

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BUZZFEED, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 19-0070 (TNM)
)	
U.S. DEPARTMENT OF JUSTICE,)	
)	
Defendant.)	
)	

SUPPLEMENTAL DECLARATION OF CYNTHIA SHAW

I, Cynthia Shaw, declare the following to be true and correct:

1. I am the Director of the Departmental Ethics Office (DEO), located within the Justice Management Division (JMD), United States Department of Justice (DOJ). The statements contained in this declaration are based upon my personal knowledge and information made available to me in the performance of my official duties, my review of the records in question, and conclusions reached in accordance therewith.

2. I submit this declaration in support of the DOJ's Memorandum in Opposition to Plaintiff's Cross-Motion for Summary Judgment and in support of Defendant's Motion for Summary Judgment.

3. The review process of Mr. Whitaker's New Entrant report was like that for many New Entrant reports. It involved many back-and-forth communications between Mr. Whitaker and my office. This iterative process is common because the reporting requirements are challenging to understand and the Integrity system, while set up to be user friendly, cannot prevent filers from initially reporting too little information or too much, or reporting information incorrectly because of misunderstandings regarding reporting requirements. A New Entrant

report is the most difficult report to file correctly because it is the first time a filer enters his or her information.

4. In October 2018 I became aware that due to an administrative error, the DEO had not timely reviewed Mr. Whitaker's New Entrant report, which he filed after he first came to the Department as the Attorney General's Chief of Staff. As a result, by the time Mr. Whitaker needed to file his Annual report for the following calendar year, DEO had not yet provided feedback to Mr. Whitaker on his New Entrant report. Therefore, DEO reviewed Mr. Whitaker's New Entrant report and his Annual report together, making sure that the New Entrant report was corrected and making corresponding corrections in the Annual report, based on communications with Mr. Whitaker, as described below.

5. The DEO reviewer contacted Mr. Whitaker on October 22, 2018, and indicated that more information was needed in order to create complete reports that would correctly and completely present his assets, former clients, and other potential sources of conflicts of interest.

6. As Mr. Whitaker responded with additional information, the DEO reviewer considered the information, added it to the reports as appropriate, requested more detail as necessary, and thus continually updated the reports. On November 9, 2018, I reached out to Mr. Whitaker's Chief of Staff to pursue answers to questions that remained unresolved. Subsequently, I was in contact with the Chief of Staff frequently to obtain information and to discuss what information was needed. DEO also determined that some information provided by Mr. Whitaker was not required for the report and should be deleted. Accordingly, the reports changed with each entry of new information, deletion, or other edit, and the Integrity system software saved only the most recent version. Only occasionally would I or the DEO staff make a

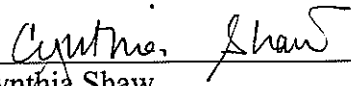
pdf version of a report. When we did, it was in order to ease the physical act of reading that iteration of the report, either for ourselves or for Mr. Whitaker and the Chief of Staff.

7. The New Entrant and Annual reports became final and were certified on November 20, 2018, after I concluded that the technical requirements for the reports had been met and any potential conflicts accurately identified.

8. Based on my experience in reviewing reports, I do not expect that a filer's initial submission will be perfect. The iterative process described above to finalize and certify reports is routinely followed within DOJ to facilitate certification. Getting reports to the certification stage is critical to filers, the public, and the government ethics program as a whole. Only when reports are complete and accurate can ethics advice about conflicts be given. Conversely, releasing iterations of a report prior to its being certified as accurate would ultimately be a disservice to the filer, the public and to the Ethics Program. First, such disclosure would result in the public seeing reports that are incorrect, which would not help the public understand the true scope of a filer's potential conflicts of interest. In addition, if filers believe that all iterations before finalization and certification are going to be released, they may well be less willing to work with their ethics officials to correct the report. Releasing iterations of reports could lead to improper inferences relating to the information provided in each draft. Such inferences could be embarrassing to the filer with no benefit to the public. I believe it is in the best interest of the public and the Ethics Program that interim reports not be released so that the public receives only the most complete and accurate reports available.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 18th day of July, 2019.


Cynthia Shaw

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Item Number	Description	Pages	Date	Applicable Exemptions
1	New Entrant OGE Form 278e attached to 10/22/2018 email from Monica Felter, an employee of the Departmental Ethics Office (DEO) to Matthew Whitaker (4:43 PM)	9	11/18/2017	(b)(5) and (b)(6) This form had not been certified and was undergoing revisions. DEO was assisting Mr. Whitaker with revisions to the form.
2	Annual OGE Form 278e attached to 10/22/2018 email from Monica Felter to Matthew Whitaker (4:43 PM)	9	5/15/2018	(b)(5) and (b)(6) This form had not been certified and was undergoing revisions. DEO was assisting Mr. Whitaker with revisions to the form.
3	Annual OGE Form 278e attached to 11/7/2018 email from Monica Felter to Joseph Tirrell (4:36 PM)	10	11/7/2018	(b)(5) and (b)(6) This form had not been certified and was undergoing revisions. Edits were made to Parts I, II, V, and VIII. This draft was only shared internally within DEO
4	New Entrant OGE Form 278e attached to 11/7/2018 email from Monica Felter to Joseph Tirrell (4:36 PM)	10	11/7/2018	(b)(5) and (b)(6) This form had not been certified and was undergoing revisions. Edits were made to Parts I, II, V, and VIII. This draft was only shared internally within DEO
5	New Entrant OGE Form 278e attached to 11/8/2018 email from Monica Felter to Joseph Tirrell (10:07 PM)	10	11/8/2018	(b)(5) and (b)(6) This form had not been certified and was undergoing revisions. Edits were made to Part II. This draft was only shared internally within DEO
6	Annual OGE Form 278e attached to 11/8/2018 email from Monica Felter to Joseph Tirrell (10:07 PM)	10	11/8/2018	(b)(5) and (b)(6) This form had not been certified and was undergoing revisions. An edit was made to Part II. This draft was only shared internally within DEO
7	New Entrant OGE Form 278e attached to 11/19/2018 email from Monica Felter to Cynthia Shaw (1:04 PM)	10	11/19/2018	(b)(5) and (b)(6) This form had not been certified and was undergoing revisions. Edits were made to Parts V and VI. This draft was only shared internally within DEO
8	Annual OGE Form 278e attached to 11/19/2018 email from Monica Felter to Cynthia Shaw (1:04 PM)	10	11/19/2018	(b)(5) and (b)(6) This form had not been certified and was undergoing revisions. Edits were made to Parts V and VI. This

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				draft was only shared internally within DEO
9	Annual OGE Form 278e attached to 11/19/2018 email from Cynthia Shaw to Gary Barnett (OAG) (6:44 PM)	10	11/19/2018	(b)(5) and (b)(6) This form had not been certified and was undergoing revisions. Edits were made to Part V. This draft was only shared internally within DOJ
10	New Entrant OGE Form 278e attached to 11/19/2018 email from Cynthia Shaw to Gary Barnett (OAG) (7:20 PM)	9	11/19/2018	(b)(5) and (b)(6) This form had not been certified and was undergoing revisions. Edits were made to Part V. This draft was only shared internally within DOJ
11	New Entrant OGE Form 278e attached to 11/20/2018 email from Cynthia Shaw to Gary Barnett (OAG) (8:41 AM)	11	11/20/2018	(b)(5) and (b)(6) This form had not been certified and was undergoing revisions. Edits were made to Part II. This draft was only shared internally within DOJ
12	Annual OGE Form 278e attached to 11/20/2018 email from Cynthia Shaw to Gary Barnett (OAG) (8:41 AM)	8	11/20/2018	(b)(5) and (b)(6) This form had not been certified and was undergoing revisions. Edits were made to Part II. This draft was only shared internally within DOJ
13	New Entrant OGE Form 278e attached to 11/20/2018 email from Cynthia Shaw to Gary Barnett (OAG) (11:48 AM)	11	11/20/2018	(b)(5) and (b)(6) This form had not been certified and was undergoing revisions. Comment added and edits made to Part II. This draft was only shared internally within DOJ
14	Annual OGE Form 278e attached to 11/20/2018 email from Cynthia Shaw to Gary Barnett (OAG) (11:48 AM)	10	11/20/2018	(b)(5) and (b)(6) This form had not been certified and was undergoing revisions. Comment added. This draft was only shared internally within DOJ