



U.S. OFFICE OF SPECIAL COUNSEL
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July 7, 2021

Mr. Dan McGrath
American Oversight
1030 15th Street, NW Suite B255
Washington, DC 20005
Via Email: foia@americanoversight.org

Re: Freedom of Information Act Request (#FOIA-2021-069)

Dear Mr. McGrath:

Please be advised that this is a final response to your request dated March 22, 2021, in which you asked the U.S. Office of Special Counsel (OSC) to provide you with all email communications with the key terms impeach, trial, and insurrection from January 6, 2021 through February 15, 2021 with specified officials Special Counsel Henry Kerner, Principal Deputy Special Counsel Ellen Epstein, and Hatch Act Unit Chief Ana Galindo-Marrone. On May 24, 2021, you clarified/narrowed the scope of your request to exclude the initial mailing of newsletters, press clips, or similar mass-distribution emails. Your request has been processed under the Freedom of Information Act (FOIA), 5 U.S.C. § 552 and the Privacy Act, 5 U.S.C. § 552a.

OSC identified one (1) responsive page and we are releasing 1 page in part pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).

- FOIA Exemption 6 protects information if disclosure would constitute a clearly unwarranted invasion of personal privacy. *See* 5 U.S.C. § 552(b)(6).
- FOIA Exemption 7(C) protects law enforcement information if disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy. *See* 5 U.S.C. § 552(b)(7)(C).

You have the right to appeal this determination under the FOIA. An appeal must be made in writing and sent to OSC's General Counsel at the address shown at the top of this letter or by email to FOIAappeal@osc.gov. The appeal must be received by the Office of General Counsel within ninety (90) days of the date of this letter.

If you have any questions or you require dispute resolution services, please feel free to contact Mahala Dar, OSC's Chief FOIA Officer and acting FOIA Public Liaison, at mdar@osc.gov or (202) 804-7000. Please reference the above tracking number when you call or write. Additionally, you

U.S. Office of Special Counsel
McGrath FOIA-2021-069
July 7, 2021
Page 2 of 2

may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer.¹

Thank you,

/s/

Mahala Dar, Esq.
Clerk

¹ Office of Governmental Information Services (OGIS), National Archives and Records Administration 8601 Adelphi Road, Room 2510, College Park, MD 20740-6001; ogis@nara.gov (Email) 202-741-5770 (Office) 1-877-684-6448 (Toll Free) 202-741-5769 (Fax)

From: Epstein, Ellen
To: Wagner, Anne M.; Kerner, Henry
Subject: RE: Message from President Biden
Date: Friday, January 22, 2021 4:42:00 PM

Thanks for sharing, Anne. What a great message! It appears that this video was recorded on Jan. 5 (the day before the insurrection). The backdrop says Office of the President-Elect. I think it's terrific that he was already prioritizing the federal workforce more than 2 weeks before he took office. This definitely bodes well. Have a great weekend!

Kind regards,
Ellen
Cc: Henry

From: Wagner, Anne M. (b)(6); @osc.gov>
Sent: Friday, January 22, 2021 5:23 PM
To: Kerner, Henry (b)(6); @osc.gov>; Epstein, Ellen (b)(6); @osc.gov>
Subject: Fwd: Message from President Biden

Hi Henry and Ellen,

I think it's now actually official that the Schedule F EOP been rescinded. But President Biden also put out this message to the federal workforce . Nice way to end the week. Have a good weekend.

Anne

Sent from my iPhone

Begin forwarded message:

From: "McMullen, Catherine" (b)(6); @osc.gov>
Date: January 22, 2021 at 4:53:44 PM EST
To: "Wagner, Anne M." (b)(6); @osc.gov>
Subject: Message from President Biden

https://youtu.be/KJbe_rg0GnE

Nice to know we are no longer the "swamp!" DOE Chief of Staff included the video in a message to staff. Have a great week-end!