EXHIBIT B:

Email from Knight Institute to Counsel for Defendants

(Aug. 31, 2018)

From: **Ramya Krishnan** ramya.krishnan@knightcolumbia.org
Subject: Knight First Amendment Institute, et al. v. CIA, et al.
Date: August 31, 2018 at 3:19 PM
To: Moore, Tamra (CIV) Tamra.Moore@usdoj.gov
Cc: Alexander A Abdo alex.abdo@knightcolumbia.org, Brett Max Kaufman bkaufman@aclu.org, Vera Eidelman veidelman@aclu.org

RK

Hi Tamra,

During our last call, you asked us a number of questions, including whether we would consent to dismissing a number of agencies and agency components that have now provided us with final responses. Our answers to your questions are set out below.

DOD

You indicated that DOD and a number of DOD components had requested a timeframe for Request 2, Item 2.

With respect to DOD, we propose the following: DOD will process the last year of responsive records for now, subject to our right to ask the agency to process records for additional years. We would likely only exercise this right if there are few responsive records from last year or if the records from the last year do not appear to be representative.

Could you clarify which DOD components that requested a timeframe? We would likely make a similar proposal for them, but want to know who we're dealing with.

Army

With respect to Request 2, we received Army's June 20 no-record determination. We are not satisfied with that response, and, at this stage, are not prepared to consent to a dismissal. Are you able to provide any explanation about why a reasonable search would not return any responsive records, or any details about how Army conducted its actual search?

CIA

With respect to Request 1, we consent to CIA's proposal to limit searches to records relating to the specific publications listed.

With respect to Request 2, we refer you to the attached email, which we sent to you and Ryan on 18 May, explaining our position with respect to CIA's May 11 letter. As explained in that email, we object to CIA's proposed 5-year limitation as to Items 1-3 of the request, as well as its proposal to limit searches to "CIA-originated records." That continues to be our position.

The email also requests a copy of CIA's March 1 letter, which we never received. Are you able to provide us with one?

DOJ-OLC

We confirm that OLC was not sent Requests 2 and 3.

DOJ

With respect to Request 1, we received the May 19, 2017 no-record determination. However, we'd like to consider that response in light of what any further responses we receive from DOJ components.

With respect to Request 2, we received the January 11 no-record determination, which advised that a search was conducted of the electronic database of the Departmental Executive Secretariat (the official repository of the Office of the Attorney General). We'd like DOJ to also conduct searches of records held by the Office of the Deputy Attorney General, which hears administrative appeals from adverse prepublication review determination and is therefore likely to possess responsive records. Accordingly, we are not prepared to consent to a dismissal at this stage.

FBI

With respect to Request 1, we received a final response dated July 10, and appealed contesting the adequacy of the FBI's search. The appeal was denied, but we remain of the view that the search was inadequate.

With respect to Request 2, while we received a final response dated April 12, it was only a response to Item 3 of our request. We are still waiting on a final response to Items 1 and 2 of our request. Furthermore, we appealed the agency's response, dated April 12, by contesting redactions the FBI made in its two-page release. That appeal remains pending. Accordingly, we are not prepared to consent to a dismissal of FBI at this stage.

Coast Guard

We received Coast Guard's final response dated July 20. We consent to dismissal of the agency.

Department of Energy

We received a response dated July 20, but haven't received the separate response from NNSA that the agency's letter indicated would be forthcoming. Can you tell us what the status of NNSA's search is?

You also mentioned that DOE had sent a response on June 14. We never received that correspondence. Can you provide us with a copy?

Department of Treasury

We received DOT's final response dated July 24. We consent to dismissal of the agency.

Marines

We received the Marines' final response dated July 26. We consent to dismissal of the agency.

Navy

We received Navy's final response dated August 2. We consent to dismissal of the agency.

NGIA

With respect to Request 2, we received a no-record determination dated January 24, and appealed. We haven't received a response, and continue to believe the agency search was inadequate. Perhaps related, you asked for a timeframe for searches. Is that because the agency has granted the appeal? If so, we'd be happy to propose a timeframe.

NRO

We received NRO's final response dated April 23. We consent to dismissal of the agency.

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Let us know if you have any further questions. We'd be happy to answer them. Once you've had time to confer with your clients regarding the above, we'd like to discuss finalizing a processing schedule, with a view to getting it approved by the court.

Best,
Ramya

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