

**U.S. Department of Justice** Office of Information Policy *Suite 11050* 1425 New York Avenue, NW Washington, DC 20530-0001

Telephone: (202) 514-3642

November 24, 2017

Mr. Sean Dunagan
Judicial Watch, Inc.
425 Third Street, SW
Suite # 800
Washington, DC 20024
sdunagan@judicialwatch.org

Dear Mr. Dunagan:

Re: DOJ-2017-002048 (AG)

No.1:17-cv-00832

DRC:JRS

This is a final response to your Freedom of Information Act (FOIA) request and related lawsuit, seeking emails to or from former Acting Attorney General Sally Yates for the period of January 21, 2017, through January 31, 2017.

By letter dated October 24, 2017, we provided you with an interim response and informed you that we were continuing to process records. Our work on your request is now complete. We have completed processing of an additional 110 pages of records responsive to your request. I have determined that four pages are appropriate for release without excision. I have also determined that thirty-eight pages are appropriate for release with certain excisions made pursuant Exemptions 5 and 6 of the FOIA, 5 U.S.C. § 552(b)(5) and (b)(6), and copies are enclosed. Exemption 5 pertains to certain inter- and intra-agency communications protected by the deliberative process privilege and attorney work-product privilege. Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties.

The remaining sixty-eight pages are being withheld in full pursuant to Exemptions 5 and 6 of the FOIA. Please note that the records withheld pursuant to Exemption 5 pertain to inter- and intra-agency communications protected by the deliberative process privilege and attorney work-product privilege.

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) (2015) (amended 2016). 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 our requesters and should not be taken as an indication that excluded records do, or do not, exist.

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<sup>&</sup>lt;sup>1</sup> Please be advised that certain paragraphs within these thirty-eight pages have been released as a matter of discretion.

If you have any questions regarding this response, please contact James Bickford of the Department's Civil Division, Federal Programs Branch, at (202) 305-7632.

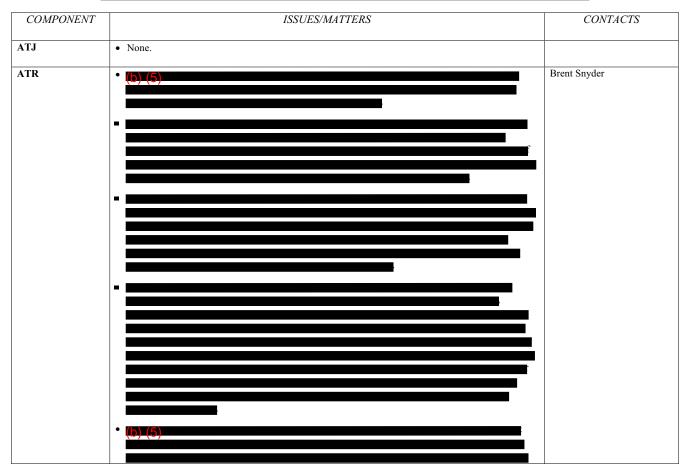
Sincerely,

Daniel R. Castellano Senior Attorney

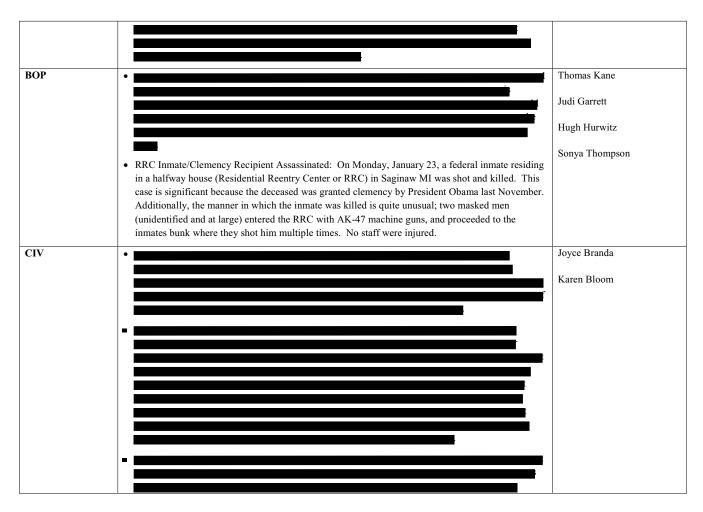
Daniel Cardettes

Enclosures

# SENSITIVE OR HIGH-PROFILE MATTERS WITHIN NEXT TWO WEEKS



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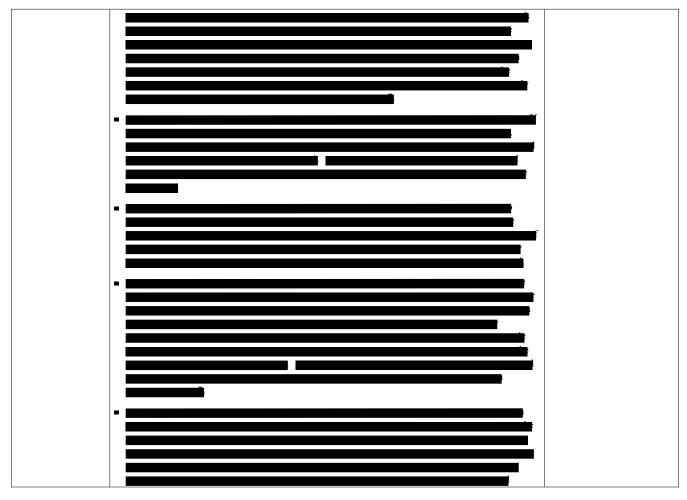
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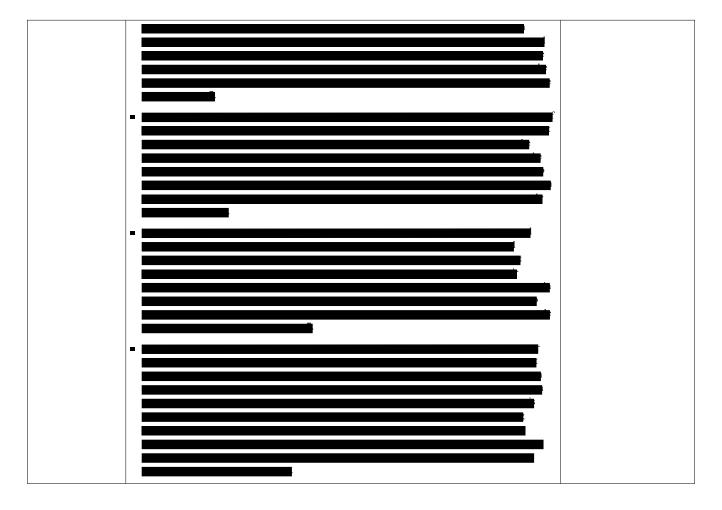
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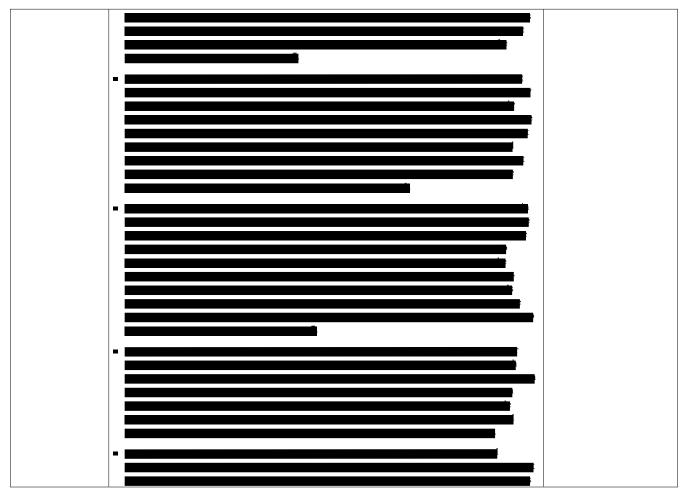
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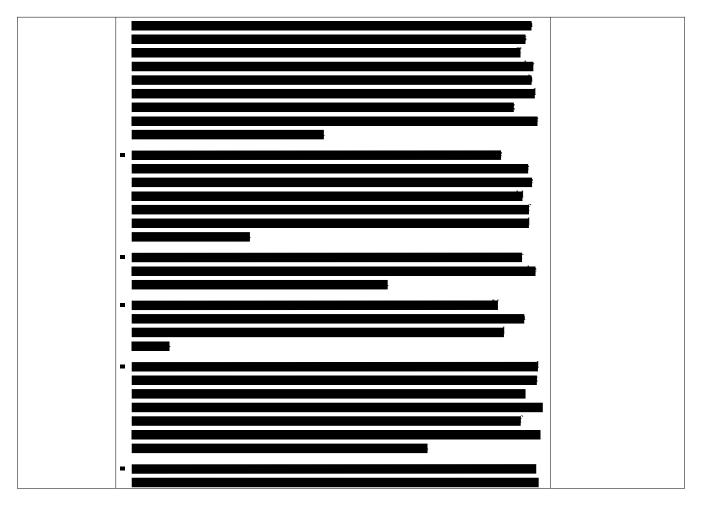
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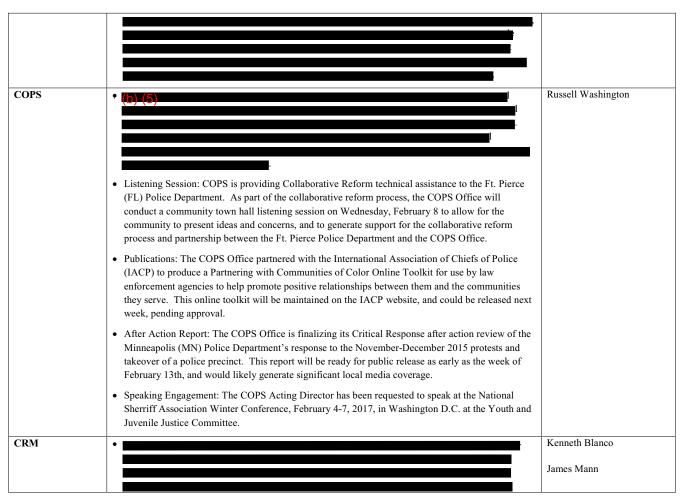
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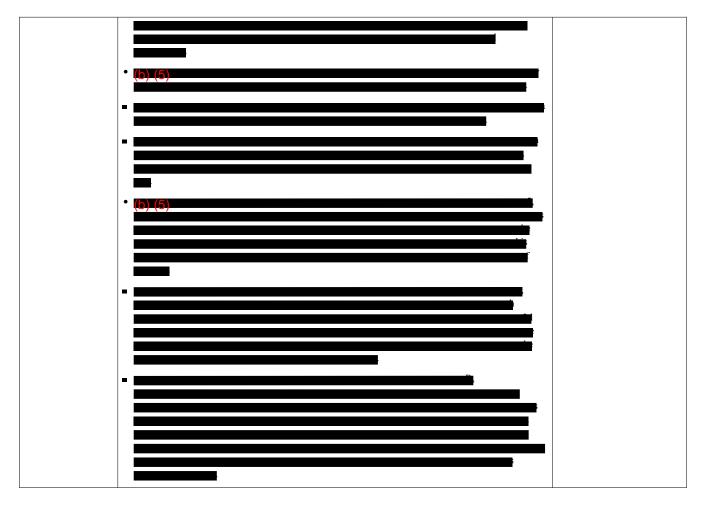
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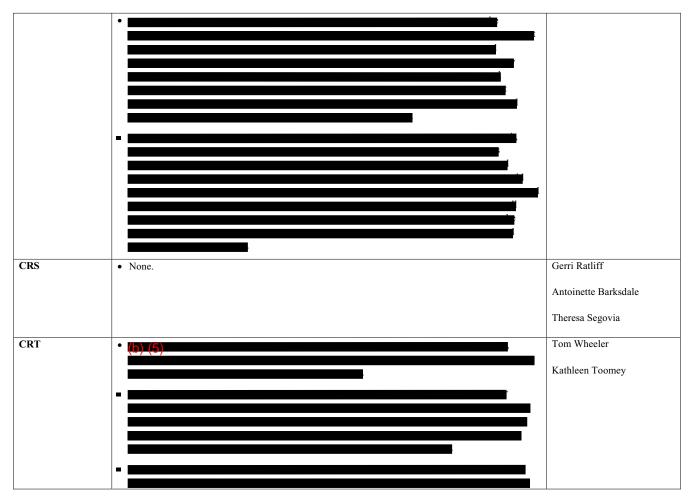
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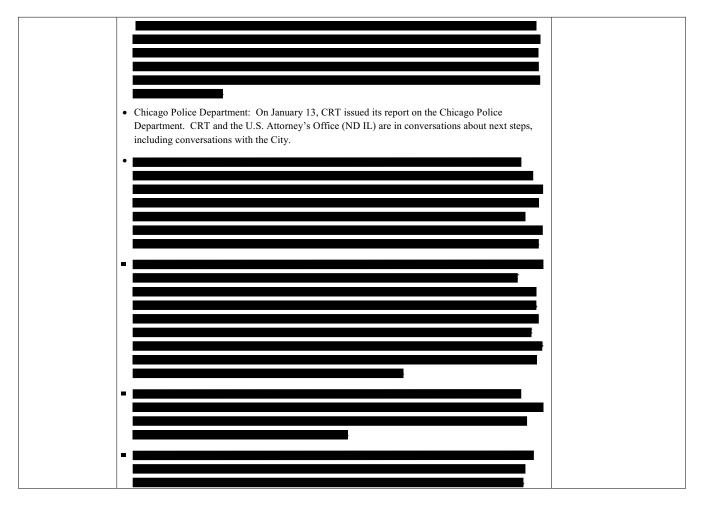
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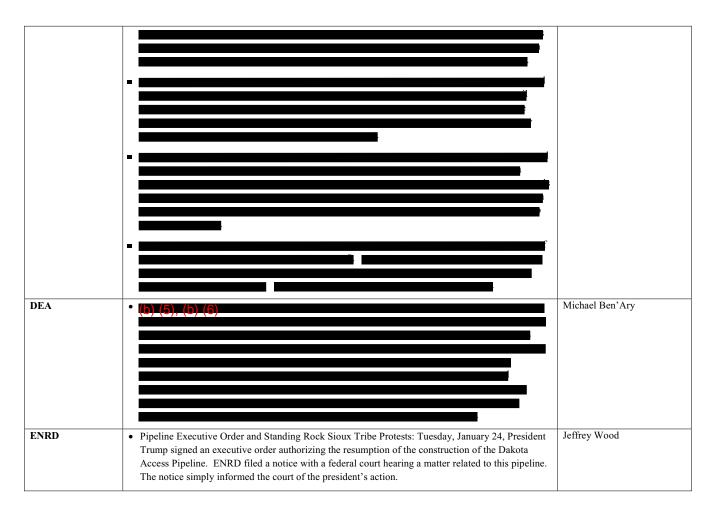
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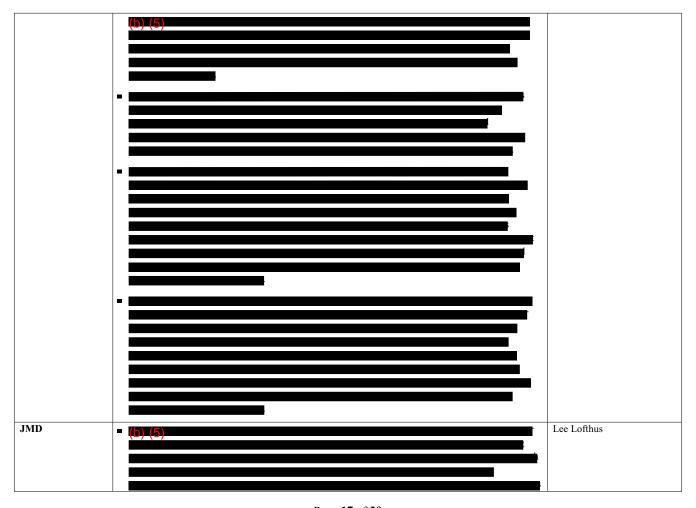
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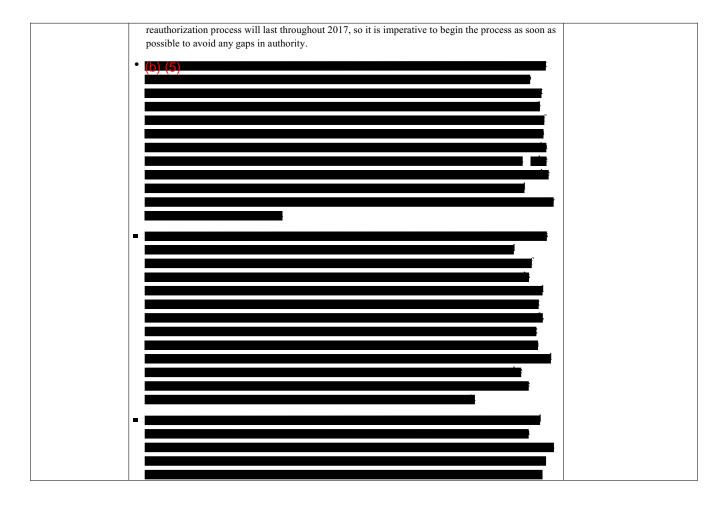


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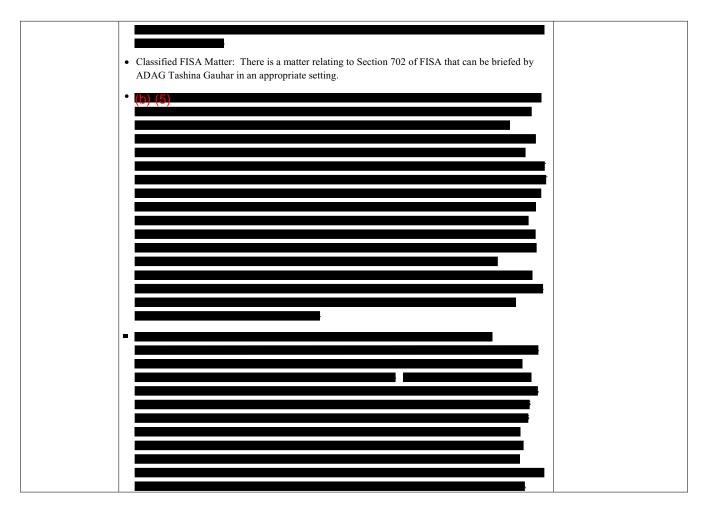


- Foreign Agent Registration Act (FARA) Matter re: Lt. General Michael Flynn/Flynn Intel Group, Inc.: On November 8, 2016, Lt. General Flynn published an editorial in The Hill that expressed views that were highly critical of the Turkish cleric Fetullah Gulen and that were similar to those previously expressed by the President of Turkey and other Turkish officials. In light of that editorial and reports in the media about potential ties between Lt. General Flynn and others who might be acting on behalf of the Government of Turkey, on November 30, 2016, NSD requested additional information from Lt. General Flynn and his firm, Flynn Intel Group, Inc. (FIG). On January 11, 2017, Flynn's counsel responded and advised that the General and FIG will probably register under FARA, which could happen imminently and would be public. Any such registration should disclose the foreign principal(s) on whose behalf Lt. General Flynn was acting and his compensation, among other information.
- Attorney General Reports to Congress re: National Security Letters: The various statutes
  authorizing the Federal Bureau of Investigation (FBI) to issue National Security Letters require the
  Attorney General to submit semiannual reports to Congress regarding requests made by the FBI
  under the NSL authorities. The next semiannual report is due to Congress on Wednesday,
  February 1, 2017. Ordinarily, these reports are transmitted to Congress by the Office of Legislative
  Affairs, with Attorney General approval. We do not anticipate that these reports will garner
  significant attention.
- FISA Section 702 Reauthorization: Section 702 of the FISA Amendments Act of 2008 permits the Attorney General and the Director of National Intelligence (DNI) to jointly authorize targeting of non-U.S. persons reasonably believed to be located outside the United States for foreign intelligence collection. This authority is scheduled to expire on December 31, 2017, and because of its extreme importance to U.S. national security, Section 702's reauthorization should be a top DOJ legislative priority. The DNI has drafted a letter to Congress formally requesting reauthorization, which the Attorney General is expected to join. NSD anticipates that the

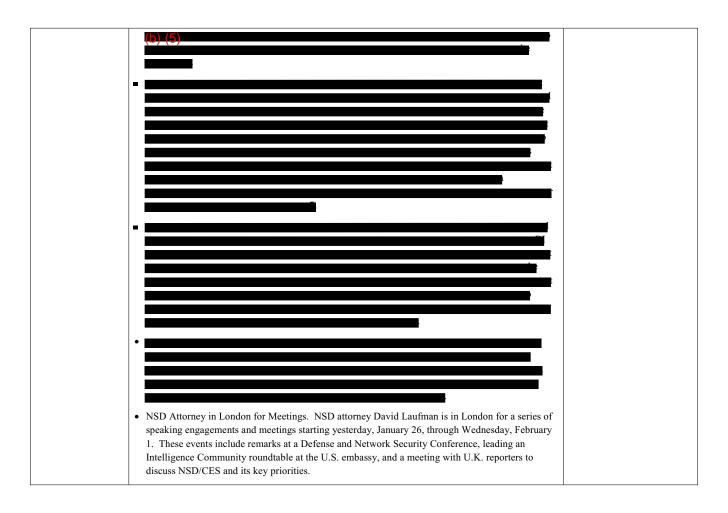
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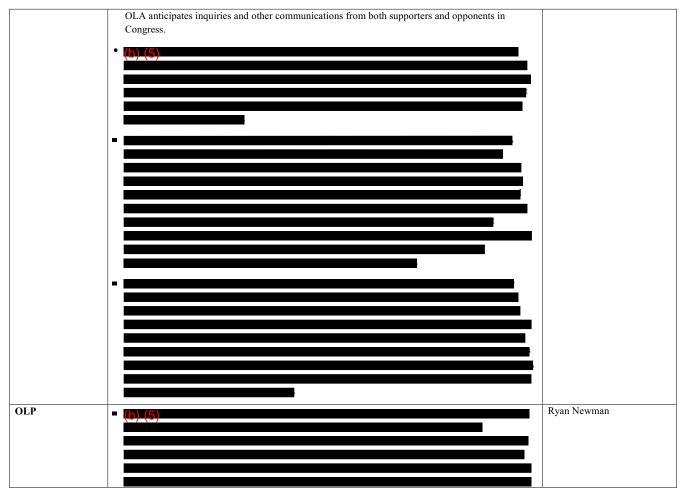
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	Roundtable With Community Leaders: On Thursday, February 2, Acting AAG Mary McCord will host a VTC roundtable with Arab- and Muslim-American community leaders and USAOs on issues related to countering violent extremism.	
OCDETF	• None.	Bruce Ohr
OJP	<ul> <li>On Tuesday, January 31, in Los Angeles, NIJ Principal Deputy Director and Chief of Staff Howard Spivak gives the keynote address at the 21st Annual UCLA Healthcare Symposium, "Gun Violence and Our Health: Finding Solutions through the Lens of Social Justice," which explores the relationship between gun violence, the health care system, and social justice. Dr. Spivak's address will focus on public health approaches to reduce gun violence.</li> <li>On Monday, January 30, in Washington, BJA hosts a VALOR / Advanced Law Enforcement Rapid Response Training (ALERRT) focus group meeting to learn about, examine, discuss, and review the current and basic strategies, tools, and resources used in the active shooter training supported by BJA. Since 2002, ALERRT has delivered vital active shooter response training to nearly 40,000 law enforcement professionals throughout the nation. The goal of this meeting will be identifying any new emerging trends and issues to be considered for future training.</li> <li>On Monday, January 30, in Washington, BJA brings together, in partnership with the Police Executive Research Forum (PERF), representatives from four jurisdictions to discuss ways to improve homicide rates and increase solvability within their respective jurisdictions.</li> <li>On February 9, BJS releases "State Progress in Record Reporting for Firearm-Related Background Checks: Fugitives from Justice." This report describes the requirements for entering warrants into databases used by the National Instant Criminal Background Check System (NICS) and explains the challenges of entering warrant records into state and national databases. It describes recent progress made by states in making warrant records more readily available to the NICS.</li> <li>On February 9, BJS releases Justice Expenditures and Employment Extracts, 2012-Final, which presents final 2012 estimates of government expenditures and employment at the national, federal, state, and local levels for the following justice categories</li></ul>	Maureen Henneberg  Howard Spivak  Tracey Trautman  Jeri Mulrow  Louis deBaca  Eileen Garry  Marilyn Roberts  Silas Darden
OLA	Pipeline Executive Order: Tuesday, January 24, President Trump signed an executive order authorizing the resumption of the construction of the Dakota Access Pipeline and reviving the Keystone XL project. Based upon opposition to both pipelines and recent protests relating to them,	M. Faith Burton

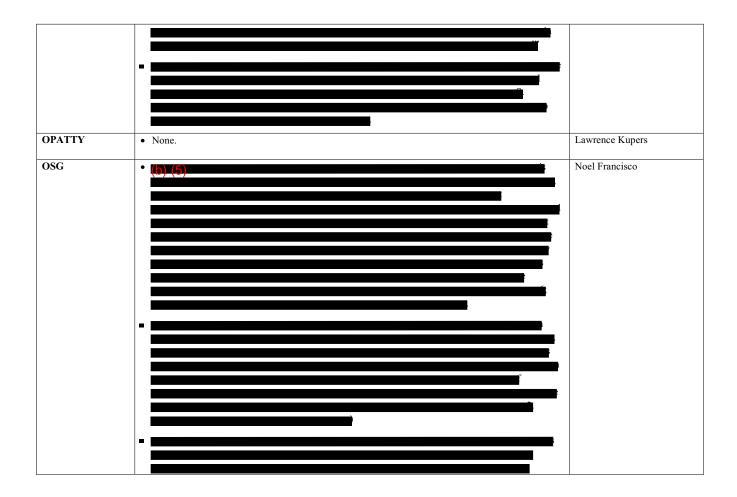
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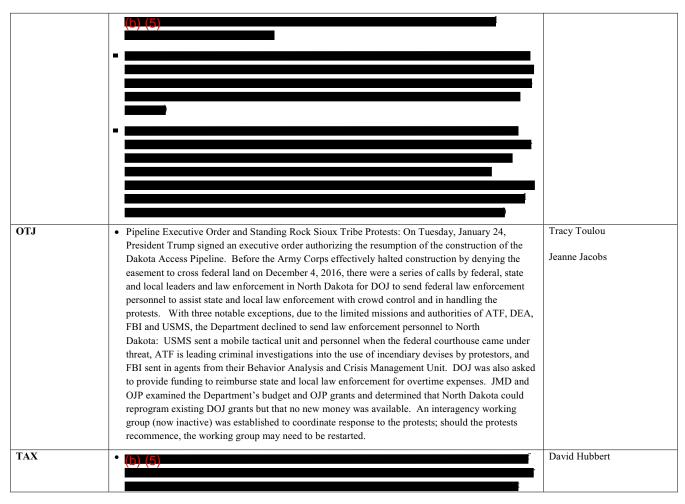
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USMS	None.	David Harlow
USTP	None.	Clifford White

**From:** sayates@jmd.usdoj.gov

Sent: Tuesday, January 31, 2017 9:08 AM

To: IDJ(6) former Acting Attorney General Yates personal email.

Subject: Fwd: Monday's events

## Begin forwarded message:

From: "Ellis, Therese E. (CIV)" < tellis@CIV.USDOJ.GOV>

Date: January 31, 2017 at 9:00:51 AM EST

To: "Yates, Sally (ODAG)" < <a href="mailto:sayates@jmd.usdoj.gov">sayates@jmd.usdoj.gov</a>>

**Subject: Monday's events** 

You are my hero.

Therese Ellis Supervisory Paralegal Specialist Civil Appellate Staff, U.S. Dep't of Justice 950 Pennsylvania Ave., N.W. Washington, DC 20530

(b) (6)

**From:** sayates@jmd.usdoj.gov

**Sent:** Tuesday, January 31, 2017 12:20 AM

To: Subject:

Fwd: Thank you.

## Begin forwarded message:

From: "Hudson, Sara (JMD)" < <a href="mailto:SHudson@jmd.usdoj.gov">SHudson@jmd.usdoj.gov</a>>

Date: January 31, 2017 at 12:11:13 AM EST

To: "Yates, Sally (ODAG)" < sayates@jmd.usdoj.gov>

Subject: Thank you.

Acting AG Yates,

It has been a privilege, honor and inspiration to serve under you. Thank you for your service, your patriotism, and the example you set today, and every day I have known and worked for you.

I am proud to have served the American people with you.

Best, Sara

#### Sara Hudson

DOJ | JMD | Office of the Chief Information Officer Digital Services Expert | Distinguished IT Fellow sara.hudson@usdoj.gov

Office: HYPERLINK (b) (6)
Mobile: HYPERLIN (b) (6)

From: sayates@jmd.usdoj.gov

Sent: Tuesday, January 31, 2017 9:07 AM

To:

Fwd: Thank you Subject:

### Begin forwarded message:

From: "Cabanillas, Christina (USANAC)" < <a href="mailto:Christina.Cabanillas@usdoj.gov">Christina.Cabanillas@usdoj.gov</a>

Date: January 31, 2017 at 8:55:56 AM EST

To: "Yates, Sally (ODAG) (JMD)" < <a href="mailto:Sally.Yates2@usdoj.gov">Sally.Yates2@usdoj.gov</a>>

Subject: Thank you

Bravo Sally. You stand for what DOJ represents -- courageous fidelity to law and justice.

Thank you for your hard work on behalf of the United States and DOJ. I wish you the very best in the future.

#### Chris

P.S. I'm an appellate AUSA in Tucson and I met you when you visited and spoke with our office. I'm currently on detail at the NAC.

Christina M. Cabanillas **Assistant Director of Criminal Programs** Office of Legal Education Executive Office of U.S. Attorneys National Advocacy Center 1620 Pendleton Street Columbia, S.C. 29201

Phone (b) (6)

Email: christina.cabanillas@usdoj.gov

**Sent:** Monday, January 30, 2017 10:18 PM

To:

**Subject:** FW: Thank you

-----Original Message-----From: Hertz, Rachel (NSD)

Sent: Monday, January 30, 2017 10:12 PM

To: Yates, Sally (ODAG) <sayates@jmd.usdoj.gov>

Subject: Thank you

Thank you for standing on your principles. It is an act of bravery that makes me proud to serve.

Sent: Monday, January 30, 2017 8:57 PM

From: Clair, Jeffrey (CIV)

Sent: Monday, January 30, 2017 8:28 PM

To: Yates, Sally (ODAG) <sayates@jmd.usdoj.gov>

Subject: Executive order

Thank you AG Yates. I've been in civil/appellate for 30 years and have never seen an administration with such contempt for democratic values and the rule of law. The President's order is an unconstitutional embarrassment and I applaud you for taking a principled stand against defending it.

Sent from my Verizon, Samsung Galaxy smartphone

Sent: Monday, January 30, 2017 8:57 PM

To:

**Subject:** FW: Thank you

From: Moss, Benjamin M. (CIV) [mailto:bmoss@CIV.USDOJ.GOV]

Sent: Monday, January 30, 2017 7:58 PM

To: Yates, Sally (ODAG) <sayates@jmd.usdoj.gov>

Subject: Thank you

Dear Acting Attorney General Yates:

Thank you for your leadership. You are an inspiration.

Respectfully, Ben Moss

From: Sent: To:	Chan, Merry (USACAN) <merry.chan@usdoj.gov> Monday, January 30, 2017 7:43 PM Yates, Sally (ODAG) (JMD)</merry.chan@usdoj.gov>		
Subject:	FW: Message from the Acting Attorney General		
Dear Acting Attorney General Yates,			
Thank you for your leadersh	nip. This means a lot to a lot of people.		
	·		
Sincerely,			
Merry Jean Chan			
From: Stretch, Brian (USACAN) Sent: Monday, January 30, 2017 3:53 PM To: USACAN-ALL <usacan-all@usa.doj.gov> Subject: FW: Message from the Acting Attorney General</usacan-all@usa.doj.gov>			
Folks. Please see the attac	ched message from the Acting Attorney General. Thanks. Brian.		
From: Wilkinson, Monty (US Sent: Monday, January 30, To: USAEO-USAttorneysOn Subject: Message from the	2017 3:18 PM nly < <u>USAEO-USAttorneysOnly@usa.doj.gov</u> >		
The Acting Attorney Genera	al asked that I forward the attached message to you.		
Monty			

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Sent: Monday, January 30, 2017 8:57 PM

To:

**Subject:** FW: Another subject besides KJ

----Original Message-----

From: Sines, Deborah (USADC) [mailto:Deborah.Sines@usdoj.gov]

Sent: Monday, January 30, 2017 8:47 PM

To: Yates, Sally (ODAG) (JMD) <Sally.Yates2@usdoj.gov>

Subject: Another subject besides KJ

You have made me very proud to work for you. It began with the KJ case and has been reaffirmed recently. As a career prosecutor, I don't get to say this often, but thank you.

**Deborah Sines** 

Sent from my iPhone

Sent: Monday, January 30, 2017 8:58 PM

To: (b)(6) former Acting Attorney General Yatt personal email

Subject:FW: Message from the Acting Attorney GeneralAttachments:Message from the Acting Attorney General.pdf

From: Osborn, Meredith (USACAN) [mailto:Meredith.Osborn@usdoj.gov]

Sent: Monday, January 30, 2017 7:18 PM

**To:** Yates, Sally (ODAG) (JMD) <Sally.Yates2@usdoj.gov> **Subject:** FW: Message from the Acting Attorney General

#### Dear Acting Attorney General Yates,

Thank you for reaffirming the vital responsibility of the Department of Justice to seek justice and stand for what is right. I joined the Department of Justice to do precisely that, and your actions show that we who work here can continue to do that even in these difficult times.

Thank you for your leadership and integrity.

Sincerely,

Meredith B. Osborn Assistant United States Attorney Northern District of California

Desk (b) (6) Cell (b) (6)

From: Stretch, Brian (USACAN)

Sent: Monday, January 30, 2017 3:53 PM
To: USACAN-ALL < USACAN-ALL@usa.doj.gov>

Subject: FW: Message from the Acting Attorney General

Folks. Please see the attached message from the Acting Attorney General. Thanks. Brian.

From: Wilkinson, Monty (USAEO)

**Sent:** Monday, January 30, 2017 3:18 PM

To: USAEO-USAttorneysOnly < <u>USAEO-USAttorneysOnly@usa.doj.gov</u>>

Subject: Message from the Acting Attorney General

The Acting Attorney General asked that I forward the attached message to you.

Monty

From: Sent: To: Subject:	Yates, Sally (ODAG) Monday, January 30, 2017 8:59 PM  Output  Display Adding Attorney General Yates  Personal goal  FW: Thank you
Sent: Monday, Janu	n (USACAN) [mailto:Joseph.Alioto@usdoj.gov] ary 30, 2017 7:04 PM OAG) (JMD) <sally.yates2@usdoj.gov></sally.yates2@usdoj.gov>
Dear Madam Acting	Attorney General:
	ou and your decision today, and I am proud to be a member of the departmer. Thank you for taking a position so many of us believe in.
Sincerely,	
Joe Alioto	
Joseph M. Alioto	Jr.
Assistant U.S. Attor	rney
Organized Crime S	trike Force
U.S. Attorney's Offi	ce
1301 Clay Street, S	Suite 340S
Oakland, California	94612
(b) (6)	

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Joseph.Alioto@usdoj.gov

Sent: Monday, January 30, 2017 9:00 PM

To:

Subject: FW: Message from the Acting Attorney General

From: Sweet, Joel (USAPAE) [mailto:Joel.Sweet@usdoj.gov]

Sent: Monday, January 30, 2017 6:52 PM

To: Yates, Sally (ODAG) (JMD) <Sally.Yates2@usdoj.gov> Subject: Fwd: Message from the Acting Attorney General

God bless you!

Sent from my iPhone

Begin forwarded message:

From: "Lappen, Louis (USAPAE)" < LLappen@usa.doj.gov >

Date: January 30, 2017 at 6:44:46 PM EST

To: USAPAE-All EDPA < <u>USAPAE-AllEDPA@usa.doj.gov</u>> **Subject: Message from the Acting Attorney General** 

FYI -- from the Acting Attorney General

Message from the ATT00001.htm Acting Attom...