



U.S. Department of Justice

National Security Division

Washington, D.C. 20530

September 9, 2020

Mr. Austin Evers
Executive Director
American Oversight
1030 15th Street, NW, Suite B-255
Washington, DC 20005
foia@americanoversight.org

RE: American Oversight v. DOJ,
19-cv-3540 (DDC-DC)
NSD FOIA # 20-011

Dear Mr. Evers:

This is the National Security Division's (NSD) response to your Freedom of Information Act dated October 4, 2019 seeking,

"1. All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, draft legislation, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) between (1) the DOJ officials specified below and (2) Rudolph Giuliani, Sam Kislin, Victoria Toensing, or Joseph diGenova.

2. All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, draft legislation, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) between (1) the DOJ officials specified below and (2) any representative of the government of Ukraine, including, but not limited to, Ukrainian President Zelensky.

3. All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, draft legislation, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) of the DOJ

officials specified below, regarding (1) any plan by Rudolph Giuliani, Sam Kislin, Victoria Toensing, and/or Joseph diGenova to travel to Ukraine or to communicate with Ukrainian government officials or future Ukrainian government officials and/or (2) any other effort to encourage the Ukrainian government to investigate any matter related to former Vice President Joseph Biden or his son Hunter Biden, and/or (3) any issues regarding the August 12, 2019 Intelligence Community whistleblower complaint that involves to the president and the administration's actions with respect to Ukraine and/or the Biden family, including records regarding the initial processing of the whistleblower's concerns, which was reportedly first communicated via the General Counsel of the Central Intelligence Agency.

Specified officials:

i. Deputy Attorney General Jeffrey Rosen, and anyone serving as his Chief of Staff; ii. Former Deputy Attorney General Rosenstein; iii. Associate Deputy Attorney General Tashina Gauhar; iv. Principal Associate Deputy Attorney General Ed O'Callaghan; v. Assistant Attorney General Brian Benczkowski, and anyone serving as his Chief of Staff or Principal Deputy Assistant Attorney General; vi. Assistant Attorney General John Demers, and anyone serving as his Chief of Staff or Principal Deputy Assistant Attorney General; and vii. U.S. Attorney for the District of Connecticut John Durham, and anyone serving as his Chief of Staff or first assistant.

We assigned your request NSD # 20-011 and sent an acknowledgement letter dated October 21, 2019. This is an interim response to NSD #20-011.

We have conducted a search of the records of Assistant Attorney General John Demers, the NSD Chief of Staff, and the NSD Principal Deputy Assistant Attorney General for the dates January 1, 2019 through the date of our search, February 4, 2020, and have located records responsive to your request.

We are producing one page in full today.

As referenced in our letter of July 29, 2020, the records responsive to NSD 20-011 include the equities of other government agencies, including other components of the Department of Justice. According to standard FOIA practice, review of these equities requires coordination with the other equity holders. We are coordinating seven pages with other components and that coordination is ongoing. We also have a number of classified pages responsive to your request that require coordination. We will update you on that coordination prior to our next status report.

As this matter is in litigation, we are omitting our standard appeal paragraph. If you have any questions, please contact the Federal Programs attorney in charge of this litigation, Andrew Freidah, at 202-305-0879 or andrew.f.freidah@usdoj.gov.

Sincerely,

Kevin G. Tiernan
Records and FOIA

Enclosure

Demers, John C. (NSD)

Subject: Secure Call from Courtney Elwood

Start: Wed 8/14/2019 4:30 PM

End: Wed 8/14/2019 5:00 PM

Recurrence: (none)

Organizer: Demers, John C. (NSD)

Categories: Orange Category

Courtney will call John.