

FIX THE COURT v. UNITED STATES DEPARTMENT OF JUSTICE
D.D.C. No. 1:17-cv-00332
 Draft Vaughn Index

This index contains a description of the 58,968 pages of records protected in full in or in part, pursuant to Freedom of Information Act (FOIA) Exemptions 3, 5 (deliberative process and attorney work-product privileges), 6 (personal privacy), 7(C)(law enforcement personal privacy). The document categories, descriptions, page number totals are as follows:

	Number of Pages	Exemption	Description of Withheld Material
	<p>30,690 (all withheld in full)</p>	<p>5: AWP Attorney Work Product Privileged Material</p>	<p>These documents contain e-mails among DOJ attorneys at various DOJ components and emails from DOJ attorneys to other agencies and are all either inter-agency or intra-agency communications. The emails and attachments include attorney notes, opinions, and recommendations for actions in specific, on-going or anticipated cases. The attorney work-product of Exemption 5 protects the entirety of these emails and attachments because they are discussions relating to proposed Departmental actions created in reasonable anticipation of litigation. Additionally, the emails include the opinions and recommendations of attorneys regarding case strategy .</p> <p>Some of these emails are also covered by the deliberative process privilege because attorneys are expressing opinions to supervisors regarding proposed actions in various cases. Revealing such opinions would hinder the ability of agency staff to provide candid evaluations and recommendations.</p>

	Number of Pages	Exemptions	Description of Withheld Material
See Attached	<p>28,278</p> <p>(some withheld in full; some withheld in part)</p>	<p>5: DPP</p> <p>Deliberative Process Privileged Material</p> <p>&</p> <p>3; 6; 7(C)</p>	<p>These documents include e-mails between DOJ attorneys at various DOJ components and emails from DOJ attorneys to other agencies and are all either inter-agency or intra-agency communications.</p> <p>The emails contain deliberations about proposed agency actions and include ideas and recommendations expressed prior to a final decision being made. The deliberative process privilege of Exemption 5 protects certain portions of these emails. Some of these emails and attachments (or portions of emails and attachments) are deliberative because the mark-ups reflect Departmental deliberations on issues where no final determination has been finalized or formalized. Further, some of the attachments are successive versions of documents and show the internal development of the Department's decisions. All of the documents and emails (or portions of emails and attachments) withheld in this category pre-date the Department's final determinations in each decision-making process and, as such, they are pre-decisional, inasmuch as they precede and do not embody final agency responses.</p> <p>Some emails contain the names of federal employees which are protected under Exemptions 3, 6, and/or 7(C). These exemptions protect certain individuals from unwarranted invasions of personal privacy.</p>