



U.S. Department of Justice

Criminal Division

Office of Enforcement Operations

Washington, D.C. 20530

VIA Electronic Mail

January 27, 2021

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 seventh 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, four (4) pages are appropriate for release in part, pursuant to:

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

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; and/or

5 U.S.C. § 552(b)(7)(E), which concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures for law enforcement investigations or prosecutions.

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. Freidah by phone at (202) 305-0879, by email at Andrew.f.freidah@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)
Daniel McGrath – American Oversight (daniel.mcgrath@americanoversight.org)

Cronan, John (CRM)

From: Cronan, John (CRM)
Sent: Wednesday, August 28, 2019 10:12 AM
To: Benczkowski, Brian (CRM)
Subject: This morning

The USAO is less than a mile away. Want to meet downstairs in the lobby around 10:30 and Uber over?

(b) (6), (b) (7)(C) I'll ask them to meet us the USAO a little before 11, so you guys can meet/prep during my 11 meeting and before your 11:30 call.

Cronan, John (CRM)

From: Benczkowski, Brian (CRM)
Sent: Wednesday, August 28, 2019 8:48 AM
To: Cronan, John (CRM)
Cc: Wong, Candice (CRM)
Subject: Re: Call and prep

Let me know when you are leaving and I'll go over w you.

Brian A. Benczkowski
Assistant Attorney General
Criminal Division
United States Department of Justice
P: (b) (6), (b) (7)(C)

> On Aug 28, 2019, at 7:43 AM, Cronan, John (CRM) (b) (6), (b) (7)(C)@crm.usdoj.gov> wrote:

>

> Good. Will do. I'll be going over at 10:30 or so for my 11:00 meeting.

>

>

>> On Aug 28, 2019, at 7:40 AM, Benczkowski, Brian (CRM) (b) (6), (b) (7)(C)@crm.usdoj.gov> wrote:

>>

>> All of that works. Tell (b) (6), (b) (7)(C) I'll want to go over around 1030 or 11 if that works.

>>

>>

>> Brian A. Benczkowski

>> Assistant Attorney General

>> Criminal Division

>> United States Department of Justice

>> P: (b) (6), (b) (7)(C)

>>

>>

>>> On Aug 28, 2019, at 7:30 AM, Cronan, John (CRM) (b) (6), (b) (7)(C)@crm.usdoj.gov> wrote:

>>>

>>> It's looking like the call will occur at 11:30 Houston time. I'll get the call-in information from the USAO and we may just have someone from CRM's FO set it up so Curtis can do it from our SCIF.

>>>

>>> (b) (6), (b) (7)(C) we discussed doing your prep right after your call at the USAO. Does that work?

>>>

>>>

>>>

>>> John P. Cronan

>>> Principal Deputy Assistant Attorney General Criminal Division U.S.

>>> Department of Justice

>>> Desk: (b) (6), (b) (7)(C)

>>> Cell: (b) (6), (b) (7)(C)

Benczkowski, Brian (CRM)

From: Hodge, Jennifer (CRM)
Sent: Wednesday, November 20, 2019 12:45 PM
To: Benczkowski, Brian (CRM)
Subject: FW: NBC: "FBI seeks to interview the whistleblower"

From Corey

From: Amundson, Corey (CRM)
Sent: Wednesday, November 20, 2019 12:16 PM
To: Hodge, Jennifer (CRM) <(b) (6), (b) (7)(C) Per CRM@CRM.USDOJ.GOV>; Driscoll, Kevin (CRM) <(b) (6), (b) (7)(C) Per CRM@CRM.USDOJ.GOV>
Cc: Keller, John (CRM) <(b) (6), (b) (7)(C) Per CRM@CRM.USDOJ.GOV>
Subject: FW: NBC: "FBI seeks to interview the whistleblower"

Kevin,

(b) (5), (b) (6), (b) (7)(A), (b) (7)(C), (b) (7)(E) Per CRM

Corey

From: Carr, Peter (OPA)
Sent: Wednesday, November 20, 2019 10:37 AM
To: Benczkowski, Brian (CRM) <(b) (6) Per CRM@CRM.USDOJ.GOV>; Driscoll, Kevin (CRM) <(b) (6) Per CRM@CRM.USDOJ.GOV>; Amundson, Corey (CRM) <(b) (6) Per CRM@CRM.USDOJ.GOV>; Keller, John (CRM) <(b) (6) Per CRM@CRM.USDOJ.GOV>; Mann, James (CRM) <(b) (6) Per CRM@CRM.USDOJ.GOV>
Subject: FW: NBC: "FBI seeks to interview the whistleblower"

FYI

NBC: "FBI seeks to interview the whistleblower," Ken Dilanian and Julia Ainsley, November 20, 2019
<https://www.nbcnews.com/politics/donald-trump/fbi-seeks-interview-whistleblower-n1086691>

The FBI has asked to interview the CIA whistleblower whose complaint touched off the Ukraine impeachment investigation, a source directly familiar with the matter told NBC News.

The whistleblower has not yet agreed to an interview, the source said.

The FBI request was first reported by Yahoo News, which said that some FBI officials were disturbed that the Justice Department declined to investigate the whistleblower's complaint after a criminal referral was sent over from the inspector general of the Intelligence Community.

Spokespeople for the FBI and the Justice Department did not immediately respond to requests for comment.

Justice Department officials said they examined the criminal referral based on the whistleblower's complaint, and decided that there should be no investigation. They said they only examine the question of whether a campaign finance crime occurred, and they have never explained why they did not consider questions of bribery, extortion or other possible crimes.

The whistleblower was not on the July 25 call between President Donald Trump and the Ukrainian president, and is not considered a first-hand witness to any of the key moments in the Ukraine saga. The whistleblower aggregated the concerns passed on by other colleagues on the National Security Council, and forwarded them in a written complaint to the inspector general for the intelligence community.

Because the whistleblower is not a first-hand witness, congressional Democrats have decided they do not need the person's testimony and the ongoing impeachment hearings. Republicans, on the other hand, have urged that the whistleblower be brought in to testify, in what critics see as a bid to expose the person's identity.

Benczkowski, Brian (CRM)

From: Gannon, Curtis E. (OLC)
Sent: Tuesday, August 27, 2019 8:16 PM
To: Driscoll, Kevin (CRM)
Cc: Benczkowski, Brian (CRM)
Subject: RE: Connecting

Thanks, Kevin. We connected with Brian.

-----Original Message-----

From: Driscoll, Kevin (CRM) (b) (6), (b) (7)(C) <CRM.USDOJ.GOV>
Sent: Tuesday, August 27, 2019 6:46 PM
To: Gannon, Curtis E. (OLC) (b) (6) Per OLC
Cc: Benczkowski, Brian (CRM) (b) (6), (b) (7)(C) <CRM.USDOJ.GOV>
Subject: Connecting

Curtis,

I understand from ODAG that the DAG would like you to connect with AAG Benczkowski (cc'ed here) on a sensitive matter this evening. He's traveling in Houston, but if you respond to this email with your cell number (or another number you can be reached on), Brian will call you as soon as he can.

Thanks,
Kevin

Sent from my iPhone