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Description of document: Copy of a Department of Justice (DOJ) views letter from the 113th Congress, 2013

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Source of document: FOIA Request
Chief, Initial Request Staff
Office of Information Policy
Department of Justice
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001
Fax: (202) 514-1009
[Online FOIA Request Form](#)

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U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

January 29, 2016

Re: OLA/15-05457 (F)
VRB:DRH:DRM

This responds to your Freedom of Information Act (FOIA) request dated August 1, 2015, and received in this Office on August 21, 2015, in which you requested copies of the legislative Views Letters for the First and Second Sessions of the 113th Congress. This response is made on behalf of the Office of Legislative Affairs.

Please be advised that a search has been conducted of the electronic database of the Departmental Executive Secretariat, which maintains certain Office of Legislative Affairs records, including records of Department correspondence, and one document, totaling one page, was located that is responsive to your request. I have determined that this document is appropriate for release without excision and a copy is enclosed.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2012). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's eFOIA portal at www.justice.gov/oip/efoia-portal.html. Please note that OIP is in the process of transitioning from its current eFOIA portal to the portal on FOIAonline. Please visit the link above for instructions for submitting an appeal electronically. Your appeal must be postmarked or electronically transmitted within sixty days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in blue ink, appearing to read "Vanessa R. Brinkmann", with a small "BR" monogram at the end.

Vanessa R. Brinkmann
Senior Counsel

Enclosure

2697194

RECEIVED
DEPT OF JUSTICE
EXECUTIVE SECRETARIAT

2013 JUL 29 PM 4:41



Office of the Attorney General

Washington, D.C. 20530

July 29, 2013

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Leahy:

This letter presents the views of the Department of Justice on the substitute amendment (ALB13659) to S.987, the "Free Flow of Information Act of 2013." The Department is pleased that the Senate Judiciary Committee will be considering this bill, which strikes a careful balance between safeguarding the freedom of the press and ensuring our nation's security and the safety of the American people. The Department supports the passage of this media shield legislation, and will continue to work with leaders from both parties to achieve this goal.

Over the past few months, the Department has engaged in a rigorous review of its own internal policies governing investigations and other law enforcement matters that involve journalists, including extensive engagement with news media organizations, First Amendment groups, media industry organizations, and academic experts. As a result of this process, the Department announced that it would make substantial revisions to its policies to strengthen protections for members of the news media, while maintaining the Department's ability to protect the American people by pursuing those who violate their oaths through unlawful disclosures of information.

Notwithstanding the significant modifications the Department intends to make to its policies with respect to investigations involving the news media, certain measures will require legislative action. As provided in the substitute amendment to S. 987, for example, a media shield law could establish a mechanism for advance judicial review of investigative tools such as subpoenas when they involve the news media. The proposed bill establishes an important procedural framework for such judicial review, including by providing for expedited judicial determinations and under seal or ex parte review for good cause. In addition, the definition of "covered person" appropriately identifies individuals and entities engaged in gathering and disseminating public news or similar information.

The Department reiterates its support for this bill, and looks forward to continuing to work with lawmakers to achieve its passage.

Sincerely,

Eric H. Holder, Jr.
Attorney General

Received from OAG 7/29/2013