



U.S. Department of Justice
Civil Division, Federal Programs Branch

20 Massachusetts Ave., N.W., Room 7344
Washington, DC 20001

John Tyler
Assistant Director

Telephone: (202) 514-2356
Fax: (202) 616-8470
Email: john.tyler@usdoj.gov

November 4, 2014

Via Hand Delivery

Kerry Kircher
General Counsel
Office of the General Counsel
U.S. House of Representatives
219 Cannon House Office Building
Washington, DC 20515

Re: *Committee on Oversight and Government Reform, U.S. House of Representatives v. Holder*, Civ. No. 12-1332 (D.D.C.).

Dear Kerry:

Please find enclosed with this letter the Department's production and the accompanying detailed list of material being withheld, either in full or in part, which the Department is providing to the Committee pursuant to the Court's August 20, 2014 Order, as modified by its September 9, 2014 Order, and its October 6, 2014 Order. With respect to the detailed list, the Department reserves the right to supplement the information provided therein, as appropriate.

For your reference, all redactions have been marked with a text box indicating the nature of the redaction. Material withheld pursuant to the deliberative process privilege has been marked "DP" or "DPP." Material marked for redaction by ATF, DHS, DEA, USMS, or State as law enforcement or foreign relations sensitive has been identified with a reference to the relevant entity. Material withheld to protect personal information (*i.e.*, telephone numbers, email addresses, etc.) has been marked "Privacy." Other privilege redactions are marked accordingly. In addition, material concerning either (i) government business unrelated to Operation Fast and Furious and the associated congressional investigation, or (ii) personal matters, has been marked "Unrelated." Such material may otherwise contain information that is privileged, and the Department reserves the right to assert these additional bases for withholding if the unrelated material remains at issue.

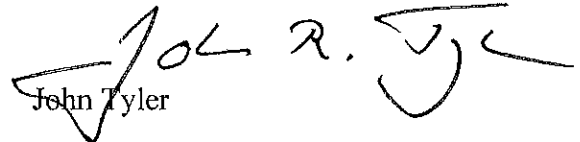
Given the time constraints, in some circumstances it has been necessary for the Department to employ redaction methods used in Freedom of Information Act processing to ensure that law enforcement sensitive information is not disclosed publicly, which may have resulted in more redactions than the Department ultimately will want to press in this case. Such methods include electronic searches for certain information, such as the names of confidential informants, that could jeopardize law enforcement efforts and/or the safety of those named in the

withheld material if released. Some of the non-deliberative information that is currently redacted may be appropriate for congressional review but not for public release. Accordingly, we are prepared to discuss with you the possibility of making such materials available for your review.

In addition, in light of the time constraints, there currently may be some inconsistency in redactions (both for deliberative process and otherwise). Although we have attempted to tailor and harmonize our redactions as much as possible, some information that has previously been released publicly, as well as some information that may otherwise have been intended for release, may have unintentionally been marked for redaction. If the Department identifies additional material that is appropriate for release, we will work with you to arrange for a supplemental production. Likewise, the Department reserves the right to seek the return of any privileged material that may have been inadvertently disclosed.

As always, the Department remains willing to discuss ways to resolve this dispute, or to narrow the parties' remaining disputes, if possible, without further litigation.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Tyler". The signature is stylized and includes a large flourish on the right side.

Enclosures