

Exhibit E



Matthew Schafer <matthew.schafer@buzzfeed.com>

Fwd: FOIA Request for Whitaker Financial Disclosure

Tirrell, Joseph W. (JMD) <Joseph.W.Tirrell@usdoj.gov>
To: Matthew Schafer <matthew.schafer@buzzfeed.com>

Thu, Nov 29, 2018 at 9:02 AM

Mr. Schaefer,

You can reach out to the Justice Management Division FOIA Contact listed here -
<https://www.justice.gov/oip/find-foia-contact-doj/list>

Joseph W. Tirrell

Deputy Director

Department of Justice

Departmental Ethics Office

202-514-8196

Public Service is a Public Trust

From: Matthew Schafer <matthew.schafer@buzzfeed.com>

Sent: Wednesday, November 28, 2018 9:43 PM

To: Zoe Tillman <zoe.tillman@buzzfeed.com>

Cc: Tirrell, Joseph W. (JMD) <jtirrell@jmd.usdoj.gov>

Subject: Re: FW: FOIA Request for Whitaker Financial Disclosure

Mr. Tirrell,

Can you please send me the contact information for someone in the FOIA office who I can speak to regarding this matter?

On Wed, Nov 28, 2018, 5:07 PM Zoe Tillman <zoe.tillman@buzzfeed.com> wrote:

Thank you - I received the new entrant report from the Justice Department when it publicly released the latest versions of Mr. Whitaker's reports. I look forward to receiving a response to my FOIA request.

Best,

Zoe

On Wed, Nov 28, 2018 at 5:02 PM Tirrell, Joseph W. (JMD) <Joseph.W.Tirrell@usdoj.gov> wrote:

Ms. Tillman,

Attached is Mr. Whitaker's most recent OGE-278 report (2018 Annual Report). You did not specify in your request whether or not you wanted Mr. Whitaker's New Entrant Report. Would you like that report as well?

Joseph W. Tirrell

Deputy Director

Department of Justice

Departmental Ethics Office

202-514-8196

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From: Zoe Tillman <zoe.tillman@buzzfeed.com>
Sent: Wednesday, November 28, 2018 1:54 PM
To: Tirrell, Joseph W. (JMD) <jwtirrell@jmd.usdoj.gov>
Cc: Matthew Schafer <matthew.schafer@buzzfeed.com>
Subject: Re: FOIA Request for Whitaker Financial Disclosure

Mr. Tirrell, attached is my completed OGE request form.

Thank you,

Zoe Tillman

On Wed, Nov 28, 2018 at 9:52 AM Tirrell, Joseph W. (JMD) <Joseph.W.Tirrell@usdoj.gov> wrote:

Mr. Schafer,

Sorry for misspelling your name in the previous emails. Old habit as I used to work for a Schaefer.

If you complete the request form, I can provide Ms. Tillman with the current certified reports available in our electronic system. Our FOIA office is reviewing the rest of Ms. Tillman's request for other versions of the report and they will respond to that part of your request.

Joseph W. Tirrell

Deputy Director

Department of Justice

Departmental Ethics Office

202-514-8196

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From: Matthew Schafer <matthew.schafer@buzzfeed.com>
Sent: Wednesday, November 28, 2018 8:31 AM
To: Tirrell, Joseph W. (JMD) <jwtirrell@jmd.usdoj.gov>
Cc: Zoe Tillman <zoe.tillman@buzzfeed.com>; Nabiha Syed <nabiha.syed@buzzfeed.com>
Subject: Re: FOIA Request for Whitaker Financial Disclosure

Thank you, Mr. Tirrell. I look forward to a substantive response from the FOIA office.

For clarification, were we to complete the form, you would release "all versions in the Justice Department's possession of Acting Attorney General Whitaker's financial disclosure reports submitted since October 1, 2017," correct?

Best,

On Wed, Nov 28, 2018 at 8:08 AM Tirrell, Joseph W. (JMD) <Joseph.W.Tirrell@usdoj.gov> wrote:

Mr. Schaefer and Ms. Tillman,

Public Financial Disclosure Forms are not releasable under FOIA. They are releasable under the process outlined in the Financial Disclosure Regulations (5 CFR § 2634.603). **That process requires us to gather certain information, and to provide you with certain information regarding limitations on the use of the report.** I will forward your concern to our FOIA office, however, if you do not complete the request form, I cannot forward you Mr. Whitaker's OGE-278 reports. When you complete the form, I can forward you the reports in 1-2 business days.

Joseph W. Tirrell

Deputy Director

Department of Justice

Departmental Ethics Office

202-514-8196

Public Service is a Public Trust

From: Matthew Schafer <matthew.schafer@buzzfeed.com>

Sent: Tuesday, November 27, 2018 5:37 PM

To: Tirrell, Joseph W. (JMD) <jwtirrell@jmd.usdoj.gov>

Cc: Nabiha Syed <nabiha.syed@buzzfeed.com>

Subject: Re: FOIA Request for Whitaker Financial Disclosure

Mr. Tirrell,

My name is Matthew Schafer and I am counsel to BuzzFeed News and Zoe Tillman. Ms. Tillman has directed your correspondence to me.

As you know, FOIA is a federal statute that requires disclosure of public records unless an agency can demonstrate that a particular exemption applies.

Department of Justice v. Tax Analysts, 492 U.S. 136, 150 (1989). You cite no exemption in FOIA to withhold the requested records, and thus the withholding here appears improper.

You maintain that regulation 5 CFR § 2634.603 applies to the exclusion of FOIA and its exemptions. You provide no statutory support for the assertion that this regulation can override FOIA's statutory disclosure requirements. **See United States v. Larionoff**, 431 U.S. 864, 873 n. 12 (1977); **Gonzales & Gonzales Bonds & Ins. Agency Inc v. U.S. Dep't of Homeland Sec.**, 913 F.Supp.2d 865, 877-80 (N.D. Cal. 2012) (invalidating regulation inconsistent with the terms of FOIA). I'd note as well that similar such records have voluntarily been turned over in response to requests like Ms. Tillman's. **See Defs. of Wildlife v. U.S. Dep't of Interior**, 314 F. Supp. 2d 1, 6-7 (D.D.C. 2004) (in response to a FOIA request for SF 278 forms, court noted "DOI provided plaintiffs with copies of public financial disclosure reports filed by the named individuals and continued to process the request").

Please advise as to what authority, beyond a mere regulation, on which DOJ relies to prevent disclosure here.

Best,

----- Forwarded message -----

From: **Tirrell, Joseph W. (JMD)** <Joseph.W.Tirrell@usdoj.gov>

Date: Tue, Nov 27, 2018 at 4:30 PM

Subject: RE: FOIA Request for Whitaker Financial Disclosure

To: Zoe Tillman <zoe.tillman@buzzfeed.com>

Ms. Tillman,

Public Financial Disclosure Forms are not releasable under FOIA. They are releasable under the process outlined in the Financial Disclosure Regulations (5 CFR § 2634.603). That process requires us to gather certain information, and to provide you with certain information regarding limitations on the use of the report. I will forward your concern to our FOIA office, however, if you do not complete the request form, I cannot forward you Mr. Whitaker's OGE-278 reports.

Joseph W. Tirrell

Deputy Director

Department of Justice

Departmental Ethics Office

202-514-8196

Public Service is a Public Trust

From: Zoe Tillman <zoe.tillman@buzzfeed.com>

Sent: Tuesday, November 27, 2018 4:17 PM

To: Tirrell, Joseph W. (JMD) <jwtirrell@jmd.usdoj.gov>

Subject: Re: FOIA Request for Whitaker Financial Disclosure

Mr. Tirrell,

Thank you for your email, but I believe you may misunderstand the nature of the FOIA request. I have requested all versions in the Justice Department's possession of Acting Attorney General Whitaker's financial disclosure reports submitted since October 1, 2017, including original and amended versions.

Are you saying that all of these responsive records are available via the OGE-201 request form process? If not, I wish to continue to pursue this FOIA request.

Thank you,

Zoe

Ms. Tillman,

I have received your FOIA request for Acting Attorney General Whitaker's Public Financial Disclosure Reports. Those reports are available to the public, but not through the FOIA process.

Please complete an OGE-201 Request Form. (It is relatively short). Most critical for our office is that you sign and date item 7 of the form indicating that you understand the limitations for which this report may be used. The limitations are listed on the form. Federal regulations require us to ensure that you have been provided this information, and we must also gather your name, occupation, address, and the name and address of any other person or organization on whose behalf you are requesting the report(s). (5 CFR § 2634.603).

Once you complete the form email it to our office: DEO@usdoj.gov. Please copy me on your email, and we will be able to email you Mr. Whitaker's Public Financial Disclosure reports 1-2 business days after we receive your request.

Thank you.

Joseph W. Tirrell

Deputy Director

Department of Justice

Departmental Ethics Office

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Zoe Tillman | **BuzzFeed News** | Reporter

O: 202-602-1705 | M: [REDACTED] | @zoetillman

1630 Connecticut Avenue NW, 7th Floor, Washington, DC 20009

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Zoe Tillman | **BuzzFeed News** | Reporter

O: 202-602-1705 | M: [REDACTED] | @zoetillman

1630 Connecticut Avenue NW, 7th Floor, Washington, DC 20009

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Matthew Schafer | **BuzzFeed** | Counsel | 646-798-0693 (w)

111 East 18th Street, 14th Floor, New York, NY 10003

PGP: BB15 CCA9 FF5F 9F92 3001 77B8 EAAB 08EE 7CE2 0CD6

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Matthew Schafer | **BuzzFeed** | Counsel | 646-798-0693 (w)

111 East 18th Street, 14th Floor, New York, NY 10003

PGP: BB15 CCA9 FF5F 9F92 3001 77B8 EAAB 08EE 7CE2 0CD6

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Zoe Tillman | **BuzzFeed News** | Reporter

O: 202-602-1705 | M: [REDACTED] | @zoetillman

1630 Connecticut Avenue NW, 7th Floor, Washington, DC 20009

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Zoe Tillman | **BuzzFeed News** | Reporter

O: 202-602-1705 | M: [REDACTED] | @zoetillman

1630 Connecticut Avenue NW, 7th Floor, Washington, DC 20009

Request to Inspect or Receive Copies of SF 278 Executive Branch Personnel Public Financial Disclosure Reports or Other Covered Records

OGE Form 201 (July 2006)

I. Application		Agency Use Only	
1. Applicant's name and address (please print): Zoe Tillman, c/o BuzzFeed News 1630 Connecticut Ave. NW 7th Floor, Washington, DC 20009		Received date: _____ Filled date: _____	
1a. Office telephone number: (202) <u>602-1705</u> ext. _____		2. Occupation: Reporter	
3. If application is for or on behalf of any other person or organization, give the other's name:		3a. Address of the other person or organization:	
4. Type of applicant: <input checked="" type="checkbox"/> news media <input type="checkbox"/> private citizen <input type="checkbox"/> public interest group <input type="checkbox"/> law firm <input type="checkbox"/> other private organization <input type="checkbox"/> government			

5. Copy of the most recent (or other, specify) Public Financial Disclosure Report Form SF 278 requested for the following named individual(s):

a. Matthew Whitaker	d.
b.	e.
c.	f.

Certain other types of records ("covered records") can also be requested using this form (see Part III below); if you are requesting another covered record, check this box and specify which type of record(s): _____

6. Indicate how you wish to receive this request:
 Pick up at OGE By mail (at the address listed above)

I am aware that pursuant to section 105(c) of the Ethics in Government Act of 1978, as amended and 5 C.F.R. § 2634.603(f) of the implementing OGE regulations, it is unlawful for any person to obtain or use a report:

- (1) for any unlawful purpose;
- (2) for any commercial purpose, other than by news and communications media for dissemination to the general public;
- (3) for determining or establishing the credit rating of any individual; or
- (4) for use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

The Attorney General may bring a civil action against any person who obtains or uses a report for any such prohibited purpose as set forth above. The court may assess against such a person a penalty in any amount not to exceed \$11,000. Such remedy shall be in addition to any other remedy available under statutory or common law.

7. Applicant's signature:  Date: 11/28/18

II. Notice of Action

Copies of the report(s) or other covered record(s) you requested are enclosed.

Picked up by (signature): _____ Date: _____

Your request does not comply with the requirements of the statute. Please complete Part I of this form and return so we may comply with your request.

Fees. If applicable, amount: _____ (when fees are required, make out a check payable to the U.S. Treasury and send it to the executive branch agency processing this request form).

(form continued on reverse side)

A. Privacy Act Statement

Section 105 of the Ethics in Government Act of 1978, as amended (5 U.S.C. App.), and 5 C.F.R. § 2634.603 authorize the solicitation of the information requested in this form. The primary use of the information on this form is to permit officials of the recipient agency to consider and process your request for inspection or receipt of a copy(ies) of the SF 278 Executive Branch Personnel Public Financial Disclosure Report form(s) or other covered record(s) to which you seek access. Failure to furnish the information will result in this agency's inability to allow access to, or to provide copies of, the financial disclosure report form(s) or other record(s) requested. Otherwise, furnishing the requested information is voluntary. The information on this form itself may be publicly disclosed pursuant to proper request under section 105(b) of the Ethics Act or as otherwise authorized by law.

Additional disclosures of the information on this form may be made:

- (1) to a Federal, State or local law enforcement agency if the disclosing agency becomes aware of a violation or potential violation of law or regulation;
- (2) to a court or party in a court or Federal administrative proceeding if the Government is a party or in order to comply with a judge-issued subpoena;
- (3) to a source when necessary to obtain information relevant to a conflict of interest investigation or decision;
- (4) to the National Archives and Records Administration or the General Services Administration in records management inspections;
- (5) to the Office of Management and Budget during legislative coordination on private relief legislation;
- (6) to the Department of Justice or in certain legal proceedings when the disclosing agency, an employee of the disclosing agency, or the United States is a party to litigation or has an interest in the litigation and the use of such records is deemed relevant and necessary to the litigation;
- (7) to reviewing officials in a new office, department or agency when an employee transfers from one covered position to another;
- (8) to a Member of Congress or a congressional office in response to an inquiry made on behalf of an individual who is the subject of the record; and
- (9) to contractors and other non-Government employees working for the Federal Government to accomplish a function related to an OGE Governmentwide system of records.

See also the OGE/GOVT-1 executive branchwide Privacy Act system of records.

B. Public Burden Information

Public burden reporting for this collection of information is estimated to take approximately ten minutes per response, including time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Deputy Director for Administration and Information Management, U.S. Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington DC 20005-3917. **Do not** file this form with this official; rather, file it with the appropriate office of the executive branch department or agency from which you are seeking access to a financial disclosure report or other covered records.

Pursuant to the Paperwork Reduction Act, as amended, an agency may not conduct or sponsor, and no person is required to respond to, a collection of information unless it displays a currently valid OMB control number (that number, 3209-0002, is displayed here and in the lower right-hand corner of the front page of this OGE Form 201).

III. Other Covered Records

In addition to requests for access to public SF 278 reports, this form can also be used to request access to certain other agency records which are covered under the access procedures of section 105 of the Ethics Act and the implementing OGE regulations ("covered records"). Such other covered records are: (1) certificates of divestiture; (2) Ethics Act qualified blind trust and qualified diversified trust instruments (other than those provisions which relate to the testamentary disposition of the trust assets), the list of assets transferred to such trusts (and of assets sold in the case of a qualified blind trust), as well as, in the case of trust dissolution, the report thereon and the list of trust assets at that time, and the certificates of independence and compliance with respect to qualified trusts; (3) 18 U.S.C. § 208(b)(1) & (b)(3) waivers granted by the recipient agency (after deletion of any material withholdable pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (see 18 U.S.C. § 208(d)(1))); (4) other OGE Form 201s; (5) cover letters for approved gifts reporting waiver requests; and (6) cover letters for approved public reporting waiver requests for certain less than 130-day special Government employees. If you seek access to any such additional record(s), check the second box in Part I.5 on the front page and specify the record(s) sought.