

EXHIBIT 5

From: "E. Randol Schoenberg" <randols@bslaw.net>
Subject: Re: FOIA appeal
Date: June 12, 2017 at 4:06:56 PM PDT
Cc: Randy Schoenberg <randols@bslaw.net>

Request for Search Warrant and Affidavit in Hillary Clinton e-mail investigation, In re Search of A Laptop Computer, S.D.N.Y. 16 MAG 7063, Oct 30, 2016.

On Jun 12, 2017, at 4:02 PM, E. Randol Schoenberg <randols@bslaw.net> wrote:
I received the May 11, 2017 release of the redacted Search Warrant and Affidavit. Certain items were redacted based on b(6) and b(7)(C) claims of privacy, as well as Other - Sealed.

Taking the last ground first, I found it only slightly comical that the FBI would redact information in the Search Warrant on the ground that the warrant was sealed. Your letter states: "For your information, sealed court records are not eligible for release under the FOIA." If you merely Google that phrase, you will find a link to the Justice Department website, <https://www.justice.gov/oip/blog/foia-update-significant-new-decisions-22>, where they cite Morgan v. Department of Justice, 923 F.2d 195 (D.C. Cir. 1991) for the proposition that "the mere existence of a court seal is, without more, insufficient to justify nondisclosure under the FOIA." There is no chance that the sealing order in this case was issued with the intent to prohibit the agency of disclosing any of the information in the search warrant. Please remove the redactions based on the sealing order.

As for the privacy claims, the two principle subjects of the redaction are presumably Huma Abedin and Anthony Wiener. Their identities have been disclosed on numerous occasions and there can hardly be any privacy invasion as the result of the disclosure of their names on this Search Warrant. The FBI has previously released documents relating to Hillary Clinton, and did not redact Abedin's name. <https://vault.fbi.gov/hillary-r.-clinton> The Wiener case is also now closed as a result of his recent guilty plea. So there is no reason any of this should be hidden from view.

Additionally, you have redacted the names of the agents who were involved in this ill-fated search. I am unaware of any case that permits the FBI to redact the names of its agents in a closed case with no threat of violence, based solely on

"privacy." Here, the public interest in disclosure massively outweighs any privacy interest.

I have written and spoken extensively on this issue, including several appearances on CNN International. The propriety of the search warrant has been the subject of congressional testimony by former FBI director James Comey on several occasions, most recently on May 3 and June. The information requested is urgently needed to inform the public concerning some actual or alleged federal government activity, and if it is made by a person primarily engaged in disseminating information to the public.

From: "OIP-NoReply@usdoj.gov" <OIP-NoReply@usdoj.gov>
Subject: FOIA Appeal DOJ-AP-2017-004605 Submitted
Date: June 12, 2017 at 5:29:10 PM PDT
To: "randols@bslaw.net" <randols@bslaw.net>

This message is to notify you of a new appeal submission to the FOIAonline application. Appeal information is as follows:

- Appeal Tracking Number: DOJ-AP-2017-004605
- Request Tracking Number: 1361976-001
- Requester Name: E Randol Schoenberg
- Date Submitted: 06/12/2017
- Appeal Status: Submitted
- Description: I received the May 11, 2017 release of the redacted Search Warrant and Affidavit. Certain items were redacted based on b(6) and b(7)(C) claims of privacy, as well as Other - Sealed.

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