



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

CRM-200900733F

Ms. Meredith Fuchs  
General Counsel  
The National Security Archive  
The George Washington University  
Gelman Library, Suite 701  
2130 H Street, N.W.  
Washington D.C. 20037

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20091153DOJ020	DOJ
RECNO:40970	SEQCOR:150589
11/20/2009	FOISG: Fuchs, Meredith
OSI report	

Dear Ms. Fuchs:

This is in response to your Freedom of Information Act request dated October 7, 2009, for records concerning:

“A report documenting the work of the Office of Special Investigations (OSI), the preparation of which was authorized by former Attorney General Janet Reno in 1999. The report was prepared by Judy Feigin, a career DOJ attorney, and edited by Mark Richard, former Deputy Assistant Attorney General of the Criminal Division.”

We have located a record (Item 1) in the Criminal Division’s Office of Special Investigations within the scope of your request. We have processed your request under the Freedom of Information Act, and will make all records available to you whose release is either required by that statute, or considered appropriate as a matter of discretion.

In light of our review, we have determined to withhold Item 1 in full, as described on the enclosed schedule. We are withholding the record indicated pursuant to the following FOIA exemptions set forth in 5 U.S.C. 552(b):

- (5) which permits the withholding of inter-agency or intra-agency memorandums or letters which reflect the pre-decisional, deliberative processes of the Department, and/or which consist of attorney work product prepared in anticipation of litigation, and/or which consist of confidential attorney-client information.

Because this report was never finalized nor approved by the Assistant Attorney General of the Criminal Division, it is still a draft. A draft is a preliminary version before a final

determination and by definition, such a document is deliberative and pre-decisional, and therefore is exempt from disclosure. Because this record is deliberative and pre-decisional in nature and discusses options, some of which were not ultimately adopted as final agency decisions, disclosure would harm the integrity of the agency decision-making process. Release of documents of this type would inhibit candor and the open and frank discussions and expressions of opinion necessary for agency decision-makers to make informed decisions. The integrity of the agency's decision-making process should be protected in order to prevent confusion as to the reasons or rationale for a decision, which would result if options considered but not adopted by the Department were released to the public. Furthermore, it would be impossible to reasonably segregate out factual information from the deliberative parts of the documents.

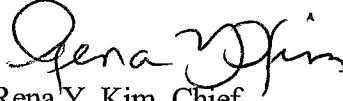
We are also withholding portions of the record pursuant to the following FOIA exemptions set forth in 5 U.S.C. § 552(b):

- (6) which permits the withholding of personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (7) which permits the withholding of records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information...
  - (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy.
  - (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.

If you treat this response as a denial of your request, you have a right to an administrative appeal. The appeal should be in writing and addressed to: The Office of Information Policy, United States Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, DC 20530-0001. The envelope and letter should be clearly marked, "FOIA/PA Appeal". Department regulations provide that such appeals must be received by the Office of Information Policy within sixty days of the date of this letter. 28 C.F.R. 16.9. If you exercise this right and your appeal is denied, you also have the right to seek judicial review of this action in the federal judicial district (1) in which you reside, (2) in which you have your principal place of business, (3) in which the records denied are located, or (4) for the District of Columbia. If you elect to file an appeal, please include, in your letter

to the Office of Information Policy, the Criminal Division file number that appears above your name in this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Rena Y. Kim". The signature is fluid and cursive, with a large initial "R" and "K".

Rena Y. Kim, Chief  
Freedom of Information/Privacy Act Unit  
Office of Enforcement Operations  
Criminal Division

**SCHEDULE OF RECORDS WITHHELD IN FULL  
(Refer to body of Letter for Full Description of Exemption)**

Item 1: Draft Report, "The Office of Special Investigations: Striving for Accountability in the Aftermath of the Holocaust" by Judy Feigin, Edited by Mark M. Richard