UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CAMPAIGN FOR ACCOUNTABILITY, Plaintiff, v. U.S. DEPARTMENT OF JUSTICE, Defendant.	No. 1:16-cv-1068 (Calendar Committee)

DECLARATION OF STEPHANIE KRENT

Pursuant to 28 U.S.C. § 1746, I, Stephanie Krent, declare and state as follows:

1. I am a staff attorney at the Knight First Amendment Institute at Columbia University (the "Knight Institute"). I have served in this role since September 16, 2019.

2. I represent Plaintiff Campaign for Accountability in this matter.

3. I submit this declaration in support of Plaintiff's Cross-Motion for Summary Judgment.

4. Attached hereto as Exhibit 1 is a true and correct copy of an opinion written by then–Attorney General Reverdy Johnson, entitled *Opinions of Attorneys General and Decisions of Auditors*, 5 Op. Att'y Gen. 97 (1849).

5. Attached hereto as Exhibit 2 is a true and correct copy of an opinion written by then–Attorney General Caleb Cushing, entitled *Office and Duties of Attorney General*, 6 Op. Att'y Gen. 326 (1854).

6. Attached hereto as Exhibit 3 is a true and correct copy of an opinion written by then–Attorney General Richard Olney entitled *Comptroller – Solicitor of the Treasury – Attorney General*, 20 Op. Att'y Gen. 654 (1893).

7. Attached hereto as Exhibit 4 is a true and correct copy of an April 1, 2016 letter from then–Assistant Attorney General Peter Kadzik to Representatives Jason Chaffetz and Elijah E. Cummings in response to inquiries sent by the Representatives regarding the Office of Legal Counsel ("OLC").

8. Attached hereto as Exhibit 5 is a true and correct copy of a law review article memorializing remarks made by then–Attorney General William P. Barr, entitled *Attorney General's Remarks, Benjamin N. Cardozo School of Law, November 15, 1992*, 15 Cardozo L. Rev. 31 (1993).

9. Attached hereto as Exhibit 6 is a true and correct copy of a May 17, 1990 letter from then–Attorney General Richard Thornburgh to Representative Don Edwards, contained within a conference report entitled *FBI Authority to Seize Suspects Abroad: Hearing Before the Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary House of Representatives*, H.R. Rep. No. 101-134 (1989).

10. Attached hereto as Exhibit 7 is a true and correct copy of an OLC opinion entitled *Application of the Endangered Species Act of 1972 to the Sale of Sperm Whale Oil by the General Services Administration*. The OLC produced this record to the Knight Institute on April 28, 2020, in conjunction with *Francis v. U.S. Department of Justice*, No. 2:19-cv-01317-RAJ (W.D. Wash. 2019).

11. Attached hereto as Exhibit 8 is a true and correct copy of an OLC opinion entitled *Whether Reservists Must Exhaust Available Leave Under 5 U.S.C. § 6323(b) Before Taking Leave Under 5 U.S.C. § 6323(a)*, 36 Op. O.L.C. 129 (2012).

12. Attached hereto as Exhibit 9 is a true and correct copy of an OLC opinion entitled *EEOC Authority to Order Federal Agency to Pay for Breach of Settlement Agreement*, 38 Op. O.L.C. 22 (2014).

13. Attached hereto as Exhibit 10 is a true and correct copy of an OLC opinion entitled *Authority of the Department of Labor to Control the Disclosure of Federal Employees' Compensation Act Records Held by the United States Postal Service*, 36 Op. O.L.C. 217 (2012).

14. Attached hereto as Exhibit 11 is a true and correct copy of an OLC opinion entitled *Payment of Back Wages to Alien Physicians Hired Under H-1B Visa Program*, 32 Op. O.L.C. 47 (2008).

15. Attached hereto as Exhibit 12 is a true and correct copy of an OLC opinion entitled *Administrative Assessment of Civil Penalties Against Federal Agencies Under the Clean Air Act*, 21 Op. O.L.C. 109 (1997).

16. Attached hereto as Exhibit 13 is a true and correct copy of an OLC opinion entitled *Authority of the Equal Employment Opportunity Commission to Impose Monetary Sanctions Against Federal Agencies for Failure to Comply with Orders Issued by EEOC Administrative Judges*, 27 Op. O.L.C. 24 (2003).

17. Attached hereto as Exhibit 14 is a true and correct copy of an OLC opinion entitled *Obligating Carryover Funds in Violation of OMB Zero-Dollar Apportionment Rule*, 40 Op. O.L.C. 90 (2016).

18. Attached hereto as Exhibit 15 is a true and correct copy of an OLC opinion entitled *Service Credit for Retirement Annuities of USPS Employees When USPS Has Not Made Required Contribution*, 35 Op. O.L.C. 181 (2011).

19. Attached hereto as Exhibit 16 is a true and correct copy of an OLC opinion entitled *Obligation of Federal Agencies to Pay Stormwater Assessments Under the Clean Water Act*, 35 Op. O.L.C. 1 (2011).

20. Attached hereto as Exhibit 17 is a true and correct copy of an OLC opinion entitled *Disposition of Proceeds from the Sale of Government Buildings Acquired with Social Security Trust Funds*, 34 Op. O.L.C. 263 (2010).

21. Attached hereto as Exhibit 18 is a true and correct copy of an OLC opinion entitled *Application of the Davis-Bacon Act to Urban Development Projects that Receive Partial Federal Funding*, 11 Op. O.L.C. 92 (1987).

August 12, 2021

Respectfully submitted,

/s/ *Stephanie Krent*

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