

draft memo

April 15, 1996

From: Laura Denk

Subject: Freedom of Information Act Exemptions  
Weisberg FOIA Request for Humes/Boswell Deposition Transcripts

On April 11, 1996, I called Tom McIntyre, FOIA Counselor at DOJ/OIP, to ask about which FOIA exemption to use in responding to Weisberg's FOIA request for the deposition transcripts from the Humes and Boswell depositions.

I explained that the individuals in this office who were working on medical issues thought that it was important that they keep the transcripts confidential until the medical portion of our work was complete (at which time we would disclose the transcripts in full.)

We discussed three possible exemptions.

(1) Deliberative Process Exemption (Exemption 5)

Mr. McIntyre agreed that the questions that were asked of the doctors might reveal the agency's deliberations about where to find additional records and he understood that revealing the answers might reveal the questions. However, he told me that the documents might not be inter-agency or intra-agency

agreed that the answersWe first discussed whether the deliberative process exemption (5) would be appropriate. He told me that because we had already shared this information with outsiders (the doctors themselves) that the deliberative process

I briefly reported this conversation to Jeremy, who advised me to respond to Mr. Weisberg's request asserting both the deliberative process exemption and the law enforcement exemption.