KNIGHT
FIRST AMENDMENT
INSTITUTE
at Columbia University

October 10, 2017

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OCT 30 2017

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Re: Freedom of Information Act Request
Expedited Processing Requested

To whom it may concern:

The Knight First Amendment Institute at Columbia University ("Knight Institute" or "Institute")[1] and the Freedom of the Press Foundation[2] ("FPF") submit this request pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, for records concerning restrictions on government surveillance targeting members of the news media or otherwise implicating the First Amendment.

I. Background

Various statutes authorize government searches, seizures, and other forms of surveillance that implicate core First Amendment freedoms, including the freedoms of speech, association, and the press. Cognizant of these implications, Congress has prohibited the government from relying on many of these statutes to conduct surveillance based solely on activity protected by the First Amendment. *See, e.g.*, 12 U.S.C. § 3414(a)(5)(B); 18 U.S.C. § 2709(b). Based on the same concerns, the Department of Justice ("DOJ") and other federal agencies have adopted policy or regulatory constraints, such as those set forth in the DOJ's "Media Guidelines," on the use of law enforcement investigative authorities to obtain records and information from members of the news media. 28 C.F.R. 50.10.[3] Yet other investigative authorities, such as the government's authority to obtain records and information from third parties by secretly issuing national security letters ("NSLs"), 18 U.S.C. § 2709, do not appear to be subject to any such statutory or regulatory limitations.[4]

The Knight Institute and Freedom of the Press Foundation seek to inform the public about the scope of the government's investigative powers and the limitations placed on those powers to protect the freedoms of

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[1] The Knight First Amendment Institute is a New York not-for-profit organization based at Columbia University that works to preserve and expand the freedoms of speech and the press through strategic litigation, research, and public education.

[2] The Freedom of the Press Foundation is a non-profit organization based in San Francisco that works to preserve and strengthen the rights guaranteed to the press under the First Amendment through crowdfunding, digital security and internet advocacy.

[3] See U.S. Dep't of Justice, Updated Policy Regarding Obtaining Information From, or Records of, Members of the News Media, and Regarding Questioning, Arresting, or Charging Member[s] of the News Media, Jan. 14, 2015, *available at* https://perma.cc/C5FV-L7F6; U.S. Dep't of Justice, Report on Review of News Media Policies, July 12, 2013, *available at* https://perma.cc/HV4P-W77K.

[4] See Trevor Timm, *New Documents Shed Light on the Justice Dept's Secret Rules for Targeting Journalists with National Security Letters*, Freedom of the Press Found. (Jan. 8, 2016), https://perma.cc/7NA5-XH65.

speech, association, and the press. Recent reports of government investigations into journalists, political dissenters, and political protesters call into question the adequacy of those protections. For example, earlier this year the DOJ demanded that the web host for a website called DisruptJ20.org, which organized protests on the day of President Trump's inauguration, turn over the website's visitor logs and other user information.[5] The DOJ narrowed its demand only after widespread opposition on First Amendment grounds.[6] Additionally, on August 4, 2017, the DOJ announced that it had tripled the number of active investigations into leaks of government information since President Trump took office, and that it would be "reviewing policies affecting media subpoenas" in connection with those investigations.[7] Given this acknowledged increase in government investigations into activities that may be protected by the First Amendment, the need to inform the public of the limitations on the government's authority to conduct such investigations is particularly pressing.

II. Records Requested

The Knight Institute and Freedom of the Press Foundation request the following documents[8] created on or after May 1, 2013:

1. All documents concerning any limitations on investigative activities, including the use of law enforcement and national security investigative authorities,[9] to target, acquire, retain, disseminate, or use records or information of or about members of the news media.[10] This request includes but is not limited to:

    a. All documents concerning the Privacy Protection Act of 1980, 42 U.S.C. § 2000aa, and/or the DOJ's Media Guidelines, 28 C.F.R. 50.10;

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[5] Robinson Meyer, *Can the U.S. Government Seize Anti-Trump Website's Visitor Logs?* (Aug. 15, 2017), https://perma.cc/X2WY-RWEB.

[6] Morgan Chalfant, *DOJ Drops Request for IP Addresses from Trump Resistance Site*, The Hill (Aug. 22, 2017), https://perma.cc/9GZB-GX7W.

[7] News Release, U.S. Dep't of Justice, Attorney General Jeff Sessions Delivers Remarks at Briefing on Leaks of Classified Materials Threatening National Security (Aug. 4, 2017), *available at* https://perma.cc/NQQ8-82F2.

[8] As used herein, the term "documents" includes but is not limited to directives, policies, procedures, memoranda, guidance, training material, presentations, and emails.

[9] As used herein, the term "national security investigative authorities" includes but is not limited to NSLs, "exigent letters," and Foreign Intelligence Surveillance Act ("FISA") orders or directives.

[10] As used herein, the term "members of the news media" broadly includes journalists, reporters, bloggers, and other members of media, press, and news organizations.

b. All targeting, minimization, and/or other procedures adopted by the Federal Bureau of Investigation ("FBI"), National Security Agency ("NSA"), Central Intelligence Agency ("CIA"), and/or the National Counterterrorism Center ("NCTC") regarding the use of law enforcement and/or national security investigative authorities to obtain records or information of or about members of the news media;

c. All reports prepared by the DOJ Office of Inspector General ("OIG"), the NSA OIG, and/or the CIA OIG regarding the use of law enforcement and/or national security investigative authorities to obtain records or information of or about members of the news media; and

d. All requests or statistical information concerning requests to the DOJ National Security Division General Counsel and/or the Executive Assistant Director of the DOJ National Security Branch for approval to issue NSLs for the acquisition of records or information of or about members of the news media.

2. All documents concerning the limitations imposed upon any of the government's investigative authorities by the First Amendment. This request includes but is not limited to all documents concerning the following provisions, each of which limits governmental investigative authority on the basis of the First Amendment:

a. 5 U.S.C. § 552a(e)(7);

b. 12 U.S.C. § 3414(a)(5)(A);

c. 15 U.S.C. § 1681u(a)–(c);

d. 18 U.S.C. § 2709(b);

e. 50 U.S.C. § 1805(a)(2)(A);

f. 50 U.S.C. § 1824(a)(2)(A);

g. 50 U.S.C. § 1842(a)(1), (c)(2);

h. 50 U.S.C. § 1843(a), (b)(1);

i. 50 U.S.C. § 1861(a)(2)(B); and

j. 80 F.R. 9,355, at 9,356.

3. All portions of the current version of the FBI Domestic Investigations and Operations Guide ("DIOG") that discuss any limitations on any investigative activities, including the use of law enforcement and national security investigative authorities, to target, acquire, retain, disseminate, or use records or information of or about members of the news media, and/or any other limitations on those investigative activities imposed by the First Amendment. This request includes but is not limited to:

   a. All documents discussing the scope of, or setting forth any exceptions to, the portions of the current FBI DIOG described above;

   b. All portions of the current FBI DIOG that update or otherwise correspond to the following portions of the version of the FBI DIOG dated October 15, 2011:

      i. Appendices G and Q; and

      ii. Sections 2.84, 3.3.1.3–3.3.1.4, 3.5–3.6, 4.1–4.2, 4.4.4, 5.1, 5.3, 5.6.3.4.4.1, 5.7.1, 6.3, 6.10.1, 7.3, 7.10.1, 8.3, 8.8.1, 9.3, 9.10.1, 10.1.2.2.5, 10.1.3, 10.2.3, 16.1.3, 16.2.3, 16.2.3.5, 16.3.1.4.2, 16.3.1.5.3, 16.9.3, 18.2, 18.5.6.1, 18.5.6.4.8, 18.6.4.3.4.3, 18.6.5.3.5.1, 18.6.6.3.4, 18.6.6.3.7.4, 18.6.8.4.2.7, 18.6.9.5.1.1, and 19.10.

Where a document contains information that falls into one or more of the categories described above, we seek the entirety of that document. If processing the entirety of a given document would be unusually burdensome, we ask that you give us an opportunity to narrow our request. Please disclose all segregable portions of otherwise exempt records. *See* 5 U.S.C. § 552(b).

We also ask that you provide responsive electronic records in their native file format or a generally accessible electronic format (*e.g.*, for tabular data, XLS or CSV). *See* 5 U.S.C. § 552(a)(3)(B).

III. Application for Expedited Processing

The Knight Institute and Freedom of the Press Foundation request expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E). There is a "compelling need" for the records sought because the information they contain is "urgent[ly]" needed by organizations primarily engaged in disseminating information "to inform the public about actual or alleged Federal Government activity." 5 U.S.C. § 552(a)(6)(E)(v)(II).

A. The Knight Institute and Freedom of the Press Foundation are primarily engaged in disseminating information in order to inform the public about actual or alleged government activity.

The Knight Institute and Freedom of the Press Foundation are "primarily engaged in disseminating information" within the meaning of FOIA. 5 U.S.C. § 552(a)(6)(E)(v)(II).

The Knight Institute is a newly established organization at Columbia University dedicated to defending and strengthening the freedoms of speech and the press in the digital age. Research and public education are central to the Institute's mission.[11] Obtaining information about government activity, analyzing that information, and publishing and disseminating it to the press and the public are among the core activities the Institute was established to perform. *See ACLU v. DOJ*, 321 F. Supp. 2d 24, 29 n.5 (D.D.C. 2004) (finding public interest group that "gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience" to be "primarily engaged in disseminating information").

The Freedom of the Press Foundation is a non-profit organization established under the laws of the State of California, with its primary office in San Francisco, California. The mission of FPF is to advocate for government transparency and accountability by preserving the rights guaranteed to the press under the First Amendment and fortifying the public's right to know. As a core part of that mission, FPF educates the public about government protocols and procedures involving the press and uses FOIA to obtain and publish documents detailing government activities that impinge on press freedom. Like the Knight Institute, therefore, FPF is "primarily engaged in disseminating information." 5 U.S.C. § 552(a)(6)(E)(v)(II).

B. The records sought are urgently needed to inform the public about actual or alleged government activity.

The requested records are urgently needed to inform the public about actual or alleged government activity. *See* 5 U.S.C. § 552(a)(6)(E)(v)(II). The records sought concern possible government intrusion on freedoms of speech, association, and the press, including the government's investigations into DisruptJ20.org visitors and into suspected leakers of government information.[12] Indeed, Attorney General Jeff Sessions recently announced

[11] Mike McPhate, *Columbia University To Open a First Amendment Institute*, N.Y. Times (May 17, 2016), https://perma.cc/YC9M-LUAD; James Rosen, *New Institute Aspires To Protect First Amendment in Digital Era*, McClatchy DC (May 20, 2016), https://perma.cc/ZS2K-FPED.

[12] Robinson Meyer, *Can the U.S. Government Seize Anti-Trump Website's Visitor Logs?* (Aug. 15, 2017), https://perma.cc/X2WY-RWEB; News Release, U.S. Dep't of Justice, Attorney

an increase in FBI resources devoted to leak cases and the creation of a new counterintelligence unit to manage these cases, along with a review of policies "that impact leak investigations," including policies regarding media subpoenas.[13]

Moreover, the scope of the government's authority to conduct investigations into activities protected by the First Amendment, and in a manner that may otherwise violate the First Amendment, has become a matter of widespread debate and increasing public interest.[14] For instance, the recent publication of actual NSLs by companies such as Google, Yahoo, and the Internet Archive has generated significant public interest.[15] Yet lack of broader transparency with respect to current policies and practices stymies meaningful debate over the scope of the government's authority to obtain records and information of and about members of the press without their consent and often without their knowledge.

The public's interest in the records sought is even greater because current practices may violate constitutional rights. The First Amendment safeguards individuals' rights to anonymous speech and private association. As the Supreme Court has explained, "[p]rosecuted groups and sects from time to time throughout history have been able to criticize oppressive practices and laws either anonymously or not at all. Identification and fear of reprisal might deter perfectly peaceful discussions of public matters of importance." *Talley v. California*, 362 U.S. 60, 64 (1960). The Supreme Court has similarly recognized that "[i]nviolability of privacy in group association may in many circumstances be indispensable to preservation of freedom of association, particularly where a group espouses dissident beliefs." *NAACP v. Alabama*, 357 U.S. 449, 462 (1958). The First Amendment further guarantees the freedom of the press from unjustified intrusion into the newsgathering process. Courts therefore "apply the warrant requirements with particular exactitude when First Amendment interests would be endangered by [a] search." *Zurcher v. Stanford Daily*, 436 U.S. 547, 565 (1978). At present, the public can neither determine the degree to which freedoms of speech,

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General Jeff Sessions Delivers Remarks at Briefing on Leaks of Classified Materials Threatening National Security, (Aug. 4, 2017), *available at* https://perma.cc/NQQ8-82F2.

[13] News Release, U.S. Dep't of Justice, Attorney Jeff Sessions Delivers Remarks at Briefing on Leaks of Classified Materials Threatening National Security, (Aug. 4, 2017), *available at* https://perma.cc/NQQ8-82F2.

[14] *See, e.g.*, Laura Wamsley, *DOJ Demands Files on Anti-Trump Activists, and a Web Hosting Company Resists*, NPR (Aug. 15, 2017), https://perma.cc/4LB5-VDTF; Charlie Savage & Eileen Sullivan, *Leak Investigations Triple Under Trump, Sessions Says*, N.Y. Times (Aug. 4, 2017), https://perma.cc/C3YD-82PJ.

[15] Richard Salgado, *Sharing National Security Letters with the Public*, Google (updated Aug. 10, 2017), https://perma.cc/Q5S6-S7GW; *see* Rachel Revesz, *Google Publishes Secret FBI Customer Information Requests Two Months After Gag Order Is Lifted*, Independent (Dec. 19, 2016), https://perma.cc/N7KU-V5LR; Chris Madsen, *Yahoo Announces Public Disclosure of National Security Letters*, Yahoo! (June 1, 2016), *available at* https://perma.cc/AK9D-VVAE.

association, and the press are being abridged under existing policies, nor assess how proposed policies could further curtail those freedoms.

For these reasons, the Knight Institute and Freedom of the Press Foundation are entitled to expedited processing of this request.

IV. Application for Waiver or Limitation of Fees

The Knight Institute and Freedom of the Press Foundation request a waiver of document search, review, and duplication fees on the grounds that disclosure of the requested records is in the public interest and that disclosure is "likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii). For the reasons explained above, disclosure of the records would be in the public interest. Moreover, disclosure would not further the Knight Institute's or FPF's commercial interests. The Institute and FPF will make any disclosed information available to the public at no cost. Thus, a fee waiver would fulfill Congress's legislative intent in amending FOIA to ensure "that it be liberally construed in favor of waivers for noncommercial requesters." *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (citation omitted).

In addition, the Knight Institute and Freedom of the Press Foundation request a waiver of search and review fees on the ground that each is a "representative of the news media" within the meaning of FOIA and the records are not sought for commercial use. 5 U.S.C. § 552(a)(4)(A)(ii)(II). The Institute and FPF qualify as "representative[s] of the news media" because each is an "entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience." 5 U.S.C. § 552(a)(4)(A)(ii); *see Nat'l Sec. Archive v. DOD*, 880 F.2d 1381, 1387 (D.C. Cir. 1989) (finding that an organization that gathers information, exercises editorial discretion in selecting and organizing documents, "devises indices and finding aids," and "distributes the resulting work to the public" is a "representative of the news media" for purposes of FOIA); *Serv. Women's Action Network v. DOD*, 888 F. Supp. 2d 282, 287–88 (D. Conn. 2012); *ACLU*, 321 F. Supp. 2d at 30 n.5. Courts have found other non-profit organizations with research and public education missions similar to that of the Institute and FPF to be representatives of the news media. *See, e.g.*, *Elec. Privacy Info. Ctr. v. DOD*, 241 F. Supp. 2d 5, 10–15 (D.D.C. 2003) (finding non-profit group that disseminated an electronic newsletter and published books was a "representative of the news media" for purposes of FOIA); *Nat'l Sec. Archive*, 880 F.2d at 1387; *Judicial Watch, Inc. v. DOJ*, 133 F. Supp. 2d 52, 53–54 (D.D.C. 2000) (finding Judicial Watch, self-described as a "public interest law firm," a news media requester).

Finally, the Knight Institute requests a waiver of search and review fees on the ground that it qualifies as an "educational . . . institution" whose purposes include "scholarly . . . research" and the records are not sought for commercial use. 5 U.S.C. § 552(a)(4)(A)(ii)(II). The Knight Institute has a substantial educational mission. Situated within a prominent academic research university, the Institute performs scholarly research on the application of the First Amendment in the digital era. The Institute has recently inaugurated a research program bringing together academics and practitioners of different disciplines to study contemporary First Amendment issues and offer informed, non-partisan commentary and solutions. It will publish that commentary in many forms — in scholarly publications, in long-form reports, and in short-form essays.

For these reasons, the Knight Institute and Freedom of the Press Foundation are entitled to a fee waiver.

* * *

Thank you for your attention to our request. We would be happy to discuss its terms with you over the phone or via email to clarify any aspect of the request or, where reasonable, to narrow it.

I certify that the foregoing is true and correct.

Sincerely,

/s/ Carrie DeCell

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U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

November 2, 2017

MS. CARRIE DECELL
KNIGHT FIRST AMENDMENT INSTITUTE AT COLUMBIA UNIVERSITY
314 LOW LIBRARY
535 WEST 116TH STREET
NEW YORK, NY 10027

FOIPA Request No.: 1388236-000
Subject: Investigations of News Media
(May 1, 2013 to Present)

Dear Ms. Decell:

This acknowledges receipt of your Freedom of Information Act (FOIA) request to the FBI. Below you will find check boxes and informational paragraphs about your request, as well as specific determinations required by these statutes. Please read each one carefully.

☑ Your request has been received at FBI Headquarters for processing.

☐ Your request has been received at the _____ Resident Agency / _____ Field Office and forwarded to FBI Headquarters for processing.

☐ The subject of your request is currently being processed and documents will be released to you upon completion.

☐ Release of responsive records will be posted to the FBI's electronic FOIA Library (The Vault), http:/vault.fbi.gov, and you will be contacted when the release is posted.

☑ Your request for a public interest fee waiver is under consideration, and you will be advised of the decision at a later date. If your fee waiver is not granted, you will be responsible for applicable fees per your designated requester fee category below.

☑ For the purpose of assessing any fees, we have determined:

- ☐ As a commercial use requester, you will be charged applicable search, review, and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(I).
- ☑ As an educational institution, noncommercial scientific institution or representative of the news media requester, you will be charged applicable duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(II).
- ☐ As a general (all others) requester, you will be charged applicable search and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(III).

Please check the status of your FOIPA request at www.fbi.gov/foia by clicking on **FOIPA Status** and entering your FOIPA Request Number. Status updates are adjusted weekly. The status of newly assigned requests may not be available until the next weekly update. If the FOIPA has been closed the notice will indicate that appropriate correspondence has been mailed to the address on file.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIA online portal by creating an account on the following web site: https://foiaonline.regulations.gov/foia/action/public/home. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS) at 877-684-6448, or by emailing ogis@nara.gov. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foiaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely,

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

November 7, 2017

MS. CARRIE DECELL
KNIGHT FIRST AMENDMENT INSTITUTE AT COLUMBIA UNIVERSITY
314 LOW LIBRARY
535 WEST 116TH STREET
NEW YORK, NY 10027

FOIPA Request No.: 1388236-000
Subject: Investigations of News Media
(May 1, 2013 to Present)

Dear Ms. DeCell:

This is in reference to your letter directed to the Federal Bureau of Investigation (FBI), in which you requested expedited processing for the above-referenced Freedom of Information Act (FOIA) request. Pursuant to the Department of Justice (DOJ) standards permitting expedition, expedited processing can only be granted when it is determined that a FOIPA request involves one or more of the below categories.

You have requested expedited processing according to:

☐ **28 C.F.R. §16.5 (e)(1)(i):** "Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual."

☑ **28 C.F.R. §16.5 (e)(1)(ii):** "An urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information."

☐ **28 C.F.R. §16.5 (e)(1)(iii):** "The loss of substantial due process of rights."

☐ **28 C.F.R. §16.5 (e)(1)(iv):** "A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence."

You have provided enough information concerning the statutory requirements permitting expedition; therefore, your request is approved.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: https://foiaonline.regulations.gov/foia/action/public/home. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

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Sincerely,

David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

August 31, 2018

FREEDOM OF THE PRESS FOUNDATION AND
KNIGHT FIRST AMENDMENT INSTITUTE
C/O ALEXANDER ABRAHAM ABDO, ESQUIRE
475 RIVERSIDE DRIVE, SUITE 302
NEW YORK, NY 10115

Civil Action No.: 17-cv-09343
Subject: INVESTIGATIONS OF NEWS MEDIA
(May 1, 2013 to Present)

Dear Mr. Abdo:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Below you will find check boxes under the appropriate statute headings which indicate the types of exemptions asserted to protect information exempt from disclosure. The appropriate exemptions are noted on the enclosed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely and identify which exemptions were applied. The checked exemption boxes used to withhold information are further explained in the enclosed Explanation of Exemptions.

Section 552		Section 552a
☐ (b)(1)	☐ (b)(7)(A)	☐ (d)(5)
☐ (b)(2)	☐ (b)(7)(B)	☐ (j)(2)
☐ (b)(3)	☑ (b)(7)(C)	☐ (k)(1)
_____	☐ (b)(7)(D)	☐ (k)(2)
_____	☑ (b)(7)(E)	☐ (k)(3)
_____	☐ (b)(7)(F)	☐ (k)(4)
☐ (b)(4)	☐ (b)(8)	☐ (k)(5)
☐ (b)(5)	☐ (b)(9)	☐ (k)(6)
☑ (b)(6)		☐ (k)(7)

508 pages were reviewed and 255 pages are being released.

Below you will also find additional informational paragraphs about your request. Where applicable, check boxes are used to provide you with more information about the processing of your request. Please read each item carefully.

☐ Document(s) were located which originated with, or contained information concerning, other Government Agency (ies) [OGA].

☐ This information has been referred to the OGA(s) for review and direct response to you.
☐ We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.

☐ In accordance with standard FBI practice and pursuant to FOIA exemption (b)(7)(E) and Privacy Act exemption (j)(2) [5 U.S.C. § 552/552a (b)(7)(E)/(j)(2)], this response neither confirms nor denies the existence of your subject's name on any watch lists.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the Freedom of Information Act (FOIA). See 5 U.S. C. § 552(c) (2006 & Supp. IV (2010). This response is limited to those records 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. Enclosed for your information is a copy of the Explanation of Exemptions.

Although your request is in litigation, we are required by law to provide you the following information:

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIA online portal by creating an account on the following web site: https://foiaonline.regulations.gov/foia/action/public/home. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS) at 877-684-6448, or by emailing ogis@nara.gov. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

☐ The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown such additional references, if identified to the same subject of the main investigative file, usually contain information similar to the information processed in the main file(s). As such, we have given priority to processing only the main investigative file(s) given our significant backlog. If you would like to receive any references to the subject(s) of your request, please submit a separate request for the reference material in writing. The references will be reviewed at a later date, as time and resources permit.

☑ See additional information which follows.

Sincerely,

David M. Hardy
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosures

This first interim release is being provided to you at no charge.



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

September 28, 2018

FREEDOM OF THE PRESS FOUNDATION AND
KNIGHT FIRST AMENDMENT INSTITUTE
C/O ALEXANDER ABRAHAM ABDO, ESQUIRE
475 RIVERSIDE DRIVE, SUITE 302
NEW YORK, NY 10115

Civil Action No.: 17-cv-09343
Subject: INVESTIGATIONS OF NEWS MEDIA
(May 1, 2013 to Present)

Dear Mr. Abdo:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Below you will find check boxes under the appropriate statute headings which indicate the types of exemptions asserted to protect information which is exempt from disclosure. The appropriate exemptions are noted on the enclosed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely and identify which exemptions were applied. The checked exemptions boxes used to withhold information are further explained in the enclosed Explanation of Exemptions.

Section 552		Section 552a
☐ (b)(1)	☐ (b)(7)(A)	☐ (d)(5)
☐ (b)(2)	☐ (b)(7)(B)	☐ (j)(2)
☐ (b)(3)	☑ (b)(7)(C)	☐ (k)(1)
_____	☐ (b)(7)(D)	☐ (k)(2)
_____	☑ (b)(7)(E)	☐ (k)(3)
_____	☐ (b)(7)(F)	☐ (k)(4)
☐ (b)(4)	☐ (b)(8)	☐ (k)(5)
☐ (b)(5)	☐ (b)(9)	☐ (k)(6)
☑ (b)(6)		☐ (k)(7)

500 pages were reviewed and 201 pages are being released.

Below you will also find additional informational paragraphs about your request. Where applicable, check boxes are used to provide you with more information about the processing of your request. Please read each item carefully.

☐ Document(s) were located which originated with, or contained information concerning, other Government Agency (ies) [OGA].

☐ This information has been referred to the OGA(s) for review and direct response to you.
☐ We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.

☐ In accordance with standard FBI practice and pursuant to FOIA exemption (b)(7)(E) and Privacy Act exemption (j)(2) [5 U.S.C. § 552/552a (b)(7)(E)/(j)(2)], this response neither confirms nor denies the existence of your subject's name on any watch lists.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the Freedom of Information Act (FOIA). See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. Enclosed for your information is a copy of the Explanation of Exemptions.

If you have any questions, you may contact Assistant United States Attorney J.D. Barnea, who is representing the FBI in this litigation, at (212) 637-2679. Please also cite the Civil Action Number assigned to your request so it may be easily identified.

☐ The enclosed material is from the main investigative file(s), meaning the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown such additional references, if identified to the same subject of the main investigative file, usually contain information similar to the information processed in the main file(s). As such, we have given priority to processing only the main investigative file(s) given our significant backlog. If you would like to receive any references to the subject(s) of your request, please submit a separate request for the reference material in writing. The references will be reviewed at a later date, as time and resources permit.

☑ See additional information which follows.

Sincerely,

David M. Hardy
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosures

This second interim release is being provided to you at no charge.



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

October 31, 2018

FREEDOM OF THE PRESS FOUNDATION AND
KNIGHT FIRST AMENDMENT INSTITUTE
C/O ALEXANDER ABRAHAM ABDO, ESQUIRE
475 RIVERSIDE DRIVE, SUITE 302
NEW YORK, NY 10115

Civil Action No.: 17-cv-09343
Subject: INVESTIGATIONS OF NEWS MEDIA
(May 1, 2013 to Present)

Dear Mr. Abdo:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Below you will find checked boxes under applicable statutes for the exemptions asserted to protect information exempt from disclosure. The appropriate exemptions are noted on the processed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely pursuant to applicable exemptions. An Explanation of Exemptions is enclosed to further explain justification for withheld information.

Section 552		Section 552a
☑ (b)(1)	☐ (b)(7)(A)	☐ (d)(5)
☐ (b)(2)	☐ (b)(7)(B)	☐ (j)(2)
☑ (b)(3)	☑ (b)(7)(C)	☐ (k)(1)
50 U.S.C. 3024(i)(1)	☐ (b)(7)(D)	☐ (k)(2)
	☑ (b)(7)(E)	☐ (k)(3)
	☐ (b)(7)(F)	☐ (k)(4)
☐ (b)(4)	☐ (b)(8)	☐ (k)(5)
☐ (b)(5)	☐ (b)(9)	☐ (k)(6)
☑ (b)(6)		☐ (k)(7)

56 pages were reviewed and 50 pages are being released.

Below you will also find additional informational paragraphs about your request. Where applicable, checked boxes are used to provide you with more information about the processing of your request. Please read each item carefully.

☐ Document(s) were located which originated with, or contained information concerning, other Government Agency (ies) [OGA].

☐ This information has been referred to the OGA(s) for review and direct response to you.
☐ We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.

☐ In accordance with standard FBI practice and pursuant to FOIA exemption (b)(7)(E) and Privacy Act exemption (j)(2) [5 U.S.C. § 552/552a (b)(7)(E)/(j)(2)], this response neither confirms nor denies the existence of your subject's name on any watch lists.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the Freedom of Information Act (FOIA). See 5 U.S. C. § 552(c) (2006 & Supp. IV (2010). This response is limited to those records 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. Enclosed for your information is a copy of the Explanation of Exemptions.

Please direct any further inquiries about this case to the Attorney representing the Government in this matter. Please use the FOIPA Request Number and/or Civil Action Number in all correspondence or inquiries concerning your request.

☐ The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown such additional references, if identified to the same subject of the main investigative file, usually contain information similar to the information processed in the main file(s). As such, we have given priority to processing only the main investigative file(s) given our significant backlog. If you would like to receive any references to the subject(s) of your request, please submit a separate request for the reference material in writing. The references will be reviewed at a later date, as time and resources permit.

☑ See additional information which follows.

Sincerely,

David M. Hardy
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosure(s)

The enclosed documents represent the third and final release of information responsive to your request.

To minimize costs to both you and the FBI, duplicate copes of the same document were not processed.

This office also received a three page referral from U.S. Department of Justice, Office of Information Policy advising the FBI to make a direct response to you. This referral response is also enclosed.

U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

July 12, 2019

FREEDOM OF THE PRESS FOUNDATION AND
KNIGHT FIRST AMENDMENT INSTITUTE
C/O ALEXANDER ABRAHAM ABDO, ESQUIRE
475 RIVERSIDE DRIVE, SUITE 302
NEW YORK, NY 10115

Civil Action No.: 17-cv-09343
Subject: INVESTIGATIONS OF
NEWS MEDIA (Part 1(e))
(May 1, 2013 to Present)

Dear Mr. Abdo:

This is in response to part 1(e) of the Stipulation filed in Civil Action No. 1:17-cv-09343 in the Southern District of New York (D.E. 26, Exhibit A, Final Processing List) concerning your Freedom of Information/Privacy Acts (FOIPA) request. In the status report dated July 8, 2019, the FBI advised it would provide a further response regarding its production. After a reasonable search of the locations likely to have responsive records, the FBI did not identify any records responsive to part 1(e) of the Stipulation. This completes the FBI's response to your FOIA request.

Please direct any further inquiries about this case to the Attorney representing the Government in this matter. Please use the FOIPA Request Number and/or Civil Action Number in all correspondence or inquiries concerning your request.

Sincerely,

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Information Management Division