



**U.S. Department of Justice**  
Civil Division, Federal Programs Branch

*Via U.S. Mail:* P.O. Box 883, Rm. 7336  
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October 22, 2014

***Via Electronic Mail (MBekesha@JUDICIALWATCH.ORG)***

Michael Bekesha  
Judicial Watch, Inc.  
425 Third Street S.W., Suite 800  
Washington, DC 20024

Re: *Judicial Watch, Inc. v. U.S. Dep't of Justice*, Civ. No. 12-1510 (D.D.C.).


Dear Mr. Bekesha:

Attached to the email transmitting this letter is a draft *Vaughn* index consistent with the Court's Order of July 18, 2014, as modified by the Court's Order of September 23, 2014. As you are aware, the index is a draft, and therefore subject to revision.

Consistent with what the Department of Justice ("Department") previously has conveyed to the Court, and to Judicial Watch, Inc., all material responsive to the FOIA request at issue in this case is subject to the assertion of Executive Privilege. You will notice in that regard that some entries on the index provide no information in the columns titled "Withholding Basis" or "Withholding Description." Such entries appear in this form in recognition of the Court's statement that the Department "should focus in particular on explaining its reasons, if any, *other than executive privilege* for withholding documents." Order (ECF No. 38) at 8 (emphasis added) (footnote omitted). Such entries should not be read to indicate that the relevant material is not privileged pursuant to that assertion.

We look forward to discussing these matters with you in advance of the joint status report to be filed by November 7, 2014.

Sincerely,

  
Gregory Dworkowitz

cc: John Tyler