] opinion, based on the prior authorizations and [REDACTED] research is that the language in Delegation Order 11-2 is sufficiently broad enough to suggest that [REDACTED] needs an authorization before meeting with you next week. In the absence of an authorization from the IRS Chief Counsel's Office or if the indication is that one will not be forthcoming, [REDACTED] recommendation is to advise [REDACTED] against giving a voluntary statement. [REDACTED] feels uncomfortable suggesting that [REDACTED] go forward since it appears that DOJ and Chief Counsel's Office are not cooperating. The past authorization letters given to [REDACTED] referenced DO 11-2 and 26 CFR 301.9000-1. The reg (below) - particularly the highlighted portions - looks like the issue isn't so much the definition of "testimony" but rather [REDACTED] authorization to disclose IRS "records or information" (again, exceeding that granted under 6103, pertaining solely to individual tax-payer matters).

§ 301.9000-1

Definitions when used in §§ 301.9000-1 through 301.9000-6.

(a) IRS records or information means any material (including copies thereof) contained in the files (including paper, electronic or other media files) of the Internal Revenue Service (IRS), any information relating to material contained in the files of the IRS, or any information acquired by an IRS officer or employee, while an IRS officer or employee, as a part of the performance of official duties or because

of that IRS officer's or employee's official status with respect to the administration of the internal revenue laws or any other laws administered by or concerning the IRS. IRS records or information includes, but is not limited to, returns and return information as those terms are defined in section 6103 (b)(1) and (2) of the Internal Revenue Code (Code), tax convention information as defined in section 6105 of the Code, information gathered during Bank Secrecy Act and money laundering investigations, and personnel records and other information pertaining to IRS officers and employees. IRS records and information also includes information received, generated or collected by an IRS contractor pursuant to the contractor's contract or agreement with the IRS. The term does not include records or information obtained by IRS officers and employees, solely for the purpose of a federal grand jury investigation, while under the direction and control of the United States Attorney's Office. The term IRS records or information nevertheless does include records or information obtained by the IRS before, during, or after a Federal grand jury investigation if the records or information are obtained—

(1) At the administrative stage of a criminal investigation (prior to the initiation of the grand jury);

(2) From IRS files (such as transcripts or tax returns); or

(3) For use in a subsequent civil investigation.

(b) IRS officers and employees means all officers and employees of the United States appointed by, employed by, or subject to the directions, instructions, or orders of the Commissioner or IRS Chief Counsel and also includes former officers and employees.

(c) IRS contractor means any person, including the person's current and former employees, maintaining IRS records or information pursuant to a contract or agreement with the IRS, and also includes former contractors.

(d) A request is any request for testimony of an IRS officer, employee or contractor or for production of IRS records or information, oral or written, by any person, which is not a demand.

(e) A demand is any subpoena or other order of any court, administrative agency or other authority, or the Congress, or a committee or subcommittee of the Congress, and any notice of deposition (either upon oral examination or written questions), request for admissions, request for production of documents or things, written interrogatories to parties, or other notice of, request for, or service for discovery in a matter before any court, administrative agency or other authority.

(f) An IRS matter is any matter before any court, administrative agency or other authority in which the United States, the Commissioner, the IRS, or any IRS officer or employee acting in an official capacity, or any IRS officer or employee (including an officer or employee of IRS Office of Chief Counsel) in his or her individual capacity if the United States Department of Justice or the IRS has agreed to represent or provide representation to the IRS officer or employee, is a party and that is directly related to official business of the IRS or to any law administered by or concerning the IRS, including, but not limited to, judicial and administrative proceedings described in section 6103(h)(4) and (l)(4) of the Internal Revenue Code.

(g) An IRS congressional matter is any matter before the Congress, or a committee or subcommittee of the Congress, that is related to the administration of the internal revenue laws or any other laws administered by or concerning the IRS, or to IRS records or information.

(h) A non-IRS matter is any matter that is not an IRS matter or an IRS congressional matter.

(i) A testimony authorization is a written instruction or oral instruction memorialized in writing within a reasonable period by an authorizing official that sets forth the scope of and limitations on proposed testimony and/or disclosure of IRS records or information issued in response to a request or demand for IRS records or information. A testimony authorization may grant or deny authorization to testify or disclose IRS records or information and may make an authorization effective only upon the occurrence

of a precedent condition, such as the receipt of a consent complying with the provisions of section 6103 (c) of the Internal Revenue Code. To authorize testimony means to issue the instruction described in this paragraph (i).

(j) An authorizing official is a person with delegated authority to authorize testimony and the disclosure of IRS records or information.

(b)(6), (7)(C) As I indicated originally, I don't profess to fully understand the IRS's internal procedures, but our concern is to protect [REDACTED] job and not create an employment issue for [REDACTED] because [REDACTED] answered questions regarding an on-going, potential criminal investigation. Can you get TIGTA to get an appropriate authorization letter from someone in [REDACTED] direct line of supervision that will allay these concerns beyond the E-mail that has been submitted. In the absence of same, next week's scheduled interview may not go forward.

Thanks, [REDACTED]

(b)(6), (7)(C)

"It is amazing what you can accomplish if you do not care who gets the credit." President Harry S. Truman

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(b)(6), (7)(C) From: [REDACTED]
To: [REDACTED] </o=crm/ou=exchange
administrative group (fydibohf23spdlt)/cn=recipients/cn=[REDACTED]
>; [REDACTED] TIGTA
<[REDACTED]@tigta.treas.gov>
Cc:
Bcc:
Subject: RE: Documents
Date: Fri Aug 02 2013 11:17:20 EDT
Attachments: 6-6-11 CT Email.pdf

(b)(6), (7)(C) Hi [REDACTED]

(b)(6), (7)(C) Attached is the email that I discussed with [REDACTED] this morning.

(b)(6), (7)(C) [REDACTED]

(b)(6), (7)(C) From: [REDACTED] [mailto:[REDACTED]@usdoj.gov]
Sent: Friday, August 02, 2013 11:16 AM
To: [REDACTED] TIGTA
Subject: RE: Documents

(b)(6), (7)(C) [REDACTED]

(b)(6), (7)(C) Per [REDACTED] email below, please go ahead and forward the email we just discussed; there is no 6103 impediment per below.

Thank you,

(b)(6), (7)(C) [REDACTED]

(b)(6), (7)(C) From: [REDACTED]
Sent: Thursday, August 01, 2013 4:44 PM
To: [REDACTED] TIGTA; [REDACTED]
Cc: [REDACTED]@usdoj.gov; [REDACTED]
Subject: RE: Documents

Hi all,

(b)(6), (7)(C) Please find attached unredacted versions of the documents that we gave to you from [REDACTED], as well as unredacted versions of the documents that [REDACTED] has produced to the House Oversight Committee. [REDACTED]—are you available tomorrow morning to talk? I can talk to you about [REDACTED]'s involvement in the same manner that we have for other witnesses.

(b)(6), (7)(C) [REDACTED]

From: [REDACTED] TIGTA [mailto:[REDACTED]@tigta.treas.gov]
Sent: Thursday, August 01, 2013 7:40 AM
(b)(6), (7)(C) To: '[REDACTED]@usdoj.gov'; [REDACTED]
Cc: [REDACTED]@usdoj.gov'
Subject: Re: Documents

(b)(6), (7)(C) [REDACTED]

(b)(6), (7)(C) In reference to [REDACTED] email below, you are authorized to provide us any documents containing 6103 related information. Please send any electronic documents directly to this email, or cc me on any documents you send [REDACTED]. If there are paper documents you wish to provide us, please let me know a convenient time, and I will send someone to your office to collect them. I greatly appreciate your help and assistance in this matter.

Thank You,

(b)(6), (7)(C) [REDACTED]

From: [REDACTED] [mailto:[REDACTED]@usdoj.gov]
Sent: Wednesday, July 31, 2013 08:30 PM Eastern Standard Time
(b)(6), (7)(C) To: [REDACTED]
Cc: [REDACTED] (CRT) <[REDACTED]@usdoj.gov>; [REDACTED] TIGTA
Subject: Documents

(b)(6), (7)(C) [REDACTED]

(b)(6), (7)(C) On Monday you gave us a document bates stamped [REDACTED] 0009 that contains 6103 redactions. It is an email from [REDACTED] to [REDACTED] dated 7/27/2010. I would like to obtain the unredacted version. Do you have it? If so, are you in a position to produce it? I have cc'd [REDACTED] from TIGTA, who by way of a separate email will authorize disclosure (and in fact the disclosure should cc him). In the event that you

do not possess the unredacted document, are you able to let us know who the two organizations listed in the email are?

Thank you,

(b)(6), (7)(C) [REDACTED]

(b)(6), (7)(C) [REDACTED]

Trial Attorney

Public Integrity Section

Criminal Division

United States Department of Justice

1400 New York Ave, NW, 12th Floor

Washington, D.C. 20005

Ofc: [REDACTED]

(b)(6), (7)(C)

Cell: [REDACTED]

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This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

From: [REDACTED] </o=crm/ou=exchange
administrative group (fydibohf23spdlf)/cn=recipients/cn [REDACTED]
[REDACTED]>
(b)(6), (7)(C) To: [REDACTED]
Cc: [REDACTED] TIGTA
[REDACTED]@tigta.treas.gov>; [REDACTED]
Bcc: [REDACTED]
(b)(6), (7)(C) Subject: RE: [REDACTED]
Date: Fri Aug 02 2013 11:45:12 EDT
Attachments: image001.jpg

Great – thank you. I will call you at 2pm.

From: [REDACTED]
(b)(6), (7)(C) Sent: Friday, August 02, 2013 11:32 AM
To: [REDACTED]
Cc: [REDACTED] TIGTA; [REDACTED]
Subject: RE: [REDACTED]

(b)(6), (7)(C) [REDACTED] I will keep it on my calendar. Also, [REDACTED] and I are clear at 2:00. We are waiting on verification from [REDACTED]. If [REDACTED] is not available, [REDACTED] and I will go ahead. [REDACTED] has been more involved than me on these authorization issues and letters and can best articulate the issue.

Thanks, [REDACTED]

(b)(6), (7)(C) [REDACTED]

From: [REDACTED] [mailto:[REDACTED]@usdoj.gov]
(b)(6), (7)(C) Sent: Friday, August 02, 2013 9:49 AM
To: [REDACTED]
Cc: [REDACTED] TIGTA; [REDACTED]
Subject: RE: [REDACTED]

We'll look into this and get back to you. In the meantime, let's please hold the meeting while we work to resolve this.

From: [REDACTED]
Sent: Friday, August 02, 2013 9:47 AM
To: [REDACTED]
Cc: [REDACTED] TIGTA; [REDACTED]
Subject: [REDACTED]

(b)(6), (7)(C)

Dear [REDACTED], My partner, [REDACTED] is an employment lawyer and is [REDACTED] sounding board and mentor. [REDACTED] opinion, based on the prior authorizations and [REDACTED] research is that the language in Delegation Order 11-2 is sufficiently broad enough to suggest that [REDACTED] needs an authorization before meeting with you next week. In the absence of an authorization from the IRS Chief Counsel's Office or if the indication is that one will not be forthcoming, [REDACTED] recommendation is to advise [REDACTED] against giving a voluntary statement. [REDACTED] feels uncomfortable suggesting that [REDACTED] go forward since it appears that DOJ and Chief Counsel's Office are not cooperating. The past authorization letters given to [REDACTED] referenced DO 11-2 and 26 CFR 301.9000-1. The reg (below) - particularly the highlighted portions - looks like the issue isn't so much the definition of "testimony" but rather [REDACTED] authorization to disclose IRS "records or information" (again, exceeding that granted under 6103, pertaining solely to individual tax-payer matters).

(b)(6), (7)(C)

§ 301.9000-1

Definitions when used in §§ 301.9000-1 through 301.9000-6.

(a) IRS records or information means any material (including copies thereof) contained in the files (including paper, electronic or other media files) of the Internal Revenue Service (IRS), any information relating to material contained in the files of the IRS, or any information acquired by an IRS officer or employee, while an IRS officer or employee, as a part of the performance of official duties or because of that IRS officer's or employee's official status with respect to the administration of the internal revenue laws or any other laws administered by or concerning the IRS. IRS records or information includes, but is not limited to, returns and return information as those terms are defined in section 6103(b)(1) and (2) of the Internal Revenue Code (Code), tax convention information as defined in section 6105 of the Code, information gathered during Bank Secrecy Act and money laundering investigations, and personnel records and other information pertaining to IRS officers and employees. IRS records and information also includes information received, generated or collected by an IRS contractor pursuant to the contractor's contract or agreement with the IRS. The term does not include records or information obtained by IRS officers and employees, solely for the purpose of a federal grand jury investigation, while under the direction and control of the United States Attorney's Office. The term IRS records or information nevertheless does include records or information obtained by the IRS before, during, or after a Federal grand jury investigation if the records or information are obtained—

- (1) At the administrative stage of a criminal investigation (prior to the initiation of the grand jury);
- (2) From IRS files (such as transcripts or tax returns); or
- (3) For use in a subsequent civil investigation.

(b) IRS officers and employees means all officers and employees of the United States appointed by, employed by, or subject to the directions, instructions, or orders of the Commissioner or IRS Chief Counsel and also includes former officers and employees.

(c) IRS contractor means any person, including the person's current and former employees, maintaining IRS records or information pursuant to a contract or agreement with the IRS, and also includes former contractors.

(d) A request is any request for testimony of an IRS officer, employee or contractor or for production of IRS records or information, oral or written, by any person, which is not a demand.

(e) A demand is any subpoena or other order of any court, administrative agency or other authority, or the Congress, or a committee or subcommittee of the Congress, and any notice of deposition (either upon oral examination or written questions), request for admissions, request for production of documents or things, written interrogatories to parties, or other notice of, request for, or service for discovery in a matter before any court, administrative agency or other authority.

(f) An IRS matter is any matter before any court, administrative agency or other authority in which the United States, the Commissioner, the IRS, or any IRS officer or employee acting in an official capacity, or any IRS officer or employee (including an officer or employee of IRS Office of Chief Counsel) in his or her individual capacity if the United States Department of Justice or the IRS has agreed to represent or provide representation to the IRS officer or employee, is a party and that is directly related to official business of the IRS or to any law administered by or concerning the IRS, including, but not limited to, judicial and administrative proceedings described in section 6103(h)(4) and (l)(4) of the Internal Revenue Code.

(g) An IRS congressional matter is any matter before the Congress, or a committee or subcommittee of the Congress, that is related to the administration of the internal revenue laws or any other laws administered by or concerning the IRS, or to IRS records or information.

(h) A non-IRS matter is any matter that is not an IRS matter or an IRS congressional matter.

(i) A testimony authorization is a written instruction or oral instruction memorialized in writing within a reasonable period by an authorizing official that sets forth the scope of and limitations on proposed testimony and/or disclosure of IRS records or information issued in response to a request or demand for IRS records or information. A testimony authorization may grant or deny authorization to testify or disclose IRS records or information and may make an authorization effective only upon the occurrence of a precedent condition, such as the receipt of a consent complying with the provisions of section 6103 (c) of the Internal Revenue Code. To authorize testimony means to issue the instruction described in this paragraph (i).

(j) An authorizing official is a person with delegated authority to authorize testimony and the disclosure of IRS records or information.

(b)(6), (7)(C)

As I indicated originally, I don't profess to fully understand the IRS's internal procedures, but our concern is to protect [redacted] job and not create an employment issue for [redacted] because [redacted] answered questions regarding an on-going, potential criminal investigation. Can you get TIGTA to get an appropriate authorization letter from someone in [redacted] direct line of supervision that will allay these concerns beyond the E-mail that has been submitted. In the absence of same, next week's scheduled interview may not go forward.

Thanks, [redacted]

(b)(6), (7)(C)

[redacted]

(b)(6), (7)(C)

[REDACTED]

"It is amazing what you can accomplish if you do not care who gets the credit." President Harry S. Truman

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From: [REDACTED] </o=crm/ou=exchange
administrative group (fydibohf23spdlt)/cn=recipients/cn [REDACTED]>

(b)(6), (7)(C) To: [REDACTED]
[REDACTED]
Cc:
Bcc:
(b)(6), (7)(C) Subject: Re: [REDACTED]
Date: Fri Aug 02 2013 12:16:08 EDT
Attachments: image001.jpg

(b)(6), (7)(C) Thank you, [REDACTED]

From: [REDACTED] [mailto:[REDACTED]]
Sent: Friday, August 02, 2013 12:15 PM Eastern Standard Time

(b)(6), (7)(C) To: [REDACTED]
Cc: [REDACTED] TIGTA <[REDACTED]@tigta.treas.gov>; [REDACTED]
[REDACTED] (CRT) [REDACTED]@crt.usdoj.gov>
Subject: RE: [REDACTED]

(b)(6), (7)(C) We'll make it work. [REDACTED]

From: [REDACTED] [mailto:[REDACTED]@usdoj.gov]
Sent: Friday, August 02, 2013 12:09 PM

(b)(6), (7)(C) To: [REDACTED]
Cc: [REDACTED] TIGTA; [REDACTED] (CRT)
Subject: RE: [REDACTED]

(b)(6), (7)(C) To make life easier, let's use the PIN teleconference line for the call. Dial in information is below. Let's please plan on 2:15 if that works for [REDACTED] et al. If you need to do 2:00 though, we can be available then - 2:15 just gives a little more breathing room for another meeting, if you can accommodate us.

Thank you!

Toll Free Dialing;

(b)(6), (7)(C) [REDACTED]

Participants Passcode:

(b)(6), (7)(C) [REDACTED]

From: [REDACTED]
Sent: Friday, August 02, 2013 11:46 AM
To: [REDACTED]
Cc: [REDACTED] TIGTA; [REDACTED]
Subject: RE: [REDACTED]

(b)(6), (7)(C)

(b)(6), (7)(C) [REDACTED] - I'm sorry. Can we push this to 2:15, please?

From: [REDACTED]
Sent: Friday, August 02, 2013 11:32 AM
To: [REDACTED]
Cc: [REDACTED] TIGTA; [REDACTED]
Subject: RE: [REDACTED]

(b)(6), (7)(C)

(b)(6), (7)(C) [REDACTED] I will keep it on my calendar. Also, [REDACTED] and I are clear at 2:00. We are waiting on verification from [REDACTED]. If [REDACTED] is not available, [REDACTED] and I will go ahead. [REDACTED] has been more involved than me on these authorization issues and letters and can best articulate the issue.

Thanks, [REDACTED]

(b)(6), (7)(C)

From: [REDACTED] [mailto:[REDACTED]@usdoj.gov]
Sent: Friday, August 02, 2013 9:49 AM
To: [REDACTED]
Cc: [REDACTED] TIGTA; [REDACTED]
Subject: RE: [REDACTED]

(b)(6), (7)(C)

We'll look into this and get back to you. In the meantime, let's please hold the meeting while we work to resolve this.

From: [REDACTED]
Sent: Friday, August 02, 2013 9:47 AM
To: [REDACTED]
Cc: [REDACTED] TIGTA; [REDACTED]
Subject: [REDACTED]

(b)(6), (7)(C)

(b)(6), (7)(C)

Dear [REDACTED] My partner, [REDACTED] is an employment lawyer and is [REDACTED] sounding board and mentor. [REDACTED] opinion, based on the prior authorizations and [REDACTED] research is that the language in Delegation Order 11-2 is sufficiently broad enough to suggest that [REDACTED] needs an authorization before meeting with you next week. In the absence of an authorization from the IRS Chief Counsel's Office or if the indication is that one will not be forthcoming, [REDACTED] recommendation is to advise [REDACTED] against giving a voluntary statement. [REDACTED] feels uncomfortable suggesting that [REDACTED] go forward since it appears that DOJ and Chief Counsel's Office are not cooperating. The past authorization letters given to [REDACTED] referenced DO 11-2 and 26 CFR 301.9000-1. The reg (below) - particularly the highlighted portions - looks like the issue isn't so much the definition of "testimony" but rather [REDACTED] authorization to disclose IRS "records or information" (again, exceeding that granted under 6103, pertaining solely to individual tax-payer matters).

§ 301.9000-1

Definitions when used in §§ 301.9000-1 through 301.9000-6.

(a) IRS records or information means any material (including copies thereof) contained in the files (including paper, electronic or other media files) of the Internal Revenue Service (IRS), any information relating to material contained in the files of the IRS, or any information acquired by an IRS officer or employee, while an IRS officer or employee, as a part of the performance of official duties or because of that IRS officer's or employee's official status with respect to the administration of the internal revenue laws or any other laws administered by or concerning the IRS. IRS records or information includes, but is not limited to, returns and return information as those terms are defined in section 6103(b)(1) and (2) of the Internal Revenue Code (Code), tax convention information as defined in section 6105 of the Code, information gathered during Bank Secrecy Act and money laundering investigations, and personnel records and other information pertaining to IRS officers and employees. IRS records and information also includes information received, generated or collected by an IRS contractor pursuant to the contractor's contract or agreement with the IRS. The term does not include records or information obtained by IRS officers and employees, solely for the purpose of a federal grand jury investigation, while under the direction and control of the United States Attorney's Office. The term IRS records or information nevertheless does include records or information obtained by the IRS before, during, or after a Federal grand jury investigation if the records or information are obtained—

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(c) IRS contractor means any person, including the person's current and former employees, maintaining IRS records or information pursuant to a contract or agreement with the IRS, and also includes former contractors.

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(f) An IRS matter is any matter before any court, administrative agency or other authority in which the United States, the Commissioner, the IRS, or any IRS officer or employee acting in an official capacity, or any IRS officer or employee (including an officer or employee of IRS Office of Chief Counsel) in his or her individual capacity if the United States Department of Justice or the IRS has agreed to represent or provide representation to the IRS officer or employee, is a party and that is directly related to official business of the IRS or to any law administered by or concerning the IRS, including, but not limited to, judicial and administrative proceedings described in section 6103(h)(4) and (l)(4) of the Internal Revenue Code.

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(j) An authorizing official is a person with delegated authority to authorize testimony and the disclosure of IRS records or information.

(b)(6), (7)(C) As I indicated originally, I don't profess to fully understand the IRS's internal procedures, but our concern is to protect [redacted] job and not create an employment issue for [redacted] because [redacted] answered questions regarding an on-going, potential criminal investigation. Can you get TIGTA to get an appropriate authorization letter from someone in [redacted] direct line of supervision that will allay these concerns beyond the E-mail that has been submitted. In the absence of same, next week's scheduled interview may not go forward.

Thanks, [redacted]

(b)(6), (7)(C) [redacted]

(b)(6), (7)(C)

[REDACTED]

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From: [REDACTED] </o=crm/ou=exchange
administrative group (fydibohf23spdlt)/cn=recipients/cn=[REDACTED]
[REDACTED]>
(b)(6), (7)(C) To: [REDACTED]
Cc: [REDACTED]
[REDACTED] (CRT)
<[REDACTED]@crt.usdoj.gov>
Bcc:
(b)(6), (7)(C) Subject: RE: [REDACTED]
Date: Fri Aug 02 2013 14:50:14 EDT
Attachments: image001.jpg

That is correct. Thank you.

From: [REDACTED]
(b)(6), (7)(C) Sent: Friday, August 02, 2013 2:49 PM
To: [REDACTED]
Cc: [REDACTED]; [REDACTED] (CRT)
Subject: Re: [REDACTED]

(b)(6), (7)(C) Just to follow up on the plan, our understanding is that [REDACTED] is going to talk to Special Agent [REDACTED] and have [REDACTED] confirm with [REDACTED] that he agrees with the position stated by [REDACTED] this afternoon. [REDACTED] is then going to also memorialize that position in a letter and send it to us. We will then follow up with [REDACTED] confirming this position. We expect to have this resolved by Monday. Thank you again for the call today.

(b)(6), (7)(C) On Fri, Aug 2, 2013 at 2:20 PM, [REDACTED] wrote:

Copy of previous Authorization Letter attached

(b)(6), (7)(C) On Fri, Aug 2, 2013 at 10:28 AM, [REDACTED]@usdoj.gov> wrote:

(b)(6), (7)(C) [REDACTED] – I want to make sure I understand your partner’s concern. Can we slate a call for this afternoon? Also, is there a particular IRS counsel you are dealing with?

Thanks,

(b)(6), (7)(C) [REDACTED]

From: [REDACTED]
Sent: Friday, August 02, 2013 9:47 AM
To: [REDACTED]
Cc: [REDACTED] TIGTA; [REDACTED]
Subject: [REDACTED]

(b)(6), (7)(C)

(b)(6), (7)(C)

Dear [REDACTED]; My partner, [REDACTED] is an employment lawyer and is [REDACTED] sounding board and mentor. [REDACTED] opinion, based on the prior authorizations and [REDACTED] research is that the language in Delegation Order 11-2 is sufficiently broad enough to suggest that [REDACTED] needs an authorization before meeting with you next week. In the absence of an authorization from the IRS Chief Counsel's Office or if the indication is that one will not be forthcoming, [REDACTED] recommendation is to advise [REDACTED] against giving a voluntary statement. [REDACTED] feels uncomfortable suggesting that [REDACTED] go forward since it appears that DOJ and Chief Counsel's Office are not cooperating. The past authorization letters given to [REDACTED] referenced DO 11-2 and 26 CFR 301.9000-1. The reg (below) - particularly the highlighted portions - looks like the issue isn't so much the definition of "testimony" but rather [REDACTED] authorization to disclose IRS "records or information" (again, exceeding that granted under 6103, pertaining solely to individual tax-payer matters).

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- (3) For use in a subsequent civil investigation.

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(e) A demand is any subpoena or other order of any court, administrative agency or other authority, or the Congress, or a committee or subcommittee of the Congress, and any notice of deposition (either upon oral examination or written questions), request for admissions, request for production of documents or things, written interrogatories to parties, or other notice of, request for, or service for discovery in a matter before any court, administrative agency or other authority.

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(b)(6), (7)(C) As I indicated originally, I don't profess to fully understand the IRS's internal procedures, but our concern is to protect [redacted] job and not create an employment issue for [redacted] because [redacted] answered questions regarding an on-going, potential criminal investigation. Can you get TIGTA to get an appropriate authorization letter from someone in [redacted] direct line of supervision that will allay these concerns beyond the E-mail that has been submitted. In the absence of same, next week's scheduled interview may not go forward.

Thanks, [redacted]

(b)(6), (7)(C)

(b)(6), (7)(C)



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(b)(6), (7)(C)



(b)(6), (7)(C)



(b)(6), (7)(C)



From: [REDACTED]
To: [REDACTED] TIGTA
(b)(6), (7)(C) Cc: [REDACTED] </o=crm/ou=exchange
administrative group (fydibohf23spdlt)/cn=recipients/cn=[REDACTED]
<[REDACTED]@crt.usdoj.gov>; [REDACTED]
Bcc:
Subject: RE: draft letter
Date: Fri Aug 02 2013 17:58:42 EDT
Attachments: image001.jpg
image004.jpg

(b)(6), (7)(C) Dear [REDACTED]; Thank you for your letter. We believe it appropriately addresses our concerns. Have a good weekend,

Thanks, [REDACTED]

(b)(6), (7)(C) [REDACTED]

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(b)(6), (7)(C) From: [REDACTED] TIGTA [mailto:[REDACTED]@tigta.treas.gov]
Sent: Friday, August 02, 2013 4:55 PM
To: [REDACTED]

(b)(6), (7)(C) Cc: [REDACTED]@usdoj.gov; [REDACTED]@usdoj.gov
Subject: FW: draft letter

(b)(6), (7)(C) [REDACTED]

As requested, attached you will find the letter we discussed earlier today. If you have any further questions please feel free to contact me.

Thank you.

(b)(6), (7)(C) [REDACTED]
[REDACTED]

(b)(6), (7)(C) Washington Field Division
[REDACTED]

From: [REDACTED] </o=crm/ou=exchange
administrative group (fydibohf23spdlt)/cn=recipients/cn [REDACTED]
>
(b)(6), (7)(C) To: [REDACTED]
[REDACTED]@tigta.treas.gov
[REDACTED]@tigta.treas.gov>
Cc:
Bcc:
(b)(6), (7)(C) Subject: Re: [REDACTED]
Date: Mon Aug 05 2013 12:03:48 EDT
Attachments: image001.jpg

(b)(6), (7)(C) That's right, but given that [REDACTED] is cc'd on the letter, I told [REDACTED] to just give you [REDACTED] phone number in case you have questions. Sorry for the confusion. We'll ask him to call you.

From: [REDACTED]
(b)(6), (7)(C) Sent: Monday, August 05, 2013 12:00 PM Eastern Standard Time
To: [REDACTED] TIGTA [REDACTED]@tigta.treas.gov>
Cc: [REDACTED]
Subject: [REDACTED]

(b)(6), (7)(C) Dear [REDACTED] I thought that in addition to the letter forwarded on Friday that [REDACTED], to whom [REDACTED] deferred was going to call me and confirm that the position stated in your letter was correct and that [REDACTED] was authorized to speak on Wednesday? Please see [REDACTED] E-mail to [REDACTED] [REDACTED] from Friday at 2:49 P.M. My E-mail as to your letter neglected to raise that part of our conversation. Sorry.

Thanks, [REDACTED]

(b)(6), (7)(C)

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(b)(6), (7)(C) From: [REDACTED] TIGTA
<[REDACTED]@tigta.treas.gov>
To: [REDACTED]
Cc: [REDACTED] </o=crm/ou=exchange
administrative group (fydibohf23spdlit)/cn=recipients/cn=[REDACTED]
[REDACTED]>
Bcc:
(b)(6), (7)(C) Subject: RE: [REDACTED]
Date: Mon Aug 05 2013 12:19:34 EDT
Attachments: image001.jpg

(b)(6), (7)(C) [REDACTED]

(b)(6), (7)(C) Is there a number that [REDACTED] can reach you on?

Thanks

(b)(6), (7)(C) [REDACTED]

(b)(6), (7)(C) From: [REDACTED]
Sent: Monday, August 05, 2013 12:00 PM
To: [REDACTED] TIGTA
Cc: [REDACTED]
Subject: [REDACTED]

(b)(6), (7)(C) Dear [REDACTED] I thought that in addition to the letter forwarded on Friday that [REDACTED], to whom [REDACTED] deferred was going to call me and confirm that the position stated in your letter was correct and that Joseph was authorized to speak on Wednesday? Please see [REDACTED] E-mail to [REDACTED] from Friday at 2:49 P.M. My E-mail as to your letter neglected to raise that part of our conversation. Sorry.

Thanks, [REDACTED]

(b)(6), (7)(C) [REDACTED]

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