



U.S. Department of Justice

Criminal Division

Office of Enforcement Operations

Washington, D.C. 20530

VIA Electronic Mail

August 14, 2020

Austin Evers, Esq.
American Oversight
Suite B255
1030 15th Street, NW
Washington, DC 20005
foia@americanoversight.org

Request Nos. CRM-300800736, 300800745
American Oversight v. U.S. Department of
Justice, 19-cv-3540 (D.D.C)

Dear Mr. Evers:

This serves as the third interim response to your Freedom of Information Act requests dated October 4, 2019, for records concerning Rudy Giuliani, as well as other specified individuals and search terms. Your request is currently in litigation, American Oversight v. U.S. Department of Justice, 19-cv-3540 (D.D.C). You should refer to this case number in any future correspondence with this Office.

Please be advised that a search has been conducted in the appropriate section, and we are continuing to review and process potentially responsive records.

After carefully reviewing records responsive to this request, I have determined that one (1) page is appropriate for release in full, a copy of which is enclosed. Additionally, six (6) pages are appropriate for release in part, and two (2) pages are exempt from disclosure pursuant to:

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

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

5 U.S.C. § 552(b)(7)(A), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to interfere with enforcement proceedings; and

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

Further, we have located forty-three (43) pages of potentially responsive records, which originated with the Office of Information Policy (OIP). In accordance with 28 C.F.R. § 16.4(d) (2019), this Office has referred that material to OIP for processing and direct response to you.

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

For any further assistance and to discuss any aspect of your request, you may contact Trial Attorney Andrew F. Friedah by phone at (202) 305-0879, by email at Andrew.f.friedah@usdoj.gov, or by mail at Civil Division, Federal Programs Branch, 1100 L Street N.W., Room #12308, Washington, D.C. 20005.

Although I am aware that your request is the subject of ongoing litigation and that appeals are not ordinarily acted on in such situations, I am required by statute and regulation to inform you of your right to an administrative appeal of this determination. If you are not satisfied with the Criminal Division's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account on the following website: <https://foiastar.doj.gov>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,



Amanda Marchand Jones
Chief
FOIA/PA Unit

Cc: Andrew Freidah (andrew.f.freidah@usdoj.gov)

From: [Wong, Candice \(CRM\)](#)
To: (b) (6) [CRM](#)
Subject: RE: AG Meeting with Joseph diGenova
Date: Thursday, August 8, 2019 3:09:00 PM

If they know that John's out, and that I'm around, then nothing more to be done.

From: (b) (6) (CRM)
Sent: Thursday, August 8, 2019 1:33 PM
To: Wong, Candice (CRM) (b) (6) @CRM.USDOJ.GOV>
Subject: FW: AG Meeting with Joseph diGenova

Hi Candice,

Please see the below conversation regarding a visit from Joseph diGenova. One of the AG's schedulers reached out to see if John would be in tomorrow so that diGenova could connect with him after meeting with the AG.

Please let me know if you want me to follow up on anything. I told the scheduler that John would be out tomorrow.

Kind regards,

(b) (6)

(b) (6)

Office of the Assistant Attorney General
Criminal Division, U.S. Department of Justice

(b) (6) [@usdoj.gov](#)

Office: (b) (6)

From: (b) (6) (CRM)
Sent: Thursday, August 8, 2019 1:14 PM
To: Cronan, John (CRM) (b) (6) @CRM.USDOJ.GOV>
Subject: RE: AG Meeting with Joseph diGenova

I'll let her know. He was the United States Attorney for the District of Columbia from 1983 to 1988.

(b) (6)

Office of the Assistant Attorney General
Criminal Division, U.S. Department of Justice

(b) (6) [@usdoj.gov](#)

Office: (b) (6)

From: Cronan, John (CRM)
Sent: Thursday, August 8, 2019 1:13 PM

To: (b) (6) (CRM) <(b) (6) @CRM.USDOJ.GOV>
Subject: RE: AG Meeting with Joseph diGenova

Can you let Candice know? Any idea who Joseph diGenova is?

From: (b) (6) (CRM)
Sent: Thursday, August 8, 2019 1:12 PM
To: Cronan, John (CRM) <(b) (6) @CRM.USDOJ.GOV>
Subject: AG Meeting with Joseph diGenova

Hi John,

I received a call from one of the AG's schedulers about a meeting that he'll be having tomorrow. The AG will be meeting with Joseph diGenova tomorrow, and was hoping that someone would walk diGenova down to speak with you.

I know you'll be out, but wanted to pass that along FYSA.

Kind regards,

(b) (6)

(b) (6)
Office of the Assistant Attorney General
Criminal Division, U.S. Department of Justice
(b) (6) @usdoj.gov
Office: (b) (6)

From: [Benczkowski, Brian \(CRM\)](#)
To: [Miner, Matthew \(CRM\)](#)
Subject: RE: Jo Becker w NYT
Date: Thursday, November 21, 2019 10:54:00 AM

I know. (b) (6) Call me when you free up.

From: Miner, Matthew (CRM)
Sent: Thursday, November 21, 2019 10:27 AM
To: Benczkowski, Brian (CRM) <(b) (6)@CRM.USDOJ.GOV>
Subject: Re: Jo Becker w NYT

(b) (6).

Sent from my iPhone

On Nov 21, 2019, at 9:19 AM, Benczkowski, Brian (CRM) <(b) (6)@crm.usdoj.gov> wrote:

FYI.

From: Benczkowski, Brian (CRM)
Sent: Thursday, November 21, 2019 9:18 AM
To: Carr, Peter (OPA) <pcarr@jmd.usdoj.gov>; Kupec, Kerri (OPA) <(b)(6) Per OIP>
Cc: Rabbitt, Brian (OAG) <brrabbitt@jmd.usdoj.gov>; Cronan, John (CRM) <(b) (6)@CRM.USDOJ.GOV>
Subject: Jo Becker w NYT

Peter and Kerri:

Ms. Becker left me a message (b) (6)
(b) (6) The message cut in and out and was somewhat garbled, but she appears to be working on a story about the Firtash case and the meeting with attorneys diGenova and Toensing earlier this year. Her message was that she understood I was at the meeting, and wanted to talk to me about it, since "others have characterized to [her] [my] view of the meeting." (b) (5)
(b) (6)
(b) (6). For OPA to handle as you see fit.

Brian

Brian A. Benczkowski
Assistant Attorney General, Criminal Division
United States Department of Justice
950 Pennsylvania Avenue, N.W.

Washington, DC 20530

P: (b) (6)

E: (b) (6) [i@usdoj.gov](mailto:(b)(6)i@usdoj.gov)

From: [Wong, Candice \(CRM\)](#)
To: [Miner, Matthew \(CRM\)](#); [Navas, Nicole \(OPA\)](#)
Cc: [Swartz, Bruce \(CRM\)](#); [Carr, Peter \(OPA\)](#)
Subject: RE: Washington Post in ref Dmytro Firtash case
Date: Tuesday, October 15, 2019 11:59:00 AM

Matt, this is referring to the letter from Senator Roger Wicker (b) (5)

Matt, would you have concerns about:

“(b) (5)

”

From: Miner, Matthew (CRM)
Sent: Tuesday, October 15, 2019 11:50 AM
To: Navas, Nicole (OPA) <nnavas@jmd.usdoj.gov>
Cc: Wong, Candice (CRM) (b) (6) @CRM.USDOJ.GOV>; Swartz, Bruce (CRM) (b) (6) @CRM.USDOJ.GOV>; Carr, Peter (OPA) <pcarr@jmd.usdoj.gov>
Subject: Re: Washington Post in ref Dmytro Firtash case

(b) (5)

Sent from my iPhone

On Oct 15, 2019, at 4:33 PM, Navas, Nicole (OPA) <nnavas@jmd.usdoj.gov> wrote:

Hi Candice,
Please let me know if this response is approved. Thank you

“(b)(5) Per OIP

Nicole Navas Oxman
Senior Communications Advisor for International Law
Enforcement/Spokesperson
U.S. Department of Justice (DOJ)
202-514-1155 (office)
(b)(6) Per OIP (cell)
Nicole.Navas@usdoj.gov

From: Nakashima, Ellen <Ellen.Nakashima@washpost.com>
Sent: Monday, October 14, 2019 2:33 PM

To: Navas, Nicole (OPA) <nnavas@jmd.usdoj.gov>

Subject: Dmytro Firtash case

Hi, Nicole,

Dmytro Firtash is a Ukrainian businessman arrested in Austria and facing extradition to the United States on bribery charges under the FCPA. The Austrian justice minister has approved his extradition to the U.S., but his defense team has filed a motion to reopen the case. Firtash has alleged the case against him is politically motivated. He is arguing in court filings that then-VP Biden improperly pressured the Ukraine government to prevent Firtash from entering Ukraine, among other things.

I have a few questions I hope you can help me with.

1. Have you responded to the filings by Firtash and his defense team in the Austrian court? Have you done so in a timely manner? Have you responded to every filing? Can you share your responses?
2. Are you continuing to seek Firtash's extradition? What is your expectation of the timeline?
3. Has there been any pressure internal or external to the Justice Department to delay seeking his extradition?
4. Attached is an April 2018 letter from Sen. Roger Wicker to then-Attorney General Sessions seeking an update on the extradition request. Did DOJ respond? Can you share the response?
5. Have Firtash's lawyers Victoria Toensing and Joe DiGenova, or has Rudy Giuliani, who has made similar allegations as Firtash, contacted the Justice Department about Firtash's case? If so, what was the nature of their contact/communication?

Thank you very much,
Ellen

Ellen Nakashima
The Washington Post
ellen.nakashima@washpost.com

(b)(6) Per OIP (work)

(b)(6) Per OIP (mobile)

@nakashimae

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