

Defendants’ Preliminary Draft *Vaughn* Index

This index contains descriptions of the 15 records withheld in full or in part by Defendants pursuant to FOIA Exemptions 1, 5, 6, and 7(C) and is being provided for purposes of facilitating discussion between the parties to potentially narrow issues in dispute. For ease of use, Defendants are providing information in a single index. Defendants reserve the right to submit to the Court additional information or materials in support of their exemption claims, including individual *Vaughn* indices, as necessary and appropriate.

Doc. #	Doc. ID	Doc. Date	To	From	Subject, Title, or Doc. Type	Exemption(s)	Description of Withheld Material
1-2	DOS ¹ C06377765 OLC ² 1	Undated, presumed 4/6/2017			Legal Memo	(b)(1)—classified information, (b)(5)—DPP, ACP, PCP ³	<p>(b)(1): This document was originally and is currently classified TOP SECRET, as it contains information regarding intelligence sources and methods, potential military plans or operations, and foreign relations or foreign activities of the U.S. government, the release of which reasonably could be expected to cause exceptionally grave damage to the national security.</p> <p>(b)(5): This document was prepared by an interagency group of attorneys for the purpose of providing advice and recommendations to the President and/or other senior Executive Branch officials regarding the legal basis for potential military action. The document is pre-decisional and deliberative with respect to military operations and foreign relations, and disclosure reasonably could be expected to chill the open and frank expression of ideas,</p>

¹ Department of State (“DOS”)

² Office of Legal Counsel, Department of Justice (“OLC”)

³ Deliberative Process Privilege (“DPP”), Attorney-Client Privilege (“ACP”), Presidential Communications Privilege (“PCP”)

							recommendations, and opinions that occur when Executive Branch officials develop a preferred course of action on a sensitive matter. Additionally, the document has been withheld pursuant to the attorney-client privilege to protect communications by interagency attorneys for the purpose of providing legal advice to the President and/or other senior Executive Branch officials. The document was intended to be kept confidential and that confidentiality has been maintained. The document has also been withheld pursuant to the Presidential Communications Privilege, as release of the document would reveal information about the advice the President receives from close advisers regarding sensitive matters and would reveal the process by which the President receives such advice.
3	DOD ⁴ 6-12	Undated, presumed 4/6/2017			Legal Memo	(b)(1)—classified information; (b)(5)—DPP, ACP, PCP	This document is a prior draft version of Doc # 1-2 (DOS C06377765/OLC 1) and is properly withheld for the reasons described above.
4	OLC 2	Undated, presumed 4/7/2017			Outline	(b)(5)—DPP, ACP	This document is an outline prepared by OLC for the purpose of advising the Attorney General regarding the legal bases for the April 6, 2017 U.S. military strike against the Al Shayrat airfield in Syria. The document is pre-decisional and deliberative, and disclosure reasonably could be expected

⁴ Department of Defense (“DOD”)

							to chill the open and frank expression of ideas, recommendations, and opinions that occur when Department officials develop a preferred course of action on a sensitive matter. The document was intended to be kept confidential and that confidentiality has been maintained.
5-6	DOS C06387142 DOD 4-5	Undated, presumed 4/7/2017			Press Guidance	(b)(5)—DPP	<p>This document is substantially similar but not identical to the press guidance contained in Doc # 9 (OIP 0.7.12484.5431-000001).</p> <p>This document consists of proposed press guidance prepared for use by Executive Branch officials in addressing inquiries regarding the legal basis for the April 6, 2017 U.S. military strike against the Al Shayrat airfield in Syria. The withheld information consists of proposed guidance and a hypothetical question and proposed response. The document is pre-decisional and deliberative, as it reflects the recommendations and advice of Executive Branch employees with respect to a decision on press strategy and communications to the press that had not yet been made. Disclosure of the document reasonably could be expected to chill the open and frank expression of ideas, recommendations, and opinions that occur when Executive Branch officials develop press guidance on a sensitive matter.</p>

7	OIP ⁵ 0.7.12484.5164- 000001	Undated, presumed 4/7/2017			Press Guidance	(b)(5)—DPP	This document is a prior draft version of Doc # 5-6 (DOS C06387142/DOD 4-5) and is properly withheld for the reasons described above.
8	DOD 13-18	4/6/2017			Proposed Public Affairs Guidance	(b)(1)—classified information; (b)(5)—DPP	(b)(1): This document was originally and is currently classified SECRET, as it contains information concerning contemplated military operations, the disclosure of which reasonably could be expected to cause serious damage to the national security. (b)(5): This document is a draft containing advice to Central Command officials regarding when and how to respond to inquiries from the press regarding the April 6, 2017 U.S. military strike against the Al Shayrat airfield in Syria. The document is pre-decisional, as it is not a press release, and CENTCOM officials had not yet determined their response. It is deliberative because it reflects advice on where to focus discussion and contains recommendations on how to answer anticipated questions. Disclosure of the document reasonably could be expected to seriously inhibit the candor and effectiveness of the advisers engaged in this deliberative process.
9	OIP 0.7.12484.5431- 000001	April 2017			“NSC Syria Strike	(b)(5)—DPP	The withheld information consists of advice to senior Executive Branch officials regarding proposed talking points, including

⁵ Office of Information Policy, Department of Justice (“OIP”)

					Guidance Compilation”	<p>both broad issues to emphasize when publicly discussing the April 6, 2017 U.S. military strike on Al Shayrat airfield in Syria and recommendations for the specific points that should be illuminated in any such discussion. The information is pre-decisional, as Defendants had not yet determined their responses. It is deliberative because it reflects advice on where to focus discussion. Disclosure of the information reasonably could be expected to seriously inhibit the candor and effectiveness of the advisers engaged in this deliberative process.</p> <p>The withheld information also consists of proposed press guidance prepared for use by Executive Branch officials in addressing inquiries regarding the legal basis for the April 6, 2017 U.S. military strike against the Al Shayrat airfield in Syria. The withheld information consists of proposed guidance and a hypothetical question and proposed response. The information is pre-decisional and deliberative, as it reflects the recommendations and advice of Executive Branch employees with respect to a decision on press strategy and communications to the press that had not yet been made. Disclosure of the information reasonably could be expected to chill the open and frank expression of ideas, recommendations, and opinions that occur when Executive Branch officials develop press guidance on a sensitive matter.</p>

10	DOD 1-3	April 2017			“NSC Chemical Weapons Use Guidance”	(b)(5)—DPP	The withheld information consists of substantially similar but not identical proposed talking points contained in Doc # 9 (OIP 0.7.12484.5431-000001) and is properly withheld for the reasons described above.
11	OIP 0.7.12484.5041	4/7/2017	Crowell James (ODAG); Gauhar, Tashina (ODAG); Weinsheimer, Bradley (NSD); McCord, Mary (NSD); Prior, Ian (OPA); Flores, Sarah Isgur (OPA); Swartz, Bruce; Gannon, Curtis E. (OLC); Wiegmann, Brad (NSD); Hardee, Christopher (NSD)	Raimondi, Marc (OPA)	“UPDATED NSC SYRIA GUIDANCE AS OF 04/07/2017 10:46AM”	(b)(5)—DPP; (b)(6)—personal privacy; (b)(7)(C)—law enforcement/intelligence personal privacy	<p>This document is an email containing the same proposed press guidance contained in Doc # 9 (OIP 0.7.12484.5431-000001).</p> <p>(b)(5): This withheld information is protected by the deliberative process privilege for the reasons described above for Doc # 9. The sender was disseminating the information internally within DOJ.</p> <p>(b)(6), (b)(7): This email contains the name of a federal employee which is protected under Exemptions 6 and 7(C). These exemptions protect certain individuals from unwarranted invasions of personal privacy and law enforcement/intelligence personnel.</p>
12	OIP 0.7.12484.5043	4/7/2017	Crowell James (ODAG); Gauhar, Tashina (ODAG);	Raimondi, Marc (OPA)	“NSC SYRIA Update and Reaction Compilation	(b)(5)—DPP (b)(6)—personal privacy; (b)(7)(C)—law enforcement/	This document is an email containing the same proposed talking points contained in Doc # 10 (DOD 1-3) and the same proposed press guidance contained in Doc # 9 (OIP 0.7.12484.5431-000001).

			Weinsheimer, Bradley (NSD); McCord, Mary (NSD); Prior, Ian (OPA); Flores, Sarah Isgur (OPA); Swartz, Bruce; Gannon, Curtis E. (OLC); Wiegmann, Brad (NSD); Hardee, Christopher (NSD)		4/7/2017 11:47AM"	intelligence personal privacy	(b)(5): This withheld information is protected by the deliberative process privilege for the reasons described above for Doc # 9. The sender was disseminating the information internally within DOJ. (b)(6), (b)(7): This email contains the name of a federal employee which is protected under Exemptions 6 and 7(C). These exemptions protect certain individuals from unwarranted invasions of personal privacy and law enforcement/intelligence personnel.
13	OIP 0.7.12484.5047	4/7/2017	Crowell James (ODAG); Gauhar, Tashina (ODAG); Weinsheimer, Bradley (NSD); McCord, Mary (NSD); Prior, Ian (OPA); Flores, Sarah Isgur (OPA); Swartz, Bruce; Gannon, Curtis E. (OLC); Wiegmann, Brad (NSD);	Raimondi, Marc (OPA)	"Re: Additional Updated NSC Guidance"	(b)(5)—DPP; (b)(6)—personal privacy; (b)(7)(C)—law enforcement/intelligence personal privacy	This document is an email containing the same proposed talking points contained in Doc # 10 (DOD 1-3) and provisional proposed press guidance. (b)(5): This withheld information is protected by the deliberative process privilege. The proposed talking points are properly withheld for the reasons described above for Doc # 9. The remaining withheld information consists of provisional proposed press guidance to Executive Branch officials for use in addressing inquiries regarding the legal basis for the April 6, 2017 U.S. military strike against the Al Shayrat airfield in Syria. The document is pre-decisional, as Defendants had not yet determined their responses. It is deliberative because it

			Hardee, Christopher (NSD)			<p>reflects the recommendations and advice of Executive Branch employees. Disclosure of the document reasonably could be expected to chill the open and frank expression of ideas, recommendations, and opinions that occur when Executive Branch officials develop press guidance on a sensitive matter. The sender was disseminating the information internally within DOJ.</p> <p>(b)(6), (b)(7): This email contains the name of a federal employee which is protected under Exemptions 6 and 7(C). These exemptions protect certain individuals from unwarranted invasions of personal privacy and law enforcement/intelligence personnel.</p>
14	DOS C06387135	Undated			Questions and Answers	<p>(b)(5)—DPP, ACP</p> <p>This document consists of proposed guidance for responding to questions from Congress regarding the legal basis for the April 6, 2017 U.S. military strike against the Al Shayrat airfield in Syria, including proposed responses to hypothetical questions. The document is pre-decisional and deliberative with respect to a final decision on how to respond to questions from Congress, disclosure of which reasonably could be expected to chill the open and frank expression of ideas, recommendations, and opinions that occur when DOS officials develop guidance on a sensitive matter. The information is also withheld pursuant to the attorney-client privilege to protect communications between attorneys and their clients within DOS for</p>

							the purpose of providing legal advice. The communication was intended to be kept confidential and that confidentiality has been maintained.
15	DOS C06387138	Undated			Questions and Answers	(b)(5)—DPP, ACP	This document consists of proposed guidance for responding to questions from Congress regarding the legal basis for the April 6, 2017 U.S. military strike against the Al Shayrat airfield in Syria, including proposed responses to hypothetical questions. The document is pre-decisional and deliberative with respect to a final decision on how to respond to questions from Congress, disclosure of which reasonably could be expected to chill the open and frank expression of ideas, recommendations, and opinions that occur when DOS officials develop guidance on a sensitive matter. The information is also withheld pursuant to the attorney-client privilege to protect communications between attorneys and their clients within DOS for the purpose of providing legal advice. The communication was intended to be kept confidential and that confidentiality has been maintained.