

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

Civil Rights Division (CRT) Index of Withheld Documents

	Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
1									Same as 4 c-f
2	a	Steve Rosenbaum*	Chris Coates*	Phila. NBPP Documents	2	4/29/09	(b)(5)	DAAG supervisor's review and response to the draft filings and request for information for the purpose of making a candid assessment of the evidence prior to making recommendations on the merits, legal strategies, and proposed relief in anticipation of a May 1 court filing. This document is predecisional and contains deliberations between the DAAG and Voting Section Chief and its disclosure would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the government's decisionmaking process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	
	b								Same as 4 c
3									Same as 4 b-f

* All assertions of exemption (b)(5) and the corresponding descriptions of withheld information apply to the entire document unless otherwise noted.

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	Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
4	a	Email Chain w/ attachments	Steve Rosenbaum*	Loretta King*	3	4/29/09	(b)(5)	DAAG supervisor's detailed response to his supervisor AAG that contains his analysis of proposed draft court filings. The response includes the DAAG's candid assessment of legal research and questions on the approach reflected in the filings. This document is predecisional and contains deliberations between the DAAG and his supervisor AAG in CRT Front Office and it would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	
	b		Steve Rosenbaum*			4/29/09	(b)(5)		
	c		Chris Coates*			4/28/09	(b)(5)		
	d	Draft Motion	Spencer Fisher*	Draft Motion for Default	3	Undated	(b)(5)	Draft Motion for Default	
	e	Draft Memorandum	Spencer Fisher*	Draft Memorandum of Law	15	Undated	(b)(5)	Draft Memorandum of Law	
	f	Draft Order	Spencer Fisher*	Draft Proposed Order	4	Undated	(b)(5)	Draft Proposed Order	

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5	Email Chain	Loretta King*	Steve Rosenbaum*	Phila. NBPP Documents	2	4/29/09	(b)(5)	AAG Supervisor raises issues for discussion with the DAAG after her review of the proposed draft filings as part of discussion of the merits, legal strategies, legal issues, and proposed relief. This document is predecisional and contains deliberations between the CRT Front Office senior management, AAG and DAAG, and its disclosure would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	
									Same as 4 a-c
6	Email Chain	Chris Coates*	Steve Rosenbaum,* Christian Adams* Spencer Fisher*	Phila. NBPP Documents	2	4/29/09	(b)(5)	Section Chief to DAAG supervisor request for meeting to discuss the DAAG's detailed questions and analysis of the proposed draft filings in NBPP litigation. The request is part of discussion of the merits, legal strategies, and proposed relief in the litigation. This document is predecisional and contains deliberations between the Voting Section management and his supervisors in CRT Front Office and its disclosure would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	

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	Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
b-c									Same as 4 b-c
7 a	Email Chain	Chris Coates*	Steve Rosenbaum*	Phila. NBPP Documents	2	4/29/09	(b)(5)	Section Chief to DAAG supervisor that VOT Section is working on responses to the supervisor's detailed analysis and questions regarding the draft filings for pending NBPP litigation. The exchange includes a discussion of constitutional issues and the underlying statutory enforcement authority. This document is predecisional and contains deliberations between the Voting Section management and his supervisors in CRT Front Office and its disclosure would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decision making process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	
b-c									Same as 4 b-c
8									Same as 24 c
9									Same as 24 b-c
10									Same as 28 b-e
11									Same as 12 b

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		Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
12	a	Email Chain	Steve Rosenbaum*	Chris Coates*	Research on NBPP	3	4/30/09	(b)(5)	DAAG supervisor to Section Chief with his frank assessment of the case law and the litigation team's research to date on the proposed legal strategies and theories. This document is predecisional and contains deliberations between the DAAG in CRT Front Office and Voting Section management and its disclosure would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decision making process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	
	b		Chris Coates*	Steve Rosenbaum*			4/30/09	(b)(5)		
13	a	Email Chain w/ attachments	Steve Rosenbaum*	Sam Hirsch*	Phila. NBPP Documents	3	4/30/09	(b)(5)	Email from DAAG to OASG in charge of CRT forwarding the DAAG's detailed response and analysis of the proposed draft filings in NBPP litigation. The response includes a candid assessment of legal research and raises questions about the case law and proposed relief. This document is predecisional and contains deliberations between the CRT Front Office and his supervisor in OASG and its disclosure would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decision making process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	

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	Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
14	Email Chain w/ attachments	Steve Rosenbaum*	Sam Hirsch*	Phila. NBPP Documents	2	4/30/09	(b)(5)	Email from DAAG to OASG in charge of CRT forwarding the DAAG's detailed response and analysis of the proposed draft filings for continuing NBPP litigation. The response includes a candid assessment of legal research and raises questions about the case law and proposed relief. This document is predecisional and contains deliberations between the CRT Front Office and his supervisor in OASG and its disclosure would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	Same as 4 b-f
15									Same as 4 b-f
16									Same as 17 e-i Same as 17 b-i

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	Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
17	a	Email Chain Steve Rosenbaum*	Sam Hirsch*	NBPP Background	3	4/30/09	(b)(5), (b)(6)	DAAG provides correct personal contact information to supervisor OASG in order to discuss the proposed draft documents for NBPP litigation. Emails between DAAG and supervising OASG in charge of CRT discussing draft documents and legal strategy and merits of NBPP litigation and providing his analyses and opinion of the development of different approaches under consideration. This document is predecisional and contains deliberations between the CRT Front Office and his supervisor in OASG and its release would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	
	b	Steve Rosenbaum*	Sam Hirsch*			4/30/09	(b)(5)		
	c	Sam Hirsch*	Steve Rosenbaum*			4/30/09			
	d	Sam Hirsch*	Steve Rosenbaum*			4/30/09			

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	Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
e		Steve Rosenbaum*	Sam Hirsch*			4/30/09	(b)(5)		
f		Sam Hirsch*	Steve Rosenbaum*			4/30/09			
g-i									Same as 14 a-c
18									Same as 26 b-e
19	Email Chain w/ attachment	Chris Coates*	Loretta King* Steve Rosenbaum*			5/1/09	(b)(5)	DAAG advised his supervisor that final versions of pleadings were filed with court and provided copies of documents. The documents advise of a final order in the NBPP litigation and discusses nature of the relief. This document is deliberative as it shows to whom the document is directed and at what level in the agency and also contains attorney discussion, opinions, and comments.	
b		Christian Adams*	Chris Coates*			5/1/09	(b)(5)		
c	Motion for Extension			Filed Motion for Extension of Time	4	5/1/09	N/A	Copy released to Plaintiff on 2/9/10	

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20	a	Email Chain w/ attachment	Chris Coates*	Loretta King* Steve Rosenbaum*	NBPP	1	5/4/09	(b)(5)	Section Chief and Deputy Section Chief to their AAG and DAAG supervisors with candid statements about an earlier meeting discussing specific factual matters and clarification of issues in the draft memorandum of law for the NBPP litigation. This document is predecisional and contains deliberations between the VOT senior management and their supervisors in the CRT Front Office. The disclosure of this document would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	
	b		Robert Popper*	Chris Coates*			5/4/09			
	c	Draft Memorandum	Spencer Fisher*	Chris Coates*	Draft Memorandum for Default	15	Undated	(b)(5)	Draft Memorandum for Default	
21										Same as 40 b-d

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22	Email Chain w/ attachments	Steve Rosenbaum*	Diana Flynn*	NBPP	1	5/7/09	(b)(5)	DAAG forwarding Draft Remedial Memorandum on Proposed Injunction Order for Appellate's review, legal assessment and recommendations on the merits, legal strategies, and potential course of actions proposed by VOT Section in the pending NBPP litigation. The memorandum discusses the quality of evidence as related to each defendant as well as the statutory authority for enforcement and proposed relief. This document is predecisional and contains deliberations among the VOT Section Chief, VOT Deputy Chief and VOT trial attorneys, to their supervisor, AAG in CRT Front Office, and its disclosure would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	
									Same as 40 b-d

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23	Email Chain w/ attachments	Steve Rosenbaum*	Diana Flynn*	Phila. NBPP Documents	3	5/7/09	(b)(5)	DAAG forwarding additional documents for Appellate's review, including the DAAG's analyses and opinion of the development of different approaches under consideration in NBPP litigation. DAAG makes a candid assessment of legal research and raises questions about the case law and proposed relief. This document is predecisional and contains deliberations between the CRT Front Office and the request for Appellate Section's internal legal opinions and recommendations on the merits, legal strategies, constitutional issues, and potential course of actions proposed by VOT Section in the pending NBPP litigation. The release of this document would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process. This document also contains attorney discussion, opinions, and analyses of the draft documents.	
									Same as 4 b-f

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	Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
24	a	Email Chain Steve Rosenbaum*	Diana Flynn*	NBPP Case	4	5/7/09	(b)(5)	DAAG forwarding additional documents for Appellate's review, including the DAAG's analyses and opinion of the development of different approaches under consideration in NBPP litigation and VOT's responses. DAAG makes a candid assessment of legal research and raises questions about the case law and proposed relief. This document is predecisional and contains deliberations between the CRT Front Office and VOT Section. The DAAG requests Appellate Section's internal legal opinions and recommendations on the merits, legal strategies, constitutional issues, and potential course of actions proposed by VOT Section in the pending NBPP litigation. The release of this document would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decision making process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	
	b	Steve Rosenbaum*	Chris Coates*			4/30/09			
	c	Chris Coates*	Steve Rosenbaum*			4/29/09	(b)(5)		

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	Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
25	Email Chain	Steve Rosenbaum*	Diana Flynn*	NBPP Case	3	5/7/09	(b)(5)	DAAG forwarding additional documents for Appellate's review, including the DAAG's analyses and opinion of the development of different approaches under consideration in NBPP litigation and VOT Section's analysis and detailed responses to DAAG's questions on the merits, including an assessment of the case law and various legal strategies and options available. This document is predecisional and contains deliberations between the CRT Front Office and VOT Section. The DAAG requests Appellate Section's internal legal opinions and recommendations on the merits, legal strategies, constitutional issues, and potential course of action proposed by VOT Section in the pending NBPP litigation. The release of this document would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	
									Same as 24 c

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26	a	Email Chain w/ attachments	Steve Rosenbaum*	Diana Flynn*	2	5/7/09	(b)(5)	DAAG forwarding revised draft pleadings from VOT Section for Appellate's review reflecting a legal approach then under consideration following deliberations regarding the same. This document is predecisional and contains deliberations between the CRT Front Office and the request for Appellate, Section's internal legal opinions and recommendations on the merits, legal strategies, constitutional issues, and potential course of action proposed by VOT Section in the pending NBPP litigation. The release of this document would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	
	b		Chris Coates*	Loretta King*		5/1/09	(b)(5)		
	c	Draft Motion	Spencer Fisher*	Chris Coates*	4	Undated	(b)(5)	Revised Draft Motion for Default	
	d	Draft Memorandum	Spencer Fisher*	Chris Coates*	17	Undated	(b)(5)	Revised Draft Memorandum of Law	

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e		Draft Order	Spencer Fisher*	Chris Coates*	Re-Drafted Order	3	Undated	(b)(5)	Re-Drafted Order	
27	a	Email Chain	Steve Rosenbaum*	Diana Flynn*	Research on NBPP	3	5/7/09	(b)(5)	DAAG forwarding additional legal research from VOT Section for Appellate's review, including the development of different approaches and scope of relief under consideration in NBPP litigation. This document is predecisional and contains deliberations between the CRT Front Office and the request for Appellate Section's internal legal opinions and recommendations on the merits, legal strategies, constitutional issues, and potential course of actions proposed by VOT Section in the pending NBPP litigation. The release of this document would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	
	b									Same as 12 b

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28	a	Email Chain w/ attachments	Steve Rosenbaum*	Diana Flynn*	Declarations and Video	2	5/7/09	(b)(5)	DAAG forwarding draft witness statements and information on video evidence for Appellate's review for consideration as supporting evidence in NBPP litigation. This document is predecisional and contains deliberations between the CRT Front Office and the request for Appellate Section's internal legal opinions and recommendations on the merits, legal strategies, constitutional issues, and potential course of action proposed by VOT Section in the pending NBPP litigation. The release of this document would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	
	b		Robert Popper*	Chris Coates* Steve Rosenbaum*			4/30/09	(b)(5)		
	c	Witness Declaration			Draft Witness Declaration	3	4/7/09	(b)(5)		
	d	Witness Declaration			Draft Witness Declaration	2	4/1/09	(b)(5)		
	e	Witness Declaration			Draft Witness Declaration	3	4/1/09	(b)(5)		

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29									Same as 30 b-h
30	Email Chain	Steve Rosenbaum*	Loretta King*	Declarations and Video	5	5/7/09	(b)(5)	DAAAG response to Supervisor AAG about her questions on merits and clarification of facts and evidence from DAAAG's analysis of draft pleadings discussing the evidence and timeline. This document is predecisional and contains deliberations between AAG and DAAAG in CRT Front Office and its disclosure would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	
b		Loretta King*	Steve Rosenbaum*			5/7/09	(b)(5)		
c		Steve Rosenbaum*	Loretta King*			5/7/09	(b)(5)		
d		Jeff Hylton	Spencer Fisher* Derrick Dyson Robert Popper* Christian Adams* Chris Coates* Steve Rosenbaum*			5/7/09	(b)(5)		

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e		Spencer Fisher*	Derrick Dyson			5/7/09	(b)(5)		
f		Robert Popper*	Christian Adams* Spencer Fisher*			5/7/09	(b)(5)		
g		Steve Rosenbaum*	Robert Popper* Chris Coates*			5/7/09	(b)(5)		
h		Robert Popper*	Chris Coates* Steve Rosenbaum*			4/30/09	(b)(5)		
31									Same as 32 b-e
32	Email Chain w/ attachments	Steve Rosenbaum*	Loretta King*	NBPP	2	5/7/09	(b)(5)	DAAG to supervising AAG forwarding DAAG's inquiry to Section Chief discussing the evidence and timeline, requesting clarification of facts, and raising questions about the merits and underlying evidence. This document is predecisional and contains deliberations among supervisor DAAG, Section Chief and CRT Front Office and its disclosure would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	

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b		Steve Rosenbaum*	Chris Coates*			5/7/09	(b)(5)		
c-e									Same as 40 b-d
33									Same as 34 b-f
34 a	Email Chain w/ attachments	Steve Rosenbaum*	Chris Coates*	NBPP	3	5/8/09	(b)(5)	Supervisor DAAG to Section Chief requesting further research on legal issues and clarification of facts and timeline and suggesting other avenues of research. This document is predecisional and contains deliberations between supervisor DAAG and Section Chief and its disclosure would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decision making process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	
b		Chris Coates*	Steve Rosenbaum*			5/8/09	(b)(5)		
c-d									Same as 32 b-c
e	NBPP Statement			NBPP Statement	2	11/4/08	N/A	Document is publicly available.	
f	Web screen shot			NBPP web shot	2	1/8/09	N/A	Document is publicly available.	

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35	Email Chain	Chris Coates*	Steve Rosenbaum*	NBPP	2	5/8/09	(b)(5)	Section Chief informs Supervisor DAAG regarding additional research to be conducted by VOT Section and provides clarification of certain factual issues regarding NBPP and analysis of evidence. This document is predecisional and contains deliberations between supervisor DAAG and Section Chief and its disclosure would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decision making process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	
									Same as 34 a-d

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		Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
36	a	Email Chain w/ attachments	Steve Rosenbaum*	Sam Hirsch*	NBPP	1	5/8/09	(b)(5)	DAAG forwarding Draft Remedial Memorandum on Proposed Injunction Order to OASG in charge of CRT for his review, legal assessment and recommendations on the merits, legal strategies, and potential course of action proposed by VOT Section in the pending NBPP litigation. DAAG also provides OASG notice that Appellate's analysis and opinion of draft documents and legal strategy was requested. The draft remedial memorandum discusses the quality of evidence as related to each defendant as well as the breadth of statutory authority for enforcement and the proposed relief that is sought. This document is predecisional and contains deliberations among the VOT Section Chief, VOT Deputy Chief and VOT trial attorneys, to their supervisor, AAG in CRT Front Office, and its disclosure would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	
	b-d									Same as 40 b-d
37	a	Email Chain	Robert Popper*	Kathy Anderson	Need Another Writeup	2	5/11/09	(b)(5)	Draft case summary for AAG/Front Office internal weekly report about proposed filing in NBPP litigation. This document is predecisional and contains deliberations among the VOT staff and CRT Front Office staff as well as contains attorney discussion, opinions, and analyses of the case.	

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b		John Russ*	Kathy Anderson Robert Popper*			5/11/09	(b)(5)		
c		Kathy Anderson	John Russ*			5/11/09	(b)(5)		
38									Same as 39 b
39	a	Steve Rosenbaum*	Diana Flynn*			5/11/09	(b)(5)	DAAG forwarding additional information on NBPP evidence, and clarification of factual evidence for Appellate's consideration in NBPP litigation. This document is predecisional and contains deliberations between the CRT Front Office and the request for Appellate Section's internal legal opinions and recommendations on the merits, legal strategies, constitutional issues, and potential course of action proposed by VOT Section in the pending NBPP litigation. The release of this document would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	
b		Chris Coates*	Steve Rosenbaum*			5/11/09	(b)(5)		
c		Steve Rosenbaum*	Chris Coates*			5/8/09	(b)(5)		

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d		Chris Coates*	Steve Rosenbaum*			5/8/09	(b)(5)		
e		Steve Rosenbaum*	Chris Coates*			5/7/09	(b)(5)		
f		Chris Coates*	Loretta King*			5/6/09	(b)(5)		
g	Statement			NBPP Statement	2	11/4/08		Document is publicly available.	
h	Web screen shot			NBPP web shot	2	1/8/09		Document is publicly available.	
40 a	Email Chain w/ attachments	Steve Rosenbaum*	Marie McElderry*	NBPP	2	5/11/09	(b)(5)	Supervisory DAAG's response to Appellate attorney and provision of proposed draft documents for Appellate's review and legal advice. This is a request for Appellate Section's internal legal opinions and recommendations on the merits, legal strategies, constitutional issues, and potential course of action proposed by VOT Section in the pending NBPP litigation. This document is predecisional and contains deliberations among CRT Front Office and Appellate and the release of this document would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	
b		Chris Coates*	Loretta King*			5/6/09			

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c		Draft Memorandum	Chris Coates* Robert Popper* Christian Adams* Spencer Fisher*	Loretta King*	Remedial Memorandum on Proposed Injunction	13	5/6/09	(b)(5)	Remedial Memorandum on Proposed Injunction	
d		Draft Order			Draft Proposed Order	3	Undated	(b)(5)	Draft Proposed Order	
41										Same as 47 e-g
a		Email Chain	Steve Rosenbaum*	Loretta King*	Further Follow-up on NBPP	4	5/11/09	(b)(5)	DAAG to supervisor AAG summarizing his analyses and various discussions with VOT on legal issues and merits and expressing his frank statements about the quality of evidence and representations of facts and case law. This document is predecisional and contains deliberations among CRT Front Office and the release of this document would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	
b-f										Same as 39 b-f
43										Same as 47 d-g

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44	a Email Chain	Steve Rosenbaum*	Sam Hirsch*	Further Follow-up on NBPP	4	5/11/09	(b)(5)	DAAG provides OASG in charge of CRT with additional information and research for his review. This document is predecisional and contains deliberations between CRT Front Office and OASG and the release of this document would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	
									Same as 39 b-f
45									Same as 47 c-g
46									Same as 47 b-g
47	a Email Chain	Marie McElderry*	Steve Rosenbaum*	NBPP	2	5/11/09	(b)(5)	Appellate attorney provides supervisory DAAG with candid statement of her opinion about the proposed relief and scope noted in the draft documents that DAAG forwarded for analysis and review. This document is predecisional and contains deliberations between CRT Front Office and Appellate and the release of this document would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	

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	Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
b		Steve Rosenbaum*	Marie McElderry*			5/11/09	(b)(5)		
c		Marie McElderry*	Steve Rosenbaum*			5/11/09	(b)(5)		
d		Steve Rosenbaum*	Marie McElderry*			5/11/09	(b)(5)		
e		Marie McElderry*	Steve Rosenbaum*			5/11/09	(b)(5)		
f-g									Same as 40 a-b
48									Same as 50 c-f
49	Email Chain w/ attachments	Steve Rosenbaum*	Sam Hirsch*	NBPP	4	5/11/09	(b)(5)	DAAG forwarding to OASG in charge of CRT with summary of DAAG's analyses and various discussions with VOT on legal issues and merits and expressing his frank statements about the quality of evidence and representations of facts and case law. This document is predecisional and contains deliberations among CRT Front Office and the release of this document would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	

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	Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
b		Steve Rosenbaum*	Loretta King*			5/11/09	(b)(5)		
c		Chris Coates*	Steve Rosenbaum*			5/11/09	(b)(5)		
d-i									Same as 34 a-f
50 a	Email Chain	Steve Rosenbaum*	Sam Hirsch*	NBPP	2	5/12/09	(b)(5)	DAAG provides OASG in charge of CRT with requested follow-up information and confirmation that additional actions would be conducted by Criminal Section Chief per his request. This document is predecisional and contains deliberations between the DAAG and his supervisor OASG and its disclosure would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	
b		Sam Hirsch*	Steve Rosenbaum*			5/11/09			
c		Steve Rosenbaum*	Sam Hirsch*			5/11/09			
d		Sam Hirsch*	Steve Rosenbaum*			5/11/09			

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	Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
	e-f								Same as 36 a-b
51									Same as 55 e-f
52	Email Chain	Steve Rosenbaum*	Loretta King*	Comments on Proposed NBPP Filing	6	5/13/09	(b)(5)	DAAG provides supervisor AAG with emails from Appellate Section Chief's and Appellate Attorney's with their detailed legal analyses including the application of constitutional provisions and judicial precedent to strategies and relief under consideration in the ongoing NBPP litigation, as well as an assessment of the strength of potential legal arguments, and different possible scenarios with litigation. This document is predecisional and contains deliberations between the Section Chief and his supervisor DAAG in CRT Front Office and its disclosure would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	
	b-c								Same as 55 e-f
53									Same as 55 d-f
54									Same as 55 b-f

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	Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference	
55	a	Email Chain	Steve Rosenbaum*	Loretta King*	Comments on Proposed NBPP Filing	7	5/13/09	(b)(5)	DAAAG advising his supervising AAG of OASG's request for a memorandum by the DAAG reviewing various options, legal strategies, and different proposals of relief as related to each separate defendant. This document is predecisional and contains deliberations between the DAAG and his supervisor AAG and its disclosure would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	
	b		Steve Rosenbaum*	Sam Hirsch*			5/13/09	(b)(5)		
	c		Sam Hirsch*	Steve Rosenbaum*			5/13/09			
	d		Steve Rosenbaum*	Sam Hirsch*			5/13/09	(b)(5)		
	e		Diana Flynn*	Steve Rosenbaum*			5/13/09	(b)(5)		
	f		Marie McElderry*	Diana Flynn*			5/12/09	(b)(5)		
56										Same as 59 c-f

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	Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
57	a Email Chain w/ attachments	Steve Rosenbaum*	Sam Hirsch*	NBPP Documents	2	5/14/09	(b)(5)	DAAG provides OASG in charge of CRT revised proposed draft documents for review and analysis of the draft filings for pending NBPP litigation. The proposed filings discuss the quality of evidence as related to each defendant, the statutory authority for enforcement, consideration of constitutional issues, and proposed scope of relief against the defendants. This document is predecisional and contains deliberations between the CRT Front Office and OASG and its disclosure would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	
	b-e								Same as 59 c-f
58									Same as 59 b-f

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	Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
59	Email Chain w/ attachments	Steve Rosenbaum*	Diana Flynn*	NBPP Documents	2	5/14/09	(b)(5)	DAAAG forwards to Appellate for review and analysis and requests advice on revised proposed draft documents in NBPP litigation. The proposed filings discuss the quality of evidence as related to each defendant, the statutory authority for enforcement, consideration of constitutional issues, and the proposed scope of relief against the defendants. This document is predecisional and contains deliberations among the CRT Front Office and its disclosure would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	
		Steve Rosenbaum*	Loretta King*			5/14/09	(b)(5)		
		Chris Coates*	Steve Rosenbaum*			5/14/09	(b)(5)		
	Draft Motion	Spencer Fisher*	Chris Coates* Coates*	Draft Motion for default	4	Undated	(b)(5)	Draft Motion for Default	
	Draft Memorandum	Spencer Fisher*	Chris Coates*	Draft Memorandum of Law	28	Undated	(b)(5)	Draft Memorandum of Law	

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	Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
f	Draft Order	Spencer Fisher*	Chris Coates*	Draft Proposed Order	3	Undated	(b)(5)	Draft Proposed Order	
60	Email Chain	Chris Coates*	Steve Rosenbaum*	New Black Panther Party	2	5/15/09	(b)(5), (b)(6)	Section Chief's response to his supervising DAAG's request for additional information on legal strategies and supporting evidence. This document summarizes several different witness statements and analyzes the evidence. This document is predecisional and contains deliberations between the Section Chief and his supervisor AAG and its disclosure would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	
b		Robert Popper*	Chris Coates*			5/15/09			
c		Steve Rosenbaum*	Chris Coates*			5/15/09			
61									Same as 65 c
62									Same as 65 b-c

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		Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
63	a	Email Chain	Steve Rosenbaum*	Diana Flynn*			5/15/09	(b)(5)	DAAG discusses with Appellate the most recent proposal for the draft pleadings, legal strategies, and scope of the proposed relief. This document is predecisional and contains deliberations between the supervisor DAAG in CRT Front Office and Appellate and its disclosure would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	
	b		Diana Flynn*	Steve Rosenbaum*			5/15/09	(b)(5)		
	c		Marie McElderry*	Diana Flynn*			5/15/09	(b)(5)		
64	a	Email Chain	Steve Rosenbaum*	Chris Coates*	NBPP	2	5/15/09	(b)(5)	DAAG's response to Section Chief on parameters and scope of relief in the draft motion. This document is predecisional and contains deliberations between the Section Chief and his supervisor AAG and its disclosure would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	

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	Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
b									Same as 65 c
65	a	Email Chain Steve Rosenbaum*	Chris Coates* Loretta King*	NBPP	2	5/15/09	(b)(5)	DAAG's response to Section Chief discussing legal effect of procedural rules and scope of draft motion. This document is predecisional and contains deliberations between the Section Chief and his supervisor AAG and its disclosure would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decision making process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	
b		Steve Rosenbaum*	Chris Coates* Loretta King*			5/15/09	(b)(5)		
c		Chris Coates*	Loretta King* Steve Rosenbaum*			5/15/09	(b)(5)		
66									Same as 67 b-i

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	Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference	
67	a	Email Chain w/ attachments	Steve Rosenbaum*	Sam Hirsch*	Phila. 11(b) Proposed Motion	2	5/15/09	(b)(5)	DAAAG forwards to OASG in charge of CRT the proposed pleadings drafted in anticipation for filing the motion and memorandum for default on May 1 st . The proposed filings discuss the dismissal of claims against three defendants, the statutory authority for enforcement, constitutional issues, and proposed scope of relief against the remaining defendant. This document is predecisional and contains deliberations between the DAAAG and his supervisor OASG and its disclosure would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	
	b		Chris Coates*	Loretta King* Steve Rosenbaum*		5/15/09	(b)(5)			
	c	Draft motion	Spencer Fisher*	Chris Coates*	Motion for Default	4	Undated	(b)(5)	Motion for Default	
	d	Draft Memorandum	Spencer Fisher*	Chris Coates*	Memorandum of Law	20	Undated	(b)(5)	Memorandum of Law	
	e	Draft notice	Spencer Fisher*	Chris Coates*	Notice of Dismissal	2	Undated	(b)(5)	Notice of Dismissal	

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	Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
f	Draft order	Spencer Fisher*	Chris Coates*	Entry of default Judgment and Order	3	Undated	(b)(5)	Entry of Default Judgment and Order	
g	Witness Declaration			Draft Witness Declaration	3	4/7/09	(b)(5)	Draft Witness Declaration	
h	Witness Declaration			Draft Witness Declaration	2	4/1/09	(b)(5)	Draft Witness Declaration	
i	Witness Declaration			Draft Witness Declaration	3	4/1/09	(b)(5)	Draft Witness Declaration	
68 a	Email w/ attachment	Steve Rosenbaum*	Loretta King* Sam Hirschl*	NBPP Proposed Order	2	5/15/09	(b)(5)	DAAAG provides analysis and revisions to the proposed draft order for entry of default judgment to his supervisors AAG and OASG. This document is predecisional and contains deliberations between the DAAAG and his supervisors in CRT Front Office and OASG and its disclosure would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decision making process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	
b	Draft order	Steve Rosenbaum*	Loretta King* Sam Hirsch**	Revised Entry of Default Judgment and Order	2	5/15/09	(b)(5)		

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	Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
69	a	Email w/ attachments Steve Rosenbaum*	Loretta King* Sam Hirsch**	NBPP Revised Papers	2	5/15/09	(b)(5)	DAAG provides analysis and revisions to the proposed notice of dismissal and motion and memorandum for entry of default judgment to his supervisors AAG and OASG. This document is predecisional and contains deliberations between the DAAG and his supervisors in CRT Front Office and OASG and its disclosure would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decision making process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	
	b	Draft order Steve Rosenbaum*	Loretta King* Sam Hirsch**	Revised Entry of Default Judgment and Order, Notice, Motion and Memorandum	2	Undated	(b)(5)	Revised Entry of Default Judgment and Order	
	c	Draft notice Steve Rosenbaum*	Loretta King* Sam Hirsch**	Revised notice of Dismissal	2	Undated	(b)(5)	Revised Notice of Dismissal	
	d	Draft motion Steve Rosenbaum*	Loretta King* Sam Hirsch**	Revised motion for Default	4	Undated	(b)(5)	Revised Motion for Default	
	e	Draft Memorandum Steve Rosenbaum*	Loretta King* Sam Hirsch**	Revised Memorandum of Law on Default	19	Undated	(b)(5)	Revised Memorandum of Law on Default	

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	Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
70	a Email Chain w/ attachments	Steve Rosenbaum*	Chris Coates*	NBPP Documents	2	5/15/09	(b)(5)	DAAG provides further analysis, review and revisions to several draft documents and forwards to VOT Section for review on substantive issues, proof, and finalization in anticipation of filing with the court. This document is predecisional and contains deliberations between the DAAG and the Section Chief and its disclosure would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	
	b-c								Same as 59 c-f
71	a Email Chain	Steve Rosenbaum*	Chris Coates*	NBPP Documents	2	5/15/09	(b)(5), (b)(6)	DAAG provides personal contact information to Section Chief. DAAG provides further analysis, review and revisions to several draft documents for VOT Section to review, for substantive issues, proof, and finalization in anticipation of filing with the court. This document is predecisional and contains deliberations between the DAAG and the Section Chief and its disclosure would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	

	Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
	b-c								Same as 70 a-b
72									Same as 74 c-e
73									Same as 74 b-e
74	a	Steve Rosenbaum*	Robert Popper* Chris Coates*	NBPP Documents	2	5/15/09	(b)(5)	DAAG provides Section Chief and Deputy Chief with revised legal strategy. This document is predecisional and contains deliberations between the DAAG and the Chief and Deputy Chief and its disclosure would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	
	b	Robert Popper*	Steve Rosenbaum* Chris Coates*			5/15/09	(b)(5)		
	c	Steve Rosenbaum*	Chris Coates*			5/15/09	(b)(5)		
	d-e								Same as 70 a-b
75									Same as 77 c-g
76									Same as 77 b-g
77	a	Steve Rosenbaum*	Alejandro Miyar	NBPP Filing	1	5/15/09	(b)(5)	DAAG advised OPA that final versions of pleadings were filed with court and provided copies of documents. The documents advise of a final order in the NBPP litigation and discusses nature of the relief. This document is deliberative as it shows to whom the document is directed and at what level in the agency and also contains attorney discussion, and opinions.	

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b		Steve Rosenbaum*	Loretta King* Sam Hirsch*			5/15/09	(b)(5)		
c		Robert Popper*	Chris Coates* Steve Rosenbaum*			5/15/09	(b)(5)		
d	Notice			Notice of Dismissal	2	5/15/09	N/A	Copy released to Plaintiff on 2/9/10	
e	Motion			Motion for Default	3	5/15/09	N/A	Copy released to Plaintiff on 2/9/10	
f	Memorandum			Memorandum of Law	16	5/15/09	N/A	Copy released to Plaintiff on 2/9/10	
g	Proposed order			Proposed Order	2	5/15/09	N/A	Copy released to Plaintiff on 2/9/10	
78 a		Steve Rosenbaum*	Diana Flynn* Marie McElderry*			5/16/09	(b)(5)	DAAG advised Appellate that final versions of pleadings were filed with court and provided copies of documents. The documents advise of a final order in the NBPP litigation and discusses nature of the relief. This document is deliberative as it shows to whom the document is directed and at what level in the agency and also contains attorney discussion, and opinions.	
b-f									Same as 77 c-g

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79	a Email Chain	Rebecca Wertz*	Steve Rosenbaum*	NBPP Filing	1	5/18/09	(b)(5)	DAAAG advised VOT Principal Deputy that final versions of pleadings were filed with court and provided copies of documents. The documents advise of a final order in the NBPP litigation and discusses nature of the relief. This document is deliberative as it shows to whom the document is directed and at what level in the agency and also contains attorney discussion, and opinions.	
	b	Steve Rosenbaum*	Rebecca Wertz*			5/18/09			
	c	Steve Rosenbaum*	Loretta King* Sam Hirsch*			5/15/09			
	d-g								Same as 77 d-g
80	a Email	Steve Rosenbaum*	Helaine Greenfeld* Andrew Kline*	New Black Panther Party	2	5/18/09	(b)(5)	DAAAG advised his supervisor that final versions of pleadings were filed with court and provided copies of documents. The documents advise of a final order in the NBPP litigation and discusses nature of the relief. This document is deliberative as it shows to whom the document is directed and at what level in the agency and also contains attorney discussion, opinions, and comments.	
	b Notice			Notice of Dismissal	2	5/15/09	N/A	Copy released to Plaintiff on 2/9/10	
	c Motion			Motion for Default	3	5/15/09	N/A	Copy released to Plaintiff on 2/9/10	

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	Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
d	Memorandum			Memorandum of Law	16	5/15/09	N/A	Copy released to Plaintiff on 2/9/10	
e	Proposed order			Proposed Order	2	5/15/09	N/A	Copy released to Plaintiff on 2/9/10	
81 a	Email Chain	Chris Coates*	Chris Herren*	Comments on Proposed NBPPP Filing	6	5/15/09	(b)(5)	VOT Section Chief described to VOT Deputy Chief the supervisors' AAG and DAAG most recent proposals on legal strategy and scope of relief regarding particular defendants in the NBPPP case. This document is predecisional and contains deliberations between the Chief and Deputy Chief and its disclosure would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process. This document also contains attorney discussion, opinions, and analyses of the draft documents and case law.	
b-c									Same as 55 e-f

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	Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
c		Sam Hirsch*	Alejandro Miyar Steve Rosenbaum*			5/28/09			
d		Alejandro Miyar	Steve Rosenbaum* Sam Hirsch*			5/28/09			
84 a	Email Chain	Steve Rosenbaum*	Alejandro Miyar Sam Hirsch*	NBPP Case	3	5/28/09	(b)(5)	DAAAG's comments to OASG in charge of CRT and OPA provides legal opinion regarding the protections of the deliberative process privilege. This document contains attorney discussion, opinions, and analyses of facts and case law. This document is also predecisional and contains advice and opinions and its disclosure would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process.	
b		Alejandro Miyar	Sam Hirsch* Steve Rosenbaum*			5/28/09			
c		Sam Hirsch*	Steve Rosenbaum* Alejandro Miyar			5/28/09			

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		Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
85	a	Email Chain	Steve Rosenbaum*	Tracy Schmaler Alejandro Mijar Sam Hirsch*			5/28/09	(b)(5)	DAAAG's comments to OASG in charge of CRT and OPA providing legal analysis of dismissals and legal obligations of DOJ. This document contains attorney discussion, opinions, and analyses of facts and case law. This document is also predecisional and contains advice and opinions and its disclosure would have a chilling effect on staff who in the future would be reluctant to express their opinions to the detriment of the Government's decisionmaking process.	
	b		Tracy Schmaler	Alejandro Mijar Sam Hirsch* Steve Rosenbaum*			5/28/09			
	c		Alejandro Mijar	Trace Sam Hirsch* Steve Rosenbaum*			5/28/09			
	d		Tracy Schmaler	Alejandro Mijar			5/28/09			
	e		Benjamin LaBolt	Tracy Schmaler			5/28/09			
	f		John Lott	Benjamin LaBolt			5/28/09			

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	Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
86	Memorandum	Diana Flynn*	Mary Patrice Brown*	Responses regarding US v NBPP	3	9/25/09	(b)(7)(a), (b)(5)	Individual's Response to pending OPR investigation which includes author's thoughts on litigation developments and characterizations of actions and discussions with colleagues in the NBPP litigation. Author describes discussions among officials on litigation strategy and various litigation options and assessments of outcomes.	
87	Memorandum	Robert Popper*	Mary Patrice Brown*	Responses regarding US v NBPP	14	10/7/09	(b)(7)(a), (b)(5)	Individual's Response to pending OPR investigation which includes author's thoughts on litigation developments and characterizations of actions and discussions with colleagues in the NBPP litigation. Author describes discussions among officials on litigation strategy and various litigation options and assessments of outcomes.	
88	Memorandum	Steve Rosenbaum*	Mary Patrice Brown*	Responses regarding US v NBPP	5	10/2/09	(b)(7)(a), (b)(5)	Individual's Response to pending OPR investigation which includes author's thoughts on litigation developments and characterizations of actions and discussions with colleagues in the NBPP litigation. Author describes discussions among officials on litigation strategy and various litigation options and assessments of outcomes.	

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	Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
89	Memorandum	Steve Rosenbaum*	Mary Patrice Brown*	Responses regarding US v NBPP	1	10/8/09	(b)(7)(a), (b)(5)	Individual's Response to pending OPR investigation which includes author's thoughts on litigation developments and characterizations of actions and discussions with colleagues in the NBPP litigation. Author describes discussions among officials on litigation strategy and various litigation options and assessments of outcomes.	
90	Draft Memorandum	Chris Coates*	Mary Patrice Brown*	Responses regarding US v NBPP	5	undated	(b)(7)(a), (b)(5)	Individual's Response to pending OPR investigation which includes author's thoughts on litigation developments and characterizations of actions and discussions with colleagues in the NBPP litigation. Author describes discussions among officials on litigation strategy and various litigation options and assessments of outcomes.	
91	Draft Memorandum	Chris Coates*	Mary Patrice Brown*	Responses regarding US v NBPP	5	undated	(b)(7)(a), (b)(5)	Individual's Response to pending OPR investigation which includes author's thoughts on litigation developments and characterizations of actions and discussions with colleagues in the NBPP litigation. Author describes discussions among officials on litigation strategy and various litigation options and assessments of outcomes.	

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	Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
92	Draft Memorandum	Chris Coates*	Mary Patrice Brown*	Responses regarding US v NBPP	3	undated	(b)(7)(a), (b)(5)	Individual's Response to pending OPR investigation which includes author's thoughts on litigation developments and characterizations of actions and discussions with colleagues in the NBPP litigation. Author describes discussions among officials on litigation strategy and various litigation options and assessments of outcomes.	
93	Draft Memorandum	Chris Coates*	Mary Patrice Brown*	Responses regarding US v NBPP	10	undated	(b)(7)(a), (b)(5)	Individual's Response to pending OPR investigation which includes author's thoughts on litigation developments and characterizations of actions and discussions with colleagues in the NBPP litigation. Author describes discussions among officials on litigation strategy and various litigation options and assessments of outcomes.	
94	Memorandum	Loretta King*	Mary Patrice Brown*	Responses regarding US v NBPP	7	undated	(b)(7)(a), (b)(5)	Individual's Response to pending OPR investigation which includes author's thoughts on litigation developments and characterizations of actions and discussions with colleagues in the NBPP litigation. Author describes discussions among officials on litigation strategy and various litigation options and assessments of outcomes.	

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

Civil Rights Division (CRT) Index of Withheld Documents

	Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
95	Draft Memorandum	Loretta King*	Mary Patrice Brown*	Responses regarding US v NBPP	4	Undated	(b)(7)(a), (b)(5)	Individual's Response to pending OPR investigation which includes author's thoughts on litigation developments and characterizations of actions and discussions with colleagues in the NBPP litigation. Author describes discussions among officials on litigation strategy and various litigation options and assessments of outcomes.	
96	Draft Memorandum	Loretta King*	Mary Patrice Brown*	Responses regarding US v NBPP	4	Undated	(b)(7)(a), (b)(5)	Individual's Response to pending OPR investigation which includes author's thoughts on litigation developments and characterizations of actions and discussions with colleagues in the NBPP litigation. Author describes discussions among officials on litigation strategy and various litigation options and assessments of outcomes.	
97	Draft Memorandum	Loretta King*	Mary Patrice Brown*	Responses regarding US v NBPP	4	Undated	(b)(7)(a), (b)(5)	Individual's Response to pending OPR investigation which includes author's thoughts on litigation developments and characterizations of actions and discussions with colleagues in the NBPP litigation. Author describes discussions among officials on litigation strategy and various litigation options and assessments of outcomes.	

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 Civ. Action No. 10-851**

Civil Rights Division (CRT) Index of Withheld Documents

	Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
98	Draft Memorandum	Spencer Fisher*	Mary Patrice Brown*	Responses regarding US v NBPP	55	Undated	(b)(7)(a), (b)(5)	Individual's Response to pending OPR investigation which includes author's thoughts on litigation developments and characterizations of actions and discussions with colleagues in the NBPP litigation. Author describes discussions among officials on litigation strategy and various litigation options and assessments of outcomes.	
99	Draft Memorandum	Spencer Fisher*	Mary Patrice Brown*	Responses regarding US v NBPP	54	Undated	(b)(7)(a), (b)(5)	Individual's Response to pending OPR investigation which includes author's thoughts on litigation developments and characterizations of actions and discussions with colleagues in the NBPP litigation. Author describes discussions among officials on litigation strategy and various litigation options and assessments of outcomes.	

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Civ. Action No. 10-851

Civil Rights Division (CRT) Index of Withheld Documents

INDEX FOR CRT WITHHELD DOCUMENTS

Acronyms:

OASG - Office of the Associate Attorney General
OPA - Office of Public Affairs
OPR - Office of Professional Responsibility
CRT - Civil Rights Division
VOT - Voting Section of Civil Rights Division

AAG - Assistant Attorney General of Civil Rights Division
DAAG - Deputy Assistant Attorney General of Civil Rights Division
Appellate - Appellate Section of Civil Rights Division
NBPP - New Black Panther party

*** Please see last page for CRT staff index by name and title*

Index of CRT Division Staff:

CRT AAG/Front Office

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

Voting Section

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

Draft – For Discussion Purposes Only

John Russ, Trial Attorney

Appellate Section

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

Criminal Section

Mark Kappelhoff, Chief

IT Computer Staff

Jeff Hylton, IT
Derrick Dyson, IT

**Judicial Watch v. Department of Justice
Civil Action 10-850**

Office of Information Policy (OIP) Index of Withheld Documents

	Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
100	a Email Chain w/attachments	Sam Hirsch	Tom Perrelli	Fw: New Black Panther Party Background	2	4/30/09	(b)(5)	Emails forwarding and discussing draft filings for the pending NBPP litigation. Emails start with a discussion of proposed filings, and of the merits and legal arguments underlying them. This discussion is then forwarded to OASG attorneys to provide that Office with a status update on the litigation.	
	b-g								Same as 13
101	a Email Chain	Sam Hirsch	Tom Perrelli	FW: New Black Panther Party Update	1	4/30/09	(b)(5)	Emails from attorney at CRT to OASG briefing on the current status of litigation and providing his opinion on the development of different approaches under consideration. Email is then forwarded within OASG with comment and noting need to discuss.	
	b	Steven Rosenbaum	Sam Hirsch	New Black Panther Party Update		4/30/09			
102	Email	Tom Perrelli	Sam Hirsch	Where are we on the Black Panther Case?	1	5/14/09	(b)(5)	Email asking for update on the NBPP litigation between officials in OASG, and noting ODAG's current thoughts on the case.	
103	a Email chain	Sam Hirsch	Tom Perrelli	FW: New Black Panther Party – your questions	3	5/15/09	(b)(5)	Emails forwarding and presenting legal analysis from CRT Appellate Section attorneys on questions presented from the CRT Front Office; specifically, the attorneys provide their legal assessments and recommendations on a potential course of action in the NBPP case. The Appellate Section's analysis is forwarded to and discussed among OASG attorneys.	

	Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
b		Steven Rosenbaum	Sam Hirsch	FW: New Black Panther Party -- your questions		5/15/09			
c		Diana Flynn	Steven Rosenbaum (cc to Marie McElderry)	New Black Panther party -- your questions		5/15/09			
d		Marie McElderry	Diana Flynn	Questions from the Front Office		5/15/09			
104	Email chain	Tom Perrelli	Sam Hirsch	RE: Black Panthers?	1	5/14/09	(b)(5)	Emails between attorneys in OASG regarding the current status of the NBPP litigation and an update on the status of deliberations in CRT regarding legal strategies under consideration in that Office.	
b		Sam Hirsch	Tom Perrelli	Black Panthers?		5/14/09			
105	Email chain	Sam Hirsch	Tom Perrelli	NBPP	1	5/15/09	(b)(5)	Email discussion between attorneys in OASG and CRT, then within OASG, regarding current status of the NBPP litigation and, specifically, CRT's development of a position with respect to potential actions under consideration in the case.	
b		Sam Hirsch	Tom Perrelli	FW: Timing		5/15/09			
c		Sam Hirsch	Loretta King, Steven Rosenbaum	Timing		5/15/09			
106	Email chain	Sam Hirsch	Tom Perrelli	RE: NBPP	1	5/15/09	(b)(5)	Emails between OASG attorneys regarding edits to court papers in the NBPP litigation and commenting on the status of the case.	
b		Tom Perrelli	Sam Hirsch	RE: NBPP		5/15/09			

	Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
c		Sam Hirsch	Tom Perrelli	NBPP		5/15/09			
107	Email chain w/attachments	Sam Hirsch	Donald Verrilli, Tom Aaron Lewis, Tom Perrelli	Fw: New Black Panther	1	5/16/09	(b)(5)	Emails among officials at PAO, OASG and CRT forwarding court papers filed in the NBPP litigation, and briefing recipients on the nature of the relief sought therein, as well as advising of procedure for handling anticipated inquiries on the litigation.	
b-h									Same as 77 a-g
108	Email w/attachment	Nathaniel Gamble	John Bies, Deborah Davis, Helaine Greenfeld, Joseph Guerra, Currie Gunn, Brian Hauck, Sam Hirsch, Aaron Lewis, David Margolis, Kathryn Ruenmmler, Donald Verrilli, Tracy Washington, Theresa Watson	Civil Rights Division Weekly Report for the Week ending May 8, 2009.	1	5/12/09	(b)(5)	Email from CRT to various OAG, ODAG and OASG officials attaching a weekly CRT report from the Acting Assistant AG of CRT.	
b	Memorandum	Loretta King	The AG, through the DAG and the ASG	Weekly Report for the Week ending May 8, 2009	6*	5/12/09		Memorandum provides senior offices with a weekly briefing on significant pending matters at CRT. Identifies matters deemed significant and highlights issues for the senior offices, including an update on a planned course of action in the NBPP litigation. *Although 6 pages in length, only a limited portion of this memo relates to the subject of plaintiff's FOIA request.	

		Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
109	a	Email w/attachment	Donna Richards-Stallings	John Bies, Deborah Davis, Helaine Greenfeld, Joseph Guerra, Currie Gunn, Brian Hauck, Sam Hirsch, Aaron Lewis, David Margolis, Kathryn Ruemmler, Donald Verrilli, Shelia Walker, Theresa Watson	Civil Rights Division Weekly Report for the week ending May 15, 2009.	1	5/18/09	(b)(5)	Email from CRT to various OAG, ODAG and OASG officials attaching a weekly CRT report from the Acting Assistant AG of CRT.	
	b	Memorandum	Loretta King	The AG, through the DAG and the ASG	Weekly Report for the Week ending May 15, 2009	5*	5/18/09		Attachment to OIP-10; memorandum provides senior offices with a weekly briefing on significant pending matters at CRT. Identifies matters deemed significant and highlights issues for the senior offices, including, in this case, a discussion of the latest developments in the NBPP litigation. *Although 5 pages in length, only a limited portion of this memo relates to the subject of plaintiff's FOIA request.	

	Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
110	Talking Points	Karen Stevens, CRT* *Although drafted by CRT, document was also e-mailed from OLA to officials at ODAG, OASG and OLA	N/A	New Black Panther Party: VRA Litigation	2	Undated	(b)(5)	Talking points for the AG regarding the Department's handling of the NBPP litigation and the decision to drop charges against three defendants. These talking points identify selected aspects of the Department's handling of the NBPP litigation, and serve to brief the AG on how he may prepare for potential inquiries during upcoming Hill testimony.	
111	Talking Points	Appear to be from PAO, but origin uncertain* *Document was also e-mailed from Robert Parmiter to Brian Hauck	N/A	Black Panthers	2	Undated	(b)(5)	Talking points for the ASG regarding the Department's handling of the NBPP litigation and the decision to drop charges against three defendants. These talking points identify potential issues and various aspects of the Department's handling of the NBPP litigation, and serve to brief the ASG on how he may prepare for inquiries.	
112	Handwritten Meeting Notes	Daphna Renan	N/A	CRT Weekly mitg	1*	4/30/09	(b)(5)	Handwritten notes taken at a "CRT Weekly Meeting" in which a variety of pending CRT matters are discussed. Author's notes reflect a discussion of the NBPP case and raises a question about the nature of the lawsuit. *Only a limited portion of these notes relate to the subject of plaintiff's FOIA request.	

	Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
116	Chronology	Sam Hirsch	Uncertain, appears to have been forwarded to PAO	Chronology re New Black Panther Party case:	27	5/09	(b)(5)	Detailed "chronology" of the Department's involvement in the NBPP litigation as presented from the author's perspective. Includes the author's characterization of actions and discussions with and among Department colleagues since the inception of the lawsuit, but focusing primarily on the time period of 4/29/09-5/21/09. This document contains an unvarnished presentation of author's thoughts on litigation decisions, actions, strategies, and recommendations as they developed, as well as ruminations and retrospective analyses on the decisionmaking processes in CRT, OASG, ODAG and OAG with respect to the NBPP litigation. Author describes and paraphrases discussion among officials regarding litigation strategy, potential courses of action and the viability of different litigation options as well as assessments of potential outcomes, in addition to providing his own insight into all aspects of his involvement in the litigation.	
117	Email chain	Steven Rosenbaum	Judy Appelbaum, Nancy Scott-Finan, Sam Hirsch, Charlotte Burrows, Daphna Renan	New Black Panther Party: Response to Lamar Smith	3	6/23/09	(b)(5)	Forward of an email with the subject "New Black Panther Party: Response to Lamar Smith" by an ODAG attorney, who then presents a detailed analysis to the DAG on certain points of CRT's decisionmaking process in the NBPP litigation. The ODAG attorney provides CRT's explanations on its handling of the litigation and opines on how most appropriately to present certain aspects of the case in a draft letter to Congress.	
		Charlotte Burrows	Gary Grindler	RE: Letter to House Judic-- New Black Panther party		1/20/10			
		Gary Grindler	Charlotte Burrows	Re: Letter to House Judic		1/20/10			

		Document Type	Author/From	To	Subject/Title	No. of Pages	Date	Exemption	Description of Withheld Information	Cross Reference
	d		Charlotte Burrows	Gary Grindler	Re: Letter to House Judic		1/20/10			
118	a	Email chain	Christopher Coates	Steven Rosenbaum	FW: Phila. NBPP documents	3	4/28/09	(b)(5)	Emails between CRT and OASG attorneys, which forward a chain of emails from CRT attorneys [see documents OIP-1c and 1b, discussed above] with comments on the need to discuss further and on the efforts taken in resolving lingering questions regarding the litigation strategy. (Note: while initial email lists attachments, no attachments were received by OIP.)	
	b-j									Same as 17 a-i
119										Same as 50 b-f
120										Same as 55 c-f
121		Email	Sam Hirsch	Steven Rosenbaum	NBPP	1	5/15/09	(b)(5)	Email from an OASG to a CRT attorney presenting OASG's view on a course of action under consideration in the case, and discussing timeline of the litigation as well as possible options regarding deadlines.	
122	a	Email chain w/attachment	Steven Rosenbaum	Sam Hirsch, Loretta King	New Black Panther: Proposed Order	1	5/15/09	(b)(5)	Emails between officials at CRT and OASG regarding proposed and drafts of court orders for NBPP litigation	
	b-c									Same as 68 a-b

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Acronyms:

OAG – Office of the Attorney General
OASG – Office of the Associate Attorney General
OLA – Office of Legislative Affairs
DAG – Deputy Attorney General
PAO – Office of Public Affairs
AWP – Attorney Work-Product Privilege

ODAG – Office of the Deputy Attorney General
CRT – Civil Rights Division
AG – Attorney General
ASG – Associate Attorney General
NBPP – New Black Panther Party
DPP – Deliberative Process Privilege

Identification of Key Department of Justice Officials

OAG
Aaron Lewis, John Bies, Tracy Washington, Theresa Watson

ODAG
Gary Grindler, Deputy Attorney General
Charlotte Burrows, Associate Deputy Attorney General
Daphna Renan, Counsel

Kathryn Ruemmler, Stuart Delery, Donald Verrilli, Neil McBride, Edward Siske, Lisa Monaco, Eric Columbus, Jennifer Shasky, David Margolis

OASG
Tom Perrelli, Associate Attorney General
Brian Hauck, Senior Counsel
Sam Hirsch, Deputy Associate Attorney General
A Marisa Chun, Helaine Greenfield, Joseph Guerra, Currie Gunn

OLA
Ron Weich, Judy Appelbaum, Mark Agrast, Faith Burton, Jill Wade, Michael Redding, Nancy Scott-Finan, Robert Parmiter

PAO
Tracy Schmalzer, Alejandro Miyar

CRT

Loretta King, Acting Assistant Attorney General (former)
Steve Rosenbaum, Acting Deputy Assistant Attorney General (former)
Matt Nosanchuk, Senior Counsel to the Assistant Attorney General
Kathy Anderson, Executive Assistant to Acting Assistant Attorney General

Chris Coates, Chief (former) of Voting Section
Robert Popper, Deputy Chief of Voting Section

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

Karen Stevens, Nathaniel Gamble