

## Grant F. Smith

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**From:** PardonAttorneyFOIA@usdoj.gov  
**Sent:** Thursday, December 15, 2016 6:22 PM  
**To:** gsmith@irmep.org  
**Subject:** OPA FOIA Request 2017-019 (Mr. Grant F. Smith) (Intranet Quorum IMA00737057)  
**Attachments:** IQFormatFile.txt

December 15, 2016

Grant F. Smith  
Director of Research  
Inst. for Research: Middle  
P.O. Box 32041  
Washington, DC 20007

### **Re: Freedom of Information Act Request: 2017-019**

Dear Mr. Smith:

This correspondence is in response to your Freedom of Information Act (FOIA) request dated and received in the Office of the Pardon Attorney (OPA) on 10/26/2016. Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552 *et seq.*, you requested clemency related correspondence filed or passed through the Office of the Pardon Attorney by or on behalf of Lawrence A. Franklin, Ivre Lewis Libby, Stewart David Nozette, and Jonathan Pollard since 2009.

In response to your request, I searched the official files of this office and determined that we do not have a clemency case file for Ivre Lewis Libby or Stewart David Nozette. We also do not have a case file for Mr. Pollard within the scope of your request. As a result, we have no documents to produce, there has been no fee assessed for the search of our records, and this will be our final correspondence in relation to that part of the above referenced request.

In relation to your request for records related to Mr. Lawrence A. Franklin, you did not return a signed Certificate of Identification from Mr. Franklin as indicated in my correspondence dated December 9, 2016, which would have granted this Office permission to disclose nonexempt documents from his clemency casefile, so I have determined that the entire file is exempt from disclosure pursuant to 5 U.S.C. § 552(b)(5), which concerns certain inter- and intra-agency communications protected by the deliberative process privilege, the attorney work-product privilege, the attorney-client privilege, the Presidential communications privilege; and 5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties.

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). 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.

You may email this office at [PardonAttorneyFOIA@usdoj.gov](mailto:PardonAttorneyFOIA@usdoj.gov) for any further assistance with your FOIA request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and

Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal it 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 FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within 60 days of this response. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

William N. Taylor II  
Executive Officer  
Office of the Pardon Attorney