

# EXHIBIT

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**U.S. Department of Justice**  
Office of Information Policy  
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AUG 13 2013

MEMORANDUM

TO: Paul Colborn  
Special Counsel  
Office of Legal Counsel

FROM:   
Carmen L. Mallon  
Chief of Staff

SUBJECT: Application of the Presidential Communications Privilege

This concerns the Freedom of Information Act (FOIA) request of Robyn Burrows on behalf of *Cause of Action* for any memoranda created after November 3, 1993, that was authored by the Department of Justice or the White House, and addresses the referral of agency documents to the White House in response to any document request. The requester references a November 3, 1993 memorandum on this topic, from former Associate Attorney General Webster Hubbell to All Agency Counsels that is publicly available and which the attached 2009 memorandum supersedes.

Attached is a one-page document that consists of a 2009 memorandum addressed to All Executive Departments and Agency General Counsels concerning documents that involve White House equities, from the Former Counsel to the President, Gregory Craig. We will be forwarding this document to the White House for review, with recommendations for handling prior to our response. Accordingly, please provide this Office with your views regarding disclosure of the document, and the application of any FOIA exemptions, including the presidential communications privilege. As this document concerns a policy that applies to numerous types of document requests and the former memorandum dated November 3, 1993 on this topic is publicly available, I recommend that the document be disclosed in full. Please advise whether you concur with my recommendation.

You may forward your response to the following address: Office of Information Policy, U.S. Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, Attention: Regina Okusanya, or you may e-mail her at [Regina.Okusanya@usdoj.gov](mailto:Regina.Okusanya@usdoj.gov)

A copy of the requester's initial letter is attached for your information. If you have any questions regarding this matter, please call Regina Okusanya of this Office at (202) 353-9300.

Attachments  
VRB:LAD:RFO