



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

May 7, 2021

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

Re: DOJ-2019-007102
19-cv-03540 (D.D.C.)
VRB:TAZ:BPF

Dear Austin Evers:

This is a final response to certain Freedom of Information Act (FOIA) requests you submitted between September 24, 2019, and October 4, 2019, seeking various records related to the withholding of funds from Ukraine, including the July 25, 2019 telephone call between President Trump and Ukrainian President Zelensky, the resultant whistleblower complaint, and individuals relevant to the topic.

On May 22, 2020, July 10, 2020, September 10, 2020, November 10, 2020, December 10, 2020, February 10, 2021, March 19, 2021, and April 30, 2021, OIP sent interim responses to you. OIP has now completed the processing of the remaining material containing records responsive to your request. Specifically, I have determined that six pages are appropriate for release with information withheld pursuant to Exemptions 3, 5, and 6 of the FOIA, 5 U.S.C. § 552(b)(3), (b)(5), and (b)(6), and copies are enclosed. I have also determined that a remaining thirty-five pages should be withheld in full pursuant to FOIA Exemptions 3, 5, 6, 7(A), 7(C), and 7(E).

Exemption 3 pertains to information exempted from release by statute (in this instance, Fed. R. Crim. P. 6(e), 18 U.S.C. § 3123(d), and 50 U.S.C. § 3507). Exemption 5 pertains to certain inter- and intra-agency communications protected by civil discovery privileges. Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy. Exemption 7(A) pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to interfere with enforcement proceedings. Exemption 7(C) pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. Finally, Exemption 7(E) pertains to records or information compiled for law enforcement purposes, the release of which would disclose certain techniques and procedures or guidelines 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) (2018). 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.

If you have any questions regarding this response, please contact Andrew Freidah of the Department's Civil Division, Federal Programs Branch, at 202-305-0879.

Sincerely,



Vanessa R. Brinkmann
Senior Counsel

Enclosures

Engel, Steven A. (OLC)

From: Engel, Steven A. (OLC)
Sent: Thursday, September 19, 2019 7:14 AM
To: Rosen, Jeffrey A. (ODAG); Rabbitt, Brian (OAG); O'Callaghan, Edward C. (ODAG); Hovakimian, Patrick (ODAG); Kupec, Kerri (OPA); Boyd, Stephen E. (OLA)
Cc: Gannon, Curtis E. (OLC); Whitaker, Henry C. (OLC)
Subject: Fwd: Chairman Schiff Letter to Acting Director of National Intelligence Maguire - Open Hearing
Attachments: 20190918 - CHM Schiff Letter to Acting DNI - Open Hearing.pdf; ATT00001.htm

Sent from my iPad

Begin forwarded message:

From: (b)(3), (b)(6) - Jason Klintonic
Date: September 19, 2019 at 4:19:58 AM EDT
To: "Engel, Steven A. (OLC)" (b)(6), "Purpura, Michael M. EOP/WHO" (b)(6), "Eisenberg, John A. EOP/NSC" (b)(6)
Cc: Bradley A Brooker (b)(3), (b)(6) per ODNI
Subject: Fwd: Chairman Schiff Letter to Acting Director of National Intelligence Maguire - Open Hearing

From: "Bitar, Maher" (b)(6) Congressional Email
Date: Wednesday, September 18, 2019 at 10:59:39 PM
To: (b)(3), (b)(6) - Jason Klintonic, "Bradley A Brooker" (b)(3), (b)(6) per ODNI
Cc: "Goldman, Daniel" (b)(6) Congressional Email, (b)(3), (b)(6) per ODNI
(b)(6) Congressional Email "Bergreen, Timothy" (b)(6) Congressional Email, "Bennett, Wells" (b)(6) Congressional Email
Subject: Chairman Schiff Letter to Acting Director of National Intelligence Maguire - Open Hearing

Jason, Brad –

As discussed earlier today, please find attached a letter from Chairman Schiff memorializing the Acting Director's agreement to appear for an open hearing before the Committee on Thursday, September 26, among other items.

Thank you and please confirm receipt,

Maher

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Maher Bitar
General Counsel (Majority)
House Permanent Select Committee on Intelligence (HPSCI)
HVC-304 - The Capitol
(b)(6) Congressional Email

From: Bradley A Brooker (b)(3), (b)(6) per ODNI
Sent: Wednesday, September 18, 2019 5:20 PM
To: Bitar, Maher (b)(6) Congressional Email; (b)(3), (b)(6) - Jason Klintenic
Cc: Goldman, Daniel (b)(6) Congressional Email; (b)(3), (b)(6) per ODNI
(b)(3), (b)(6) per ODNI; Bergreen, Timothy
(b)(6) Congressional Email; Bennett, Wells (b)(6) Congressional Email
Subject: Re: HPSCI Subpoena - Acting Director of National Intelligence Maguire

Sounds good. Thanks.

From: "Bitar, Maher" (b)(6) Congressional Email
Date: Wednesday, September 18, 2019 at 5:17:10 PM
To: "Bradley A Brooker" (b)(3), (b)(6) per ODNI; (b)(3), (b)(6) - Jason Klintenic
Cc: "Goldman, Daniel" (b)(6) Congressional Email; (b)(3), (b)(6) per ODNI
(b)(3), (b)(6) per ODNI; "Bergreen, Timothy"
(b)(6) Congressional Email; "Bennett, Wells" (b)(6) Congressional Email
Subject: RE: HPSCI Subpoena - Acting Director of National Intelligence Maguire

Yes – feel free to call this conference line:

(b)(6)
Passcode: (b)(6)

Should we speak at 5:30pm?

From: Bradley A Brooker (b)(3), (b)(6) per ODNI
Sent: Wednesday, September 18, 2019 5:11 PM
To: Bitar, Maher (b)(6) Congressional Email; (b)(3), (b)(6) - Jason Klintenic
Cc: Goldman, Daniel (b)(6) Congressional Email; (b)(3), (b)(6) per ODNI
(b)(3), (b)(6) per ODNI; Bergreen, Timothy
(b)(6) Congressional Email; Bennett, Wells (b)(6) Congressional Email
Subject: Re: HPSCI Subpoena - Acting Director of National Intelligence Maguire

(b)(5) per ODNI

From: "Bitar, Maher" (b)(6) Congressional Email
Date: Wednesday, September 18, 2019 at 4:44:21 PM
To: (b)(3), (b)(6) - Jason Klintonic
Cc: "Goldman, Daniel" (b)(6) Congressional Email, "Bradley A Brooker"
(b)(3), (b)(6) per ODNI, (b)(3), (b)(6) per ODNI, (b)(3), (b)(6) per ODNI
, "Bergreen, Timothy"
(b)(6) Congressional Email, "Bennett, Wells" (b)(6) Congressional Email
Subject: RE: HPSCI Subpoena - Acting Director of National Intelligence Maguire

Jason – checking in again. Let us know when you can chat.

From: Bitar, Maher
Sent: Wednesday, September 18, 2019 3:29 PM
To: (b)(3), (b)(6) - Jason Klintonic
Cc: Goldman, Daniel (b)(6) Congressional Email; Bradley A Brooker
(b)(3), (b)(6) per ODNI; (b)(3), (b)(6) per ODNI; (b)(3), (b)(6) per ODNI
, Bergreen, Timothy (b)(6) Congressional Email; Bennett,
Wells (b)(6) Congressional Email
Subject: RE: HPSCI Subpoena - Acting Director of National Intelligence Maguire

Jason – we spoke to the Chairman. Are you available to speak at 4pm? Same secure number.

From: (b)(3), (b)(6) - Jason Klintonic
Sent: Wednesday, September 18, 2019 1:52 PM
To: Bitar, Maher (b)(6) Congressional Email
Cc: Goldman, Daniel (b)(6) Congressional Email; Bradley A Brooker
(b)(3), (b)(6) per ODNI; (b)(3), (b)(6) per ODNI; (b)(3), (b)(6) per ODNI
, Bergreen, Timothy (b)(6) Congressional Email; Bennett,
Wells (b)(6) Congressional Email
Subject: RE: HPSCI Subpoena - Acting Director of National Intelligence Maguire

Roger.

Jason Klintonic
General Counsel
Office of the Director of National Intelligence
(b)(3), (b)(6) per ODNI

From: Bitar, Maher (b)(6) Congressional Email
Sent: Wednesday, September 18, 2019 1:51 PM
To: (b)(3), (b)(6) - Jason Klintonic
Cc: Goldman, Daniel (b)(6) Congressional Email; Bradley A Brooker
(b)(3), (b)(6) per ODNI; (b)(3), (b)(6) per ODNI; (b)(3), (b)(6) per ODNI
, Bergreen, Timothy (b)(6) Congressional Email; Bennett,
Wells (b)(6) Congressional Email
Subject: Re: HPSCI Subpoena - Acting Director of National Intelligence Maguire

Jason - let's do the call in 2 minutes. We are meeting with the Chairman now about this matter,
but we are stepping out to take this. Thanks

but we are stepping out to take this. Thanks.

On Sep 18, 2019, at 1:47 PM, (b)(3), (b)(6) - Jason Klitenic wrote:

Can you all speak with us now? (b)(5) per ODNI

Jason Klitenic
General Counsel
Office of the Director of National Intelligence

(b)(3), (b)(6) per ODNI

From: Bitar, Maher (b)(6) Congressional Email
Sent: Wednesday, September 18, 2019 9:44 AM
To: Goldman, Daniel (b)(6) Congressional Email; Bradley A Brooker
(b)(3), (b)(6) per ODNI
Cc: (b)(3), (b)(6) - Jason Klitenic (b)(3), (b)(6) per ODNI
(b)(3), (b)(6) per ODNI Bergreen,
Timothy (b)(6) Congressional Email Bennett, Wells
(b)(6) Congressional Email
Subject: RE: HPSCI Subpoena - Acting Director of National Intelligence Maguire

Jason, Brad –

Rather than call the conference line, let's use the same secure number the Acting Director used with the Chairman. Please call the following number at 10:30am: (b)(3), (b)(6)

Thanks,
Maher

From: Goldman, Daniel (b)(6) Congressional Email
Sent: Wednesday, September 18, 2019 8:29 AM
To: Bradley A Brooker (b)(3), (b)(6) per ODNI
Cc: (b)(3), (b)(6) - Jason Klitenic; Bitar, Maher
(b)(6) Congressional Email (b)(3), (b)(6) per ODNI
(b)(3), (b)(6) per ODNI Bergreen, Timothy
(b)(6) Congressional Email; Bennett, Wells
(b)(6) Congressional Email
Subject: Re: HPSCI Subpoena - Acting Director of National Intelligence Maguire

Great. Let's use this conference line:

(b)(6)

Daniel S. Goldman
Sr. Advisor and Dir. of Investigations (Maj)
HPSCI
The Capitol (HVC-304)

DOJ-19-1197, 19-1206, 19-1210, 19-1244-I, 19-1246-J, 19-1193, 19-1242-K, 19-1241-Q-000004

W: (b)(6)

C: (b)(6)

On Sep 18, 2019, at 8:09 AM, Bradley A Brooker (b)(3), (b)(6) per ODNI wrote:

10:30 works for us. What number should we call?

From: Goldman, Daniel (b)(6) Congressional Email
Sent: Wednesday, September 18, 2019 7:50 AM
To: (b)(3), (b)(6) - Jason Klittenic
Cc: Bitar, Maher (b)(6) Congressional Email; (b)(3), (b)(6) per ODNI
(b)(3), (b)(6) per ODNI; Bradley A Brooker
(b)(3), (b)(6) per ODNI; Bergreen, Timothy
(b)(6) Congressional Email; Bennett, Wells
(b)(6) Congressional Email
Subject: Re: HPSCI Subpoena - Acting Director of National Intelligence Maguire

Jason and Brad,

Are you available for a call at 10:30 today? We'd like to see if there is a way forward on the whistleblower issue.

Best,
Dan

Daniel S. Goldman
Sr. Advisor and Dir. of Investigations (Maj)
HPSCI
The Capitol (HVC-304)
W: (b)(6)
C: (b)(6)

On Sep 14, 2019, at 9:52 AM, (b)(3), (b)(6) - Jason Klittenic wrote:

Thanks Maher. Got it. Consider us served.

Jason Klittenic
General Counsel
Office of the Director of National Intelligence

(b)(3), (b)(6) per ODNI

From: Bitar, Maher (b)(6) Congressional Email
Sent: Friday, September 13, 2019 6:46 PM
To: (b)(3), (b)(6) per ODNI
(b)(3), (b)(6) - Jason Klittenic; Bradley A Brooker
(b)(3), (b)(6) per ODNI; (b)(3), (b)(6) per ODNI
Cc: Bergreen, Timothy

(b)(6) Congressional Email ; Bennett, Wells
(b)(6) Congressional Email ; Goldman, Daniel
(b)(6) Congressional Email
Subject: HPSCI Subpoena - Acting Director of National
Intelligence Maguire

(b)(3), (b)(6) ason –

Please find attached a duly authorized Committee subpoena issued by Chairman Schiff and addressed to Acting Director of National Intelligence Maguire. The subpoena is accompanied by a cover letter, which is attached separately.

In addition to the subpoena, please note that the cover letter requests the Acting Director's appearance at an open hearing on Thursday, September 19, absent compliance with the subpoena by Tuesday, September 17. The Committee has secured a public hearing room and plans to begin the hearing with Acting Director Maguire at 9:30am on Thursday.

Please confirm that you are accepting service on behalf of the Acting DNI and the Office of the Director of National Intelligence, and please confirm receipt of the cover letter as well.

Sincerely,

Maher

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Maher Bitar
General Counsel (Majority)
House Permanent Select Committee on Intelligence
(HPSCI)
HVC-304 - The Capitol
(b)(6)