



**U.S. Department of Justice**  
Office of Information Policy  
*Suite 11050*  
1425 New York Avenue, NW  
Washington, DC 20530-0001

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*Telephone: (202) 514-3642*

March 8, 2019

Mr. Austin R. Evers  
American Oversight  
1350 15<sup>th</sup> Street NW, Suite B255  
Washington, DC 20005  
[foia@americanoversight.org](mailto:foia@americanoversight.org)

Re: DOJ-2018-001098 (AG)  
DOJ-2018-001147 (DAG)  
18-cv-00319  
VRB:TAZ:SJD

Dear Mr. Evers:

This is a supplemental response to your Freedom of Information Act (FOIA) request dated November 22, 2017, in which you requested various records pertaining to the Department's November 13, 2017 response to Rep. Robert Goodlatte's July 27, 2017 and September 26, 2017 letters, specifically, records reflecting guidance to prosecutors who have been directed to evaluate certain issues raised in Congressman Goodlatte's letters. This response is made on behalf of the Offices of the Attorney General (OAG) and Deputy Attorney General (ODAG).

We issued a response to you in this request (the "Guidance" request) and three related requests on July 16, 2018. Subsequently, we issued a supplemental response for these four requests on October 31, 2018, providing you with additional records located after re-running searches necessitated by the need to remedy a technical issue. Recently, we became aware of additional material responsive to the "Guidance" request that was not located in our previous searches, consisting of six pages.

I have determined that these six pages are appropriate for release in full, and copies are enclosed.

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) (2012 & Supp. IV 2016). 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 Michael Gerardi of the Department's Civil Division, Federal Programs Branch, at (202)-514-0680.

Sincerely,

A handwritten signature in blue ink, appearing to read 'V-R-B' followed by a horizontal flourish.

Vanessa R. Brinkmann  
Senior Counsel

Enclosures

**Whitaker, Matthew (OAG)**

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**From:** Whitaker, Matthew (OAG)  
**Sent:** Wednesday, November 22, 2017 5:21 PM  
**To:** Huber, John (USAUT)  
**Subject:** Letter from Attorney General  
**Attachments:** 11.22 Letter to Huber.pdf; ATT00001.htm; 2017-11-13 Special Counsel - Goodlatte #3912087.pdf; ATT00002.htm

As we discussed. MW



Office of the Attorney General  
Washington, D. C. 20530

November 22, 2017

Hon. John W. Huber  
United States Attorney for  
The District of Utah  
111 South Main Street  
Suite 1800  
Salt Lake City, UT 84111

Dear Mr. Huber:

In consultation with the Deputy Attorney General, I have requested that you review the matters referenced in the enclosed November 13, 2017, letter from Assistant Attorney General Stephen Boyd to House Judiciary Committee Chairman Robert Goodlatte and make recommendations to me or the Deputy Attorney General, as appropriate. Your review need not include matters that you determine are within the scope of the investigation being conducted by Special Counsel Robert Mueller.

Your recommendations should include whether any matters not currently under investigation warrants the opening of an investigation, whether any matters currently under investigation require further resources or further investigation, and whether any matters would merit the appointment of a Special Counsel.

Sincerely,

A handwritten signature in blue ink, which appears to read "Jefferson B. Sessions III", is written over the typed name.

Jefferson B. Sessions III  
Attorney General



**U.S. Department of Justice**

Office of Legislative Affairs

Office of the Assistant Attorney General

*Washington, D.C. 20530*

The Honorable Robert W. Goodlatte  
Chairman  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515

**NOV 13 2017**

Dear Chairman Goodlatte:

This responds to your letters dated July 27, 2017, and September 26, 2017, in which you and other Members request the appointment of a Special Counsel to investigate various matters, including the sale of Uranium One, alleged unlawful dealings related to the Clinton Foundation and other matters. We are sending identical responses to the other Members who joined your letter.

As noted during our prior meeting in response to your letters, the Department of Justice (Department) takes seriously its responsibility to provide timely and accurate information to Congress on issues of public interest, and seeks to do so in a non-political manner that is consistent with the Department's litigation, law enforcement, and national security responsibilities. Additionally, the Department's leadership has a duty to carefully evaluate the status of ongoing matters to ensure that justice is served and that the Department's communications with Congress are accurate and complete.

To further that goal, the Attorney General has directed senior federal prosecutors to evaluate certain issues raised in your letters. These senior prosecutors will report directly to the Attorney General and the Deputy Attorney General, as appropriate, and will make recommendations as to whether any matters not currently under investigation should be opened, whether any matters currently under investigation require further resources, or whether any matters merit the appointment of a Special Counsel. This will better enable the Attorney General and the Deputy Attorney General to more effectively evaluate and manage the caseload. In conducting this review, all allegations will be reviewed in light of the Principles of Federal Prosecution. (USAM 9-27.000)

As you know, consistent with longstanding policy, the Department does not ordinarily confirm or deny investigations, and this letter should not be construed to do so. While this policy can be frustrating, especially on matters of great public concern, it is necessary to ensure that the Department acts with fairness and thoughtfulness, and always in a manner consistent with the law and rules of the Department.



The Honorable Robert W. Goodlatte  
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In addition, you must know the Department will never evaluate any matter except on the facts and the law. Professionalism, integrity, and public confidence in the Department's work is critical for us, and no priority is higher.

Your letter referenced various allegations related to the Federal Bureau of Investigation's (FBI) handling of the investigation into former Secretary of State Hillary Clinton's use of a personal email server. On January 12, 2017, the Department's Inspector General (IG) sent a letter to you and other Members advising that the IG's office was initiating a review of, among other things:

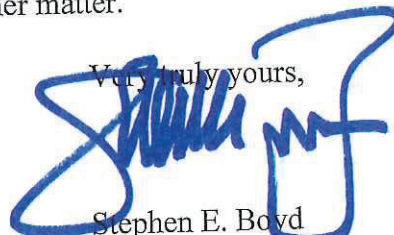
- Allegations that Department or FBI policies or procedures were not followed in connection with, or in actions leading up to or related to, the FBI Director's public announcement on July 5, 2016, and the Director's letters to Congress on October 28 and November 6, 2016, and that certain underlying investigative decisions were based on improper considerations;
- Allegations that the FBI Deputy Director should have been recused from participating in certain investigative matters;
- Allegations that Department and FBI employees improperly disclosed non-public information; and
- Allegations that decisions regarding the timing of the FBI's release of certain Freedom of Information Act documents on October 30 and November 1, 2016, and the use of a Twitter account to publicize the same, were influenced by improper considerations.

These investigations include issues raised in your letters. In addition, the Department has forwarded a copy of your letters to the IG so he can determine whether he should expand the scope of his investigation based on the information contained in those letters.

Once the IG's review is complete, the Department will assess what, if any, additional steps are necessary to address any issues identified by that review.

We will conduct this evaluation according to the highest standards of justice. We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Very truly yours,



Stephen E. Boyd  
Assistant Attorney General



