



EXHIBIT 1

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Donald J. Trump  @realDonaldTrump · 4h 

....victory and cannot be burdened with the tremendous medical costs and disruption that transgender in the military would entail. Thank you

 39K  25K  73K 
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Donald J. Trump  @realDonaldTrump · 4h 

....Transgender individuals to serve in any capacity in the U.S. Military. Our military must be focused on decisive and overwhelming.....

 24K  27K  71K 
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Donald J. Trump  @realDonaldTrump · 4h 

After consultation with my Generals and military experts, please be advised that the United States Government will not accept or allow.....


 14K  26K  66K 

EXHIBIT 2

FILED UNDER SEAL

EXHIBIT 3

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RYAN KARNOSKI, et al.,

Plaintiffs,

v.

DONALD J TRUMP, et al.,

Defendants.

CASE NO. C17-1297 MJP

ORDER RE *IN CAMERA* REVIEW
OF DOCUMENTS SUBMITTED
PURSUANT TO THE COURT'S
ORDER ON DOCUMENTS
WITHHELD BY THE
GOVERNMENT AS
NON-RESPONSIVE (DKT. NOS.
455, 464)

This matter comes before the Court on Defendants' submission of documents for *in camera* review pursuant to the Court's Order on Plaintiffs' Motion to Compel Documents Withheld by the Government as Non-Responsive. (Dkt. Nos. 449, 455, 465.) Having conferred with the Special Master concerning the approximately 1,700 pages of documents the

1 Government filed for *in camera* review, the Court has made the following privilege
 2 determinations on a document-by-document basis, as listed in the attachment to this Order¹:

- 3 (1) The Government must produce all documents listed in the attached exhibit in which “N”
 4 has been marked in the column labelled “Privileged” not later than **June 5, 2020**;
- 5 (2) Where the negative privilege decision is followed by an indication in the “Reasons”
 6 column that only a portion of the document needs to be produced, the balance of the
 7 document may be redacted;
- 8 (3) Documents that are privileged have been labelled by “Y” in the “Privileged” column;
 9 where the column is blank, the Court has determined that the document is not relevant
 10 and need not be produced.

11 **Background**

12 On March 4, 2020, the Court granted Plaintiffs’ motion to compel documents which are
 13 part of an otherwise responsive “family group” of produced material but were withheld on the
 14 grounds of “non-responsiveness”; as an example, the Government withheld attachments to
 15 emails as “non-responsive” where the email itself was produced. (Dkt. No. 455.) While the
 16 Government had not asserted any privilege over these documents or listed them on a privilege
 17 log, shortly after the Court issued its Order, the Government submitted an agreed motion for
 18 clarification or reconsideration, informing the Court that “during the course of preparing these
 19 non-responsive family documents for production, Defendants [] discovered that a small subset of
 20 the documents are subject to privilege.” (Dkt. No. 463 at 2.) Defendants believed these

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 22 _____
 23 ¹ The Special Master has adjusted the privilege log provided to the Court as an Excel spreadsheet so that the
 24 documents would be listed in PrivWithhold order, while still identifying the Defendants’ document numbering
 scheme.

1 documents were protected from disclosure by the attorney-client privilege, the attorney work
2 product privilege, the deliberative process privilege, and the executive privilege. (*Id.*) The Court
3 granted Defendants’ Motion for Clarification, ordering Defendants to submit the subset of
4 documents that Defendants believed to be privileged to the Court for *in camera* review along
5 with a privilege log. (Dkt. No. 464.)

6 Discussion

7 Each of the documents submitted for *in camera* review, covering PrivWithholding page
8 numbers 1415 through 3180, have now been reviewed. For a sizeable number of these
9 documents, Defendants’ privilege assertions were not justified. This blanket assertion of
10 privilege without close analysis or articulated rationale must stop.

11 Defendants are reminded of the Ninth Circuit’s guidance concerning the deliberative
12 process privilege:

13 The deliberative process privilege ... still commands judicial consideration. We
14 have held that “[a] litigant may obtain deliberative materials if his or her need for
15 the materials and the need for accurate fact-finding override the government’s
16 interest in non-disclosure.” As the district court here correctly recognized, we
17 balance four factors in determining whether this exception to the deliberative
18 process privilege is met “1) the relevance of the evidence; 2) the availability of
19 other evidence; 3) the government’s role in the litigation; and 4) the extent to
20 which disclosure would hinder frank and independent discussion regarding
21 contemplated policies and decisions. In balancing these factors, we note that the
22 second and third favor plaintiffs.

23 Karnoski v. Trump, 926 F.3d 1180, 1206 (9th Cir 2019) (internal citation omitted). Here,
24 because the Court has determined that the documents at issue are relevant (see Dkt. No.
455), the Government was required to establish that the “chilling effect” of disclosure
outweighs the three other factors. This means, as a non-exhaustive list, that the following

1 types of documents meant for public disclosure or describing public reports are not
 2 protected by the deliberative process privilege²:

- 3 1. Press Accounts. Many of the documents claimed privileged are summaries of
 4 press inquiries about transgender service policies and the responses to those
 5 inquiries. Obviously, these constitute reporting on who was asking questions,
 6 the answers provided to the press, and similar public issues. Similarly, “Close
 7 of Business” memos reporting on news reports summaries as a historical
 8 accounting of the week’s news events should not have been withheld pursuant
 9 to the deliberative process privilege.
- 10 2. Cards for prepared responses. These documents reported the use of certain
 11 “cards” by categories, including “Transgender.” Prepared responses to
 12 common or expected public questions are not deliberative.
- 13 3. Confirmation preparation. Questions and prepared responses to actual or
 14 potential confirmation, budget, or Congressional questions are not
 15 deliberative. Instead, they are designed for public consumption, the very
 16 antithesis of deliberate privilege.

17 As to claims involving the attorney-client privilege, not all documents that include
 18 the name of an attorney are subject to withholding pursuant to the privilege. Instead, the
 19 communication must seek or elicit legal advice or send information relevant to that end.

20 See In re Grand Jury Investigation, 974 F.2d 1068, 1071 n.2 (9th Cir. 1992) (internal
 21 citation omitted) (“The attorney-client privilege may be divided into eight essential
 22 elements: (1) Where legal advice of any kind is sought (2) from a professional legal
 23 adviser in his capacity as such, (3) the communications relating to that purpose, (4) made
 24 in confidence (5) by the client, (6) are at his instance permanently protected (7) from
 disclosure by himself or by the legal adviser, (8) unless the protection be waived”).

Transmittal emails that do not otherwise contain privileged information are not

² In the attachment to this Order, the Court lists these documents as “not deliberative,” a shorthand for rejection of Defendants’ deliberative process privilege claims.

1 privileged, even if they are sent to attorneys, and even if the attachment would otherwise
 2 be privileged.

3 The Court makes its privilege determinations in a document-by document basis in
 4 the attachment to this Order, using the following demarcations. The “Privilege” column
 5 indicates whether each document is privileged by “Y” (yes) or “N” (no) designations.
 6 Where the privilege column is blank this indicates, per the “Reasons” column, that the
 7 document is not relevant and need not be produced. Where the negative privilege
 8 decision is followed by an indication in the “Reasons” column that only a portion of the
 9 document need to be produced, meaning the balance of the document can be redacted if
 10 the Government chooses to do so.

11 **Conclusion**

12 After close consultation with the Special Master following the review of each document
 13 submitted by the Defendants, the Court finds that the Government has been overbroad in its
 14 privilege assertions, straying far outside the bounds of the deliberative process privilege and
 15 asserting the attorney-client privilege without care. The Government can and should do better.
 16 The Court therefore ORDERS the Government to produce all documents listed in the attached
 17 exhibit in which “N” has been marked in the column labelled “Privileged” (as modified by
 18 permissible redactions set forth in the “Reasons” column) not later than **June 5, 2020**. The
 19 Government need not produce documents that have been labelled by a “Y” or have no
 20 designation in the “Privileged” column.

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The clerk is ordered to provide copies of this order to all counsel.

Dated May 29, 2020.



Marsha J. Pechman
United States District Judge

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
AF_CTRL_00000187	AF_CTRL_00000185	PrivWith hold1415	PrivWith hold1448	5/10/2018	PDF with file name "20180514 - SecAF w Sen Udall SAC-D Pre-Hearing v5.pdf"	DP - Deliberative Process	Briefing notes produced in preparation for meeting between Secretary of the Air Force and U.S. Senator. Does not relate to the transgender military policy.		Not relevant
AF_CTRL_00000188	AF_CTRL_00000185	PrivWith hold1449	PrivWith hold1468	5/10/2018	PDF with file name "20180514 Sen Tester w SecAF SAC-D Pre-Hearing v5.pdf"	DP - Deliberative Process	Briefing notes produced in preparation for meeting between Secretary of the Air Force and U.S. Senator. Does not relate to the transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
Army_10003250		PrivWith hold1469	PrivWith hold1469	12/11/2017	Email with subject line "Accession Implementation"	AC - Attorney Client	Email from MAJ Dustin Murphy, an Army Judge Advocate assigned to the Office of the Judge Advocate General (Military Personnel Law) Branch requesting information concerning the intended use of attached documents in order to provide legal advice.	y	Attorney client
Army_10004634.0002	Army_10004634	PrivWith hold1470	PrivWith hold1471	10/18/2017	Attachment to an email. Word document titled "Declaration of Raymond Horoho" with file name "Horoho Declaration (John Doe 2).docx"	AC - Attorney Client; WP - Work Product	Draft (unsigned) declaration of Raymond Hororo for use in <i>Stockman v. Trump</i> , sent from MAJ Casey Biggerstaff (Army Litigation Attorney) to other Army attorneys.	y	AC and WP

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
Army_10 005406.0 001	Army_10 005406	PrivWith hold1472	PrivWith hold1473	10/18/2017	Attachment to an email. Word document titled "Declaration of Raymond Horoho" with file name "Horoho Declaration (John Doe 2).docx"	AC - Attorney Client; WP - Work Product	Draft (unsigned) declaration of Raymond Hororo for use to <i>Stockman v. Trump</i> , sent from an Army attorney (MAJ Dustin Murphy, Office of The Judge Advocate General) to an Army attorney (Ms. Maanvi Patoir).	Y	AC and WP
Army_10 005414.0 002	Army_10 005414	PrivWith hold1474	PrivWith hold1475	10/18/2017	Attachment to an email. Word document titled "Declaration of Raymond Horoho" with file name "Horoho Declaration (John Doe 2).docx"	AC - Attorney Client; WP - Work Product	Draft (unsigned) declaration of Raymond Hororo for use in <i>Stockman v. Trump</i> , sent from MAJ Casey Biggerstaff (Army Litigation Attorney) to other Army attorneys	Y	AC and WP

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
Army_10006880		PrivWith hold1476	PrivWith hold1476	1/16/2018	Email with subject line "SSG King SOTU Invite"	AC - Attorney Client	Email from an Army attorney (MAJ Dustin Murphy, Office of The Judge Advocate General, Administrative Law Division) to a Department of Defense attorney that provides information and legal advice regarding a meeting between a service member and an elected official	N	No legal advice sought or provided

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
Army_10 006883		PrivWith hold1477	PrivWith hold1477	1/16/2018	Email with subject line "SSG King SOTU Invite"	AC - Attorney Client	Email from an Army attorney (MAJ Dustin Murphy, Office of The Judge Advocate General, Administrative Law Division) to other Army attorneys concerning a meeting between a service member and an elected official, referencing an attached legal review	N	No legal advice sought or provided

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
Army_10006887		PrivWith hold1478	PrivWith hold1478	1/16/2018	Email with subject line "SSG King SOTU Invite"	AC - Attorney Client	Email from an Army attorney (MAJ Dustin Murphy, Office of The Judge Advocate General, Administrative Law Division) that provides information and legal advice regarding a meeting between a service member and an elected official	N	No legal advice sought or provided

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
Army_10 006888		PrivWith hold1479	PrivWith hold1479	1/16/2018	Email with subject line "SSG King SOTU Invite"	AC - Attorney Client	Email from an Army attorney (MAJ Dustin Murphy, Office of The Judge Advocate General, Administrative Law Division) that provides information and legal advice regarding a meeting between a service member and an elected official	N	No legal advice sought or provided

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
Army_10007046		PrivWith hold1480	PrivWith hold1480	1/26/2018	Email with subject line "Passport - Accession Processing"	AC - Attorney Client	Email from an Army attorney (MAJ Dustin Murphy, Office of The Judge Advocate General, Administrative Law Division) requesting information regarding the Army's application of transgender applicant processing guidance	N	No legal advice sought or provided
Army_10009171.0002	Army_10009171	PrivWith hold1481	PrivWith hold1484	10/24/2017	Email with subject line "RE: Tasking from A/SA & CSA MAVNI (UNCLASSIFIED)"	DP - Deliberative	Email chain reflecting deliberations concerning the development of the MAVNI program.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
Army_10009932		PrivWith hold1485	PrivWith hold1486	1/19/2017	Email with subject line "RE: RFI Response (UNCLASSIFIED)"	AC - Attorney Client	Email from Army attorney (MAJ Laura Grace, Office of The Judge Advocate General) providing legal advice on documents sent for her review.	Y	AC
Army_10009943.0002	Army_10009943	PrivWith hold1487	PrivWith hold1542	1/18/2017	Attachment to email. PDF titled "Advance Policy Questions for James N. Mattis Nominee to be Secretary of Defense" with file name "Mattis Advance Policy Q and A-SASC-12 Jan 17.pdf"	DP - Deliberative	Document drafted to assist nominee for Secretary of Defense in confirmation hearing, which discusses various topics. Highlighted for review and comment in relation to preparations for Secretary of the Army nomination.	N	Not deliberative. Produce top lines of PrivWithhold 1487 and bottom of page reflecting PrivWithhold Number 1487. Produce PrivWithhold 1494-through second paragraph in PrivWithhold 1502. Balance of document not relevant.

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
Army_10010107		PrivWith hold1543	PrivWith hold1545	4/6/2017	Email with subject line "FW: Question about Transgenders and Bathrooms (UNCLASSIFIED)"	AC - Attorney Client	Email to Army attorney (MAJ Laura Grace, Office of the Judge Advocate General) requesting legal advice concerning transgender civilian personnel policy.	N	Legal advice neither sought nor provided
Army_10011373		PrivWith hold1546	PrivWith hold1547	1/24/2018	Email with subject line "RE: CIMT Azimuth Check WRT TG Integration into IET"	AC - Attorney Client	Redacted portion conveys legal advice received from Army attorneys.	Y	AC
Army_10030187	Army_10030186	PrivWith hold1548	PrivWith hold1549	2/21/2018	Email with subject line "RE: TG ROTC Issue"	AC - Attorney Client	Redacted portion conveys legal advice and analysis received from attorneys regarding Title IX issues.	Y	AC

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
Army_10 030301		PrivWith hold1550	PrivWith hold1551	2/12/2018	Email with subject line "RE: Draft Transgender Integration Products for review (UNCLASSIFIED)"	AC - Attorney Client	Email chain requesting and providing legal advice concerning transgender personnel policy, specifically requesting attorneys' feedback on a product title "TG Policy Vignettes"	Y	AC
Army_10 036334		PrivWith hold1552	PrivWith hold1553	2/26/2018	Email with subject line "RE: TG ROTC Issue"	AC - Attorney Client	Redacted portion conveys legal advice and analysis received from attorneys regarding Title IX issues.	Y	AC
Army_10 038153	Army_10 038152	PrivWith hold1554	PrivWith hold1555	2/21/2018	Email with subject line "RE: TG ROTC Issue"	AC - Attorney Client	Redacted portion conveys legal advice and analysis received from attorneys regarding Title IX issues.	Y	AC

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
Army_10 040256	Army_10 040255	PrivWith hold1556	PrivWith hold1566	3/13/2018	Attachment to email. Word document titled "Use of Supplemental Health Care Program Funds for Non-covered TRICARE Health Care Services and the Waiver Process for Active Duty Service Members " with file name "Draft DHA-PI_SHCP_Waivers_Feb 12_CLEAN.doc"	DP - Deliberative	Draft Defense Health Agency Procedural Instruction on "Use of Supplemental Health Care Program Funds for Non-covered TRICARE Health Care Services and the Waiver Process for Active Duty Service Members." Document contains reviewer tracked changes.	N	Not deliberative. Draft policy is not DP. Editorial change of two words does not convert to DP

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0000 0813		PrivWith hold1567	PrivWith hold1570	12/20/2017	Email with subject line, "RE: [Non-DoD Source] RE: Stone (4th Cir.) -- Opp to Stay Motion"	AC - Attorney Client Privilege; DP - Deliberative Process; WP - Work Product	Discussions between DOJ attorneys and DoD Office of General Counsel (OGC) attorneys concerning filings and draft filings in Stone v. Trump matter. Email discussion reflects attorney mental impressions regarding matter in litigation and draft litigation filings; communications seeking and providing legal advice regarding litigation filings; as well as predecisional deliberations about litigation filings.	Y	AC

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00000951		PrivWith hold1571	PrivWith hold1572	12/14/2017	Email with subject line, "RE: Army Tier 3 Training"	AC - Attorney Client Privilege; DP - Deliberative Process	DoD policy official seeking legal advice from DoD Office of General Counsel (OGC) attorney regarding a training presentation, and OGC attorney providing legal advice concerning that presentation. Discussion reflects OGC attorney's predecisional advice and recommendations regarding the presentation.	Y	AC

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00000985	DoD00000984	PrivWith hold1573	PrivWith hold1573	12/13/2017	Word document titled "Hard Questions for MAVNI and Foreign National Recruiting" with file name, "SD FY19 Budget Hearing QAs (MAVNI-Foreign National Recruiting).docx"	DP - Deliberative Process	Draft briefing paper regarding Military Accessions Vital to the National Interest (MAVNI) and Foreign National Recruiting. Drafted for Secretary of Defense in preparation for congressional hearing. Contains reviewer comments. Unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00001091	DoD00001090	PrivWith hold1574	PrivWith hold1574	12/11/2017	Word document titled "Hard Questions for Military Accessions Vital to the National Interest (MAVNI)" with file name, "MAVNI LPR FY19 Hard Qs and As.docx"	DP - Deliberative Process	Briefing paper regarding Military Accessions Vital to the National Interest (MAVNI) and Foreign National Recruiting. Drafted for Secretary of Defense in preparation for congressional hearing. Unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00001093	DoD00001090	PrivWith hold1575	PrivWith hold1575	12/11/2017	Word document titled, "Foreign National Recruiting" with file name "SD Foriegn National Recruiting.docx"	DP - Deliberative Process	Briefing paper regarding Military Accessions Vital to the National Interest (MAVNI) and Foreign National Recruiting. Drafted for Secretary of Defense in preparation for congressional hearing. Unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00001105	DoD00001104	PrivWith hold1576	PrivWith hold1577	12/11/2017	Word document titled, "Foreign National Recruiting" with file name "SD Foriegn National Recruiting.docx"	DP - Deliberative Process	Draft briefing paper regarding Military Accessions Vital to the National Interest (MAVNI) and Foreign National Recruiting. Drafted for Secretary of Defense in preparation for congressional hearing. Contains reviewer comments. Unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00001125	DoD00001124	PrivWith hold1578	PrivWith hold1579	12/11/2017	Word document titled, "Foreign National Recruiting" with file name "SD Foriegn National Recruiting1.docx"	DP - Deliberative Process	Draft briefing paper regarding Military Accessions Vital to the National Interest (MAVNI) and Foreign National Recruiting. Drafted for Secretary of Defense in preparation for congressional hearing. Unrelated to transgender military policy.		Not relevant
DoD00001223	DoD00001222	PrivWith hold1580	PrivWith hold1584	9/15/2017	Word document titled "DoD Military Accessions Vital to the National Interest (MAVNI) Litigation (as of 13 OCT 2017)" with file name, "MAVNI Litigation Matrix.docx"	AC - Attorney Client Privilege; DP - Deliberative Process; WP - Work Product	Chart describing the status of lawsuits challenging policy related to the Military Accessions Vital to the National Interest (MAVNI) program.	Y	WP

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00001469	DoD00001468	PrivWith hold1585	PrivWith hold1590	11/27/2017	Attachment to email. Draft Word document that is a memorandum for commanders and officers titled "Policy Memorandum 2-5, Transgender Applicant Processing" with the file name, "Transgender Applicant Processing Policy v10_Nov 27 2017 - DJG.DOC"	AC - Attorney Client Privilege; DP - Deliberative Process; WP - Work Product	Draft DoD memorandum containing edits and comments from DoD Office of General Counsel (OGC) Attorneys John Casciotti and David Gruber. Document reflects provision of attorney recommendations and advice and attorney mental impressions regarding matter in litigation.	Y	DP and AC

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00001735	DoD00001730	PrivWith hold1591	PrivWith hold1591	11/8/2017	Attachment to email. Word document titled "MILITARY ACCESSIONS VITAL TO THE NATIONAL INTEREST (MAVNI)" with file name, "14 - DACA and MAVNI.docx"	DP - Deliberative Process	Draft briefing paper for DoD leadership regarding Military Accessions Vital to the National Interest (MAVNI) and related litigation. Unrelated to transgender military policy.		Not relevant
DoD00002247	DoD00002246	PrivWith hold1592	PrivWith hold1593	9/22/2017	PDF of info memo with subject line "Military Accessions Vital to the National Interest (MAVNI) Pilot Program Update" with file name, "MAVNI.PDF"	DP - Deliberative Process	Memorandum for the Secretary of Defense from two Under Secretaries of Defense regarding Military Accessions Vital to the National Interest (MAVNI). Contains advice and recommendations for the Secretary. Unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0000 2891	DoD0000 2887	PrivWith hold1594	PrivWith hold1594	7/7/2017	Attachment to email. Word document titled, "Military Accessions Vital to the National Interest (MAVNI)" with file name "DSD Readbook - MAVNI.docx"	DP - Deliberative Process	Briefing paper prepared for the Deputy Secretary of Defense regarding Military Accessions Vital to the National Interest (MAVNI). Unrelated to transgender military policy.		Not relevant
DoD0000 2905	DoD0000 2898	PrivWith hold1595	PrivWith hold1596	4/4/2017	Attachment to email. Word document titled, "Military Accessions Vital to the National Interest (MAVNI)" with file name "3J DSD Confirmation - MAVNI-DACA 20170404.docx"	DP - Deliberative Process	Briefing paper prepared for the Deputy Secretary of Defense regarding Military Accessions Vital to the National Interest (MAVNI). Unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00003017	DoD00003016	PrivWith hold1597	PrivWith hold1599	6/19/2017	Attachment to email. Word document of a "Memorandum for the White House Staff Secretary and Cabinet Secretary" with subject "Department of Defense Weekly Update for the Week of June 19th, 2017" with file name, "19 June 2017 - PR Lookahead.docx"	DP - Deliberative Process; EP - Executive Privilege	Memorandum for the White House Staff Secretary and Cabinet Secretary on the subject of "Department of Defense Weekly Update for the Week of June 19, 2017." Unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0000 3104	DoD0000 3103	PrivWith hold1600	PrivWith hold1601	5/17/2017	Word document titled "MAVNI" with file name, "17 MAY - TOP LINES - MAVNI - Transgender (SAB).doc"	DP - Deliberative Process	Draft internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns Military Accessions Vital to the National Interest (MAVNI) as well as Transgender Policy.	N	Not deliberative
DoD0000 3106	DoD0000 3105	PrivWith hold1602	PrivWith hold1603	5/17/2017	Word document titled "MAVNI" with file name, "17 MAY - TOP LINES - MAVNI - Transgender (SAB).doc"	DP - Deliberative Process	Draft internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns Military Accessions Vital to the National Interest (MAVNI) as well as Transgender Policy.	N	Not deliberative.

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0000 3108	DoD0000 3107	PrivWith hold1604	PrivWith hold1605	5/17/2017	Word document titled "MAVNI" with file name, "17 MAY - TOP LINES - MAVNI - Transgender.doc"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns Military Accessions Vital to the National Interest (MAVNI) as well as Transgender Policy.	N	Not deliberative.
DoD0000 3114	DoD0000 3113	PrivWith hold1606	PrivWith hold1607	5/16/2017	Word document titled "MAVNI" with file name, "17 MAY - TOP LINES - MAVNI - Transgender.doc"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns Military Accessions Vital to the National Interest (MAVNI) as well as Transgender Policy.	N	Not deliberative

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00003210	DoD00003207	PrivWith hold1608	PrivWith hold1608	2/23/2017	Word document titled "MAVNI" with file name, "MAVNI_DACA QAs.docx"	DP - Deliberative Process;	Draft internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant
DoD00003796	DoD00003794	PrivWith hold1609	PrivWith hold1628	5/10/2016	Draft Word document titled "DOD INSTRUCTION ####.##" with file name, "DoDI 10 May Track Changes.docx"	AC - Attorney Client Privilege; DP - Deliberative Process; WP - Work Product	Draft DoD memorandum containing edits by DoD attorney Hershel Eisenberger. Document reflects provision of attorney recommendations and advice and attorney mental impressions regarding matter in litigation.	Y	AC and DP

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00004658	DoD00004657	PrivWith hold1629	PrivWith hold1630	8/1/2017	Word document titled "BACKGROUND ON MILITARY ACCESSIONS VITAL TO THE NATIONAL INTEREST (MAVNI) & DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)" with file name "MAVNI_DACA backgrounder (AP Smooth).docx"	DP - Deliberative Process	Internal briefing document prepared to assist senior DoD leadership. Contains briefing and recommendations concerning Military Accessions Vital to the National Interest (MAVNI). Concerns policies and events unrelated to transgender military policy.		Not relevant
DoD00005474	DoD00005472	PrivWith hold1631	PrivWith hold1633	2/10/2009	PDF the header "DoDI 1300.17, February 10, 2009" with file name "130017 draft Pre Post Religious Accommodation (Proposed Changes).pdf"	DP - Deliberative Process	Internal draft DoD memorandum regarding policy for religious accommodations in the military. Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00008025		PrivWith hold1634	PrivWith hold1635	12/8/2017	Email with file name "RE: Feedback from the Lethality WG Back brief to DSD"	DP - Deliberative Process	Email communication among DoD policy officials concerning recommendations presented to a senior official about lethality and readiness of the armed forces.	y	DP
DoD00009259	DoD00009258	PrivWith hold1636	PrivWith hold1636	12/11/2017	Attachment to email. Word document titled "Hard Questions for Military Accessions Vital to the National Interest (MAVNI)" with file name "SD Budget Hearing Q&As (MAVNI-Foreign National Recruiting).docx"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns Military Accessions Vital to the National Interest (MAVNI). Unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0000 9260	DoD0000 9258	PrivWith hold1637	PrivWith hold1637	12/11/2017	Attachment to email. Word document titled "Foreign National Recruiting" with file name "SAMPLE Issue Paper with Instructions" with file name "SD Budget Hearing Issue Paper (MAVNI-Foreign National Recruiting).docx"	DP - Deliberative Process	Internal briefing and press guidance document prepared to assist senior DoD leadership. Concerns Military Accessions Vital to the National Interest (MAVNI). Unrelated to transgender military policy.		Not relevant
DoD0000 9266	DoD0000 9265	PrivWith hold1638	PrivWith hold1638	12/11/2017	Attachment to email. Word document titled "Hard Questions for Military Accessions Vital to the National Interest (MAVNI)" with file name "MAVNI LPR FY19 Hard Qs and As.docx"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns Military Accessions Vital to the National Interest (MAVNI). Unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0000 9273	DoD0000 9271	PrivWith hold1639	PrivWith hold1639	12/11/2017	Attachment to email. Word document titled "Foreign National Recruiting" with file name "SAMPLE Issue Paper with Instructions" with file name "SD Budget Hearing Issue Paper (MAVNI-Foreign National Recruiting).docx"	DP - Deliberative Process	Internal briefing and press guidance document prepared to assist senior DoD leadership. Concerns Military Accessions Vital to the National Interest (MAVNI). Unrelated to transgender military policy.		Not relevant
DoD0000 9289		PrivWith hold1640	PrivWith hold1641	12/8/2017	Email with subject line "FW: MEDICAL STANDARDS FOR APPOINTMENTS ENLISTMENT OR INDUCTION OF TRANSGENDER APPLICANTS INTO THE MILITAROSD01526 5-17 RES FINAL (UNCLASSIFIED)"	AC - Attorney Client Privilege; DP - Deliberative Process;	Email communication from DoD policy official to DoD Office of General Counsel (OGC) attorneys seeking legal advice and recommendations on whether to forward a DoD memorandum to other components within DoD.	N	Transmittal email; no legal advice sought or provided

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00009838	DoD00009837	PrivWith hold1642	PrivWith hold1643	8/1/2017	Attachment to email. Word document titled "BACKGROUND ON MILITARY ACCESSIONS VITAL TO THE NATIONAL INTEREST (MAVNI) & DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)" with file name "MAVNI_DACA backgrounder (AP Smooth).docx"	DP - Deliberative Process	Internal briefing document prepared to assist senior DoD leadership. Contains background and recommendations concerning Military Accessions Vital to the National Interest (MAVNI). Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00009861	DoD00009860	PrivWith hold1644	PrivWith hold1644	7/10/2017	Attachment to email. Word document titled "Military Accessions Vital to the National Interest" with file name "DSD - MAVNI-DACA.DOCX"	DP - Deliberative Process	Internal briefing document prepared to assist senior DoD leadership. Contains background and recommendations concerning Military Accessions Vital to the National Interest (MAVNI). Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00009930		PrivWith hold1645	PrivWith hold1647	7/25/2017	Email with the subject line "FW: DSD priorities meeting today (suspense: 1200) (UNCLASSIFIED)"	DP - Deliberative Process	Internal email communication among DoD officials related to Military Accessions Vital to the National Interest (MAVNI). Reflects DoD analysis and recommendations. Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00010002	DoD00010001	PrivWith hold1648	PrivWith hold1648	7/10/2017	Attachment to email. Word document titled "Military Accessions Vital to the National Interest" with file name "3J- DSD Confirmation - MAVNI- DACA.docx"	DP - Deliberative Process	Internal briefing document prepared to assist senior DoD leadership. Contains background and recommendations concerning Military Accessions Vital to the National Interest (MAVNI). Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00010008	DoD00010006	PrivWith hold1649	PrivWith hold1649	7/10/2017	Attachment to email. Word document titled "Military Accessions Vital to the National Interest" with file name "3J- DSD Confirmation - MAVNI- DACA.docx"	DP - Deliberative Process	Internal briefing document prepared to assist senior DoD leadership. Contains briefing and recommendations concerning Military Accessions Vital to the National Interest (MAVNI). Concerns policies and events unrelated to transgender military policy.		Not relevant
DoD00010262	DoD00010261	PrivWith hold1650	PrivWith hold1650	2/23/2017	Attachment to email. Word document titled "MAVNI" with file name "MAVNI_DACA QAs.docx"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns Military Accessions Vital to the National Interest (MAVNI).		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0001 1514	DoD0001 1513	PrivWith hold1651	PrivWith hold1651	7/10/2017	Attachment to email. Word document titled "Military Accessions Vital to the National Interest" with file name "3J- DSD Confirmation - MAVNI- DACA.docx"	DP - Deliberative Process	Internal briefing document prepared to assist senior DoD leadership. Contains briefing and recommendations concerning Military Accessions Vital to the National Interest (MAVNI). Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0001 1518	DoD0001 1517	PrivWith hold1652	PrivWith hold1652	7/10/2017	Attachment to email. Word document titled "Military Accessions Vital to the National Interest" with file name "3J- DSD Confirmation - MAVNI- DACA.docx"	DP - Deliberative Process	Draft internal briefing document prepared to assist senior DoD leadership. Contains briefing and recommendations concerning Military Accessions Vital to the National Interest (MAVNI). Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0002 1464	DoD0002 1463	PrivWith hold1653	PrivWith hold1653	3/29/2017	Attachment to email. Word document titled "Military Accessions Vital to the National Interest (MAVNI)" with file name "3J Confirmation Issue Paper MAVNI-DACA v2.docx"	DP - Deliberative Process	Internal briefing document prepared to assist senior DoD leadership. Contains briefing and recommendations concerning Military Accessions Vital to the National Interest (MAVNI). Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00021669		PrivWith hold1654	PrivWith hold1656	8/1/2017	Email with subject line "FW: TG (UNCLASSIFIED)"	AC - Attorney Client Privilege; DP - Deliberative Process;	Internal DoD email communication in which DoD officials discuss deliberations regarding implementation of policy for transgender service members and impacts on readiness, and then seek legal advice from DoD Office of General Counsel (OGC) attorneys regarding the same. DoD OGC attorneys respond, providing advice.	Y	AC

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0002 1851		PrivWith hold1657	PrivWith hold1661	4/4/2017	Email with subject line "RE: DSD Nomination Prep Materials -- SUSPENSE: April 4th (UNCLASSIFIED) Part 1"	AC - Attorney Client Privilege; DP - Deliberative Process;	Internal DoD email communication in which DoD officials discuss draft briefing papers for confirmation hearing for Deputy Secretary of Defense, and then seek legal advice from DoD Office of General Counsel (OGC) attorneys regarding those draft briefing papers. Email discussion reveals DoD official's and OGC attorney's comments on the draft briefing papers.	N	No DP because not deliberative. No AC because legal advice neither sought or provided.

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0002 2234	DoD0002 2232	PrivWith hold1662	PrivWith hold1663	3/28/2017	Attachment to email. Word document titled "Military Accessions Vital to the National Interest (MAVNI)" with file name "3J DSD Confirmation - MAVNI-DACA 20170404.docx"	DP - Deliberative Process	Internal briefing document prepared to assist senior DoD leadership. Contains briefing and recommendations concerning Military Accessions Vital to the National Interest (MAVNI). Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0002 2285	DoD0002 2284	PrivWith hold1664	PrivWith hold1664	7/10/2017	Attachment to email. Word document titled "Military Accessions Vital to the National Interest" with file name "DSD - MAVNI- DACA.DOCX"	DP - Deliberative Process	Internal briefing document prepared to assist senior DoD leadership. Contains briefing and recommendations concerning Military Accessions Vital to the National Interest (MAVNI). Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0002 2473	DoD0002 2472	PrivWith hold1665	PrivWith hold1665	3/28/2017	Attachment to email. Word document titled "Military Accessions Vital to the National Interest (MAVNI)" with file name "3J Confirmation Issue Paper MAVNI-DACA v2.docx"	DP - Deliberative Process	Internal briefing document prepared to assist senior DoD leadership. Contains background and recommendations concerning Military Accessions Vital to the National Interest (MAVNI). Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0002 2542	DoD0002 2540	PrivWith hold1666	PrivWith hold1666	3/28/2017	Attachment to email. Word document titled "Military Accessions Vital to the National Interest (MAVNI)" with file name "3J Confirmation Issue Paper MAVNI-DACA v2.docx"	DP - Deliberative Process	Internal briefing document prepared to assist senior DoD leadership. Contains background and recommendations concerning Military Accessions Vital to the National Interest (MAVNI). Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0002 2579	DoD0002 2575	PrivWith hold1667	PrivWith hold1667	7/7/2017	Attachment to email. Word document titled "Military Accessions Vital to the National Interest" with file name "M&RA U -- DACA and Military Personnel Policy (MAVNI) (1)(SAB).docx"	DP - Deliberative Process	Internal briefing document prepared to assist senior DoD leadership. Contains briefing and recommendations concerning Military Accessions Vital to the National Interest (MAVNI). Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0002 2604	DoD0002 2603	PrivWith hold1668	PrivWith hold1670	8/14/2017	Word document titled "MILITARY ACCESSIONS VITAL TO THE NATIONAL INTEREST" with file name "MAVNI Issue Papers.doc"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns Military Accessions Vital to the National Interest (MAVNI). Unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0002 2617	DoD0002 2610	PrivWith hold1671	PrivWith hold1672	3/28/2017	Attachment to email. Word document titled "Military Accessions Vital to the National Interest (MAVNI)" with file name "3J DSD Confirmation - MAVNI-DACA 20170404.docx"	DP - Deliberative Process	Internal briefing document prepared to assist senior DoD leadership. Contains briefing and recommendations concerning Military Accessions Vital to the National Interest (MAVNI). Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0002 2635	DoD0002 2631	PrivWith hold1673	PrivWith hold1673	7/7/2017	Attachment to email. Word document titled "Military Accessions Vital to the National Interest" with file name "M&RA U -- DACA and Military Personnel Policy (MAVNI) (1)(SAB).docx"	DP - Deliberative Process	Internal briefing document prepared to assist senior DoD leadership. Contains briefing and recommendations concerning Military Accessions Vital to the National Interest (MAVNI). Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0002 2678	DoD0002 2677	PrivWith hold1674	PrivWith hold1674	7/7/2017	Attachment to email. Word document titled "Military Accessions Vital to the National Interest" with file name "DSD - MAVNI- DACA.DOCX"	DP - Deliberative Process	Internal briefing document prepared to assist senior DoD leadership. Contains briefing and recommendations concerning Military Accessions Vital to the National Interest (MAVNI). Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0002 2695	DoD0002 2691	PrivWith hold1675	PrivWith hold1675	7/7/2017	Attachment to email. Word document titled "Military Accessions Vital to the National Interest" with file name "M&RA U -- DACA and Military Personnel Policy (MAVNI) (1)(SAB).docx"	DP - Deliberative Process	Internal briefing document prepared to assist senior DoD leadership. Contains briefing and recommendations concerning Military Accessions Vital to the National Interest (MAVNI). Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0002 2711	DoD0002 2707	PrivWith hold1676	PrivWith hold1676	7/7/2017	Attachment to email. Word document titled "Military Accessions Vital to the National Interest (MAVNI)" with file name "DSD Readbook - MAVNI.docx"	DP - Deliberative Process	Internal briefing document prepared to assist senior DoD leadership. Contains briefing and recommendations concerning Military Accessions Vital to the National Interest (MAVNI). Concerns policies and events unrelated to transgender military policy.		Not relevant

DoD0002 2795		PrivWith hold1677	PrivWith hold1679	3/28/2017	Email with subject line "Draft APQs for GC"	AC - Attorney Client Privilege; DP - Deliberative Process; WP - Work Product	Internal email communication by DoD official requesting legal advice from DoD Office of General Counsel (OGC) attorneys concerning potential questions from Congress regarding forthcoming nomination of the DoD General Counsel. DoD OGC attorneys then discuss how to divide up and respond to the request. Potential questions in the request cover topics (e.g. Detention and Military Commissions), which were the subject of ongoing litigation.	Not relevant
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Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0002 6962	DoD0002 6961	PrivWith hold1680	PrivWith hold1681	8/2/2017	Attachment to email. Word document titled "TRANSITION ASSISTANCE PROGRAM (TAP)" with file name "MRA N TAP(SAB).docx"	DP - Deliberative Process	Draft internal briefing document prepared to assist senior DoD leadership. Contains briefing and recommendations concerning Transition Assistance Program for veterans. Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00026963	DoD00026961	PrivWith hold1682	PrivWith hold1683	8/2/2017	Attachment to email. Word document titled "Military Technician Management" with file name "MRA N RC-Guard Issues MilTech(SAB).docx "	DP - Deliberative Process	Draft internal briefing document prepared to assist senior DoD leadership. Contains briefing and recommendations concerning Military Technician program. Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00026969	DoD00026968	PrivWith hold1684	PrivWith hold1685	8/1/2017	Attachment to email. Word document titled "BACKGROUND ON MILITARY ACCESSIONS VITAL TO THE NATIONAL INTEREST (MAVNI) & DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)" with file name "MAVNI_DACA backgrounder (AP Smooth).docx"	DP - Deliberative Process	Internal briefing and press guidance document prepared to assist senior DoD leadership. Concerns Military Accessions Vital to the National Interest (MAVNI). Unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0002 6979	DoD0002 6978	PrivWith hold1686	PrivWith hold1687	7/31/2017	Attachment to email. Word document titled "Reserve Component Duty Status Reform" with file name "MRA N-- RC Duty Status Reform(SAB).docx"	DP - Deliberative Process	Draft internal briefing document prepared to assist senior DoD leadership. Contains briefing and recommendations concerning Reserve Component Duty Status Reform. Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00026981	DoD00026978	PrivWith hold1688	PrivWith hold1688	7/31/2017	Attachment to email. Word document titled "Religious Accommodation" with file name "MRA N -- Religious Accommodations(S AB).docx"	DP - Deliberative Process	Draft internal briefing document prepared to assist senior DoD leadership. Contains briefing and recommendations concerning religious accommodations in the military. Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00026982	DoD00026978	PrivWith hold1689	PrivWith hold1689	7/7/2017	Attachment to email. Word document titled "Military Accessions Vital to the National Interest" with file name "MRA U -- DACA and Military Personnel Policy (MAVNI) (1)(SAB).DOCX"	DP - Deliberative Process	Draft briefing paper regarding Military Accessions Vital to the National Interest (MAVNI). Drafted pursuant to preparations for confirmation hearing of nominee to be Undersecretary of Defense for Personnel and Readiness. Contains reviewer comments and tracked changes. Unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00026983	DoD00026978	PrivWith hold1690	PrivWith hold1691	7/31/2017	Word document titled "Military Personnel Authorities Reform" with file name "MRA N -- Military Personnel Authorities Reform(SAB).docx"	DP - Deliberative Process	Draft briefing paper regarding Military Personnel Reform Authorities. Drafted pursuant to preparations for confirmation hearing of nominee to be Undersecretary of Defense for Personnel and Readiness. Contains reviewer comments and tracked changes. Unrelated to transgender military policy.		Not relevant
DoD00027041	DoD00027040	PrivWith hold1692	PrivWith hold1693	5/17/2017	Attachment to email. Word document titled "MAVNI" with file name "17 MAY - TOP LINES - MAVNI - Transgender (SAB).doc"	DP - Deliberative Process	Draft internal talking points and press guidance document prepared to assist senior DoD leadership. Contains reviewer tracked changes.	N	Internal talking points for press briefing are not DP

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00027128	DoD00027127	PrivWith hold1694	PrivWith hold1694	2/23/2017	Attachment to email. Word document titled "MAVNI/DACA" with file name "SecDef QAs MAVNI_DACA mjk.docx"	DP - Deliberative Process	Draft briefing paper regarding Military Accessions Vital to the National Interest (MAVNI) and Deferred Action for Childhood Arrivals. Drafted for Secretary of Defense in preparation for congressional meeting. Contains tracked changes. Unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0002 7140	DoD0002 7139	PrivWith hold1695	PrivWith hold1696	2/23/2017	Attachment to email. Word document titled "Questions and Answers – Blended Retirement System (Policy)" with file name "SecDef QAs BRS policy mjk(SAB).docx"	DP - Deliberative Process	Draft briefing paper regarding Blended Retirement System policy. Drafted for Secretary of Defense in preparation for congressional meeting. Contains tracked changes and reviewer comments. Unrelated to transgender military policy.		Not relevant
DoD0002 7142	DoD0002 7141	PrivWith hold1697	PrivWith hold1699	2/23/2017	Attachment to email. Word document titled "Force of the Future" with file name "SecDef QAs FotF mjk (SAB).docx"	DP - Deliberative Process	Draft briefing paper regarding Force of the Future Program. Drafted for Secretary of Defense in preparation for congressional meeting. Contains tracked changes. Unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00027146	DoD00027145	PrivWith hold1700	PrivWith hold1701	2/23/2017	Attachment to email. Word document titled "Civilian Hiring Freeze" with file name "SecDef QAs Hiring Freeze mjk (SAB).docx"	DP - Deliberative Process	Draft briefing paper regarding civilian hiring freeze. Drafted for Secretary of Defense in preparation for congressional meeting. Contains tracked changes and reviewer comments. Unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00027150	DoD00027149	PrivWith hold1702	PrivWith hold1703	2/23/2017	Attachment to email. Word document titled "Commissaries" with file name "SecDef HASC QA.gccbto mjk.docx"	DP - Deliberative Process	Draft briefing paper regarding military commissaries. Drafted for Secretary of Defense in preparation for congressional meeting. Contains tracked changes and reviewer comments. Unrelated to transgender military policy.		Not relevant
DoD00028458	DoD00028457	PrivWith hold1704	PrivWith hold1706	7/19/2017	Attachment to email. Word document titled "Military Health System Risk Management Working Group (RMWG) Charter" with file name "RMWG charter2017draft (4) AF Clean.docx"	DP - Deliberative Process	Draft Military Health System Risk Management Working Group (RMWG) Charter. Circulated for review. Unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0003 1674	DoD0003 1673	PrivWith hold1707	PrivWith hold1711	3/24/2017	Attachment to email. Word document titled "Terms of Reference (TOR) for the Security, Suitability/Fitness, and Credentialing (SSC) Enterprise Project Plan" with file name "SSC Project Plan TOR 20170324.doc"	DP - Deliberative Process	Draft document related to proposed policy changes related to DoD background investigations, circulated to members of DoD senior steering group in advance of meeting. Unrelated to transgender military policy.		Not relevant
DoD0003 1899		PrivWith hold1712	PrivWith hold1712	8/28/2017	Email with the subject line "SOCO Weekly Report, 8/28/17 (UNCLASSIFIED)"	AC - Attorney Client Privilege; DP - Deliberative Process; WP - Work Product	Email contains attorney mental impressions regarding documents prepared by OGC Standards of Conduct Office. Unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0003 2419		PrivWith hold1713	PrivWith hold1714	8/16/2017	Email with the subject line "GC Nominee Information Binder (UNCLASSIFIED)"	AC - Attorney Client Privilege; DP - Deliberative Process; WP - Work Product	Email from and to OGC attorneys concerning preparations for DoD General Counsel nominee confirmation hearing.		Not relevant
DoD0003 2421	DoD0003 2419	PrivWith hold1715	PrivWith hold1717	8/10/2017	Attachment to email. PDF titled "Sequestration under the Budget Control Act" with file name "Sample Memoranda for GC Nominee.pdf"	AC - Attorney Client Privilege; DP - Deliberative Process; WP - Work Product	DoD OGC prepared memorandum reflecting legal analysis related to sequestration under the Budget Control Act of 2011.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0003 8083	DoD0003 8081	PrivWith hold1718	PrivWith hold1718	5/16/2017	Attachment to email. Word document titled "Military Accessions Vital to the National Interest (MAVNI) program" with file name "16 MAY TOP LINES - MAVNI.doc"	DP - Deliberative Process	Draft internal talking points and press guidance document prepared to assist senior DoD leadership, circulated for review. Concerns policies and events unrelated to transgender military policy.		Not relevant
DoD0003 8879		PrivWith hold1719	PrivWith hold1720	4/25/2017	Email with subject line "Documents from the EEOC concerning Harassment"	AC - Attorney Client Privilege; DP - Deliberative Process; WP - Work Product	Email from and to DoD OGC attorneys contains attorney mental impressions and advice regarding attached EEOC documents concerning harassment.	Y	AC

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00040141		PrivWith hold1721	PrivWith hold1724	5/19/2017	Email with subject line "RE: FY18 Posture Hearing Q&A -- Suspense: COB 22 May (UNCLASSIFIED//FOUO)"	AC - Attorney Client Privilege; DP - Deliberative Process; WP - Work Product	Email thread reflecting deliberations about preparing the Secretary of Defense for a congressional hearing. Contains attorney mental impressions regarding the same.	N	No DP because not deliberative. No AC because no legal advice sought or provided – transmittal email
DoD00051844	DoD00051842	PrivWith hold1725	PrivWith hold1725	7/7/2017	Attachment to email. Word document titled "Military Accessions Vital to the National Interest" with file name "3J- DSD Confirmation - MAVNI- DACA.docx"	DP - Deliberative Process	Draft briefing paper prepared for the Deputy Secretary of Defense regarding Military Accessions Vital to the National Interest (MAVNI). Unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0005 1851	DoD0005 1850	PrivWith hold1726	PrivWith hold1726	7/10/2017	Attachment to email. Word document titled "Military Accessions Vital to the National Interest" with file name "3J- DSD Confirmation - MAVNI- DACA.docx"	DP - Deliberative Process	Draft briefing paper prepared for the Deputy Secretary of Defense regarding Military Accessions Vital to the National Interest (MAVNI). Unrelated to transgender military policy.		Not relevant
DoD0005 2198	DoD0005 2197	PrivWith hold1727	PrivWith hold1727	7/10/2017	Attachment to email. Word document titled "Military Accessions Vital to the National Interest" with file name "3J- DSD Confirmation - MAVNI- DACA.docx"	DP - Deliberative Process	Draft briefing paper prepared for the Deputy Secretary of Defense regarding Military Accessions Vital to the National Interest (MAVNI). Contains reviewer comments. Unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00068051	DoD00068047	PrivWith hold1728	PrivWith hold1728	7/7/2017	Attachment to email. Word document titled "Military Accessions Vital to the National Interest" with file name "MRA U -- DACA and Military Personnel Policy (MAVNI) (1)(SAB).DOCX"	DP - Deliberative Process	Draft briefing paper regarding Military Accessions Vital to the National Interest (MAVNI). Drafted pursuant to preparations for confirmation hearing of nominee to be Undersecretary of Defense for Personnel and Readiness. Contains reviewer comments and tracked changes. Unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00074450		PrivWith hold1729	PrivWith hold1730	2/13/2017	Email with subject line "FW: Weekly Report"	AC - Attorney Client Privilege; DP - Deliberative Process; WP - Work Product	Email thread discussing preparation of internal DoD OGC weekly report.		Not relevant
DoD00082882	DoD00082880	PrivWith hold1731	PrivWith hold1733	12/5/2017	Attachment to email. Word document titled "U.S. Military/Coalition Presence in Syria Talking Points" with file name "Syria Messages and TPs FINAL 5 DEC 17.docx"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns Syria policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0008 2888	DoD0008 2886	PrivWith hold1734	PrivWith hold1736	12/5/2017	Attachment to email. Word document titled "U.S. Military/Coalition Presence in Syria Talking Points" with file name "Syria Messages and TPs FINAL 5 DEC 17.docx"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns Syria policy.		Not relevant
DoD0008 2981	DoD0008 2979	PrivWith hold1737	PrivWith hold1739	10/17/2017	Attachment to email. Word document titled "Kurdistan Contingency Statement" with file name "17 OCT TOP LINES PRESS GUIDANCE.doc"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00083091	DoD00083089	PrivWith hold1740	PrivWith hold1748	9/13/2017	Attachment to email. Word document titled "Hurricane Irma" with file name "13 SEPT TOPLINES PRESS GUIDANCE.docx"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant
DoD00083095	DoD00083093	PrivWith hold1749	PrivWith hold1757	9/13/2017	Attachment to email. Word document titled "Hurricane Irma" with file name "13 SEPT TOPLINES PRESS GUIDANCE.docx"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0008 3107	DoD0008 3105	PrivWith hold1758	PrivWith hold1762	9/12/2017	Attachment to email. Word document titled "Hurricane Irma" with file name "12 SEPT TOPLINES PRESS GUIDANCE.doc"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant
DoD0008 3110	DoD0008 3108	PrivWith hold1763	PrivWith hold1767	9/12/2017	Attachment to email. Word document titled "Hurricane Irma" with file name "12 SEPT TOPLINES PRESS GUIDANCE.doc"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0008 3113	DoD0008 3111	PrivWith hold1768	PrivWith hold1772	9/12/2017	Attachment to email. Word document titled "Hurricane Irma" with file name "12 SEPT TOPLINES PRESS GUIDANCE.doc"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant
DoD0008 3124	DoD0008 3121	PrivWith hold1773	PrivWith hold1773	8/31/2017	Attachment to email. Word document titled "Afghanistan Deployment Orders" with file name "TOPLINES - SECDEF signs deployment orders.doc"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0008 3125	DoD0008 3121	PrivWith hold1774	PrivWith hold1774	8/31/2017	Attachment to email. Word document titled "South Asia Strategy Roll Out" with file name "TOPLINES - South Asia Strategy 31 AUG.DOC"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant
DoD0008 3130	DoD0008 3127	PrivWith hold1775	PrivWith hold1775	8/31/2017	Attachment to email. Word document titled "Afghanistan Deployment Orders" with file name "TOPLINES - SECDEF signs deployment orders.doc"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0008 3131	DoD0008 3127	PrivWith hold1776	PrivWith hold1776	8/31/2017	Attachment to email. Word document titled "South Asia Strategy Roll Out" with file name "TOPLINES - South Asia Strategy 31 AUG.DOC"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant
DoD0008 3149	DoD0008 3145	PrivWith hold1777	PrivWith hold1781	8/30/2017	Attachment to email. Word document titled "Force Management Level Accounting Change - Afghanistan" with file name "30 AUGUST TOP LINES PRESS GUIDANCE.doc"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Redacted portion concerns policies and events unrelated to transgender military policy.	N	Not deliberative. Produce PrivWithhold 1781 Balance not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0008 3154	DoD0008 3150	PrivWith hold1782	PrivWith hold1786	8/30/2017	Attachment to email. Word document titled "Force Management Level Accounting Change - Afghanistan" with file name "30 AUGUST TOP LINES PRESS GUIDANCE.doc"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Redacted portion concerns policies and events unrelated to transgender military policy.	N	Not deliberative. Produce PrivWithhold 1786. Balance not relevant.
DoD0008 3234	DoD0008 3232	PrivWith hold1787	PrivWith hold1790	8/17/2017	Attachment to email. Word document titled "US Presence in Syria" with file name "17 AUG TOP LINES PRESS GUIDANCE.doc"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0008 3250	DoD0008 3247	PrivWith hold1791	PrivWith hold1801	8/14/2017	Attachment to email. Word document titled "F/A-18 crash in Bahrain" with file name "14 AUG TOP LINES PRESS GUIDANCE.doc"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant
DoD0008 3558	DoD0008 3555	PrivWith hold1802	PrivWith hold1807	5/31/2017	Attachment to email. Word document titled "Afghanistan bombing" with file name "31 MAY TOP LINES GUIDANCE.DOC"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00083586	DoD00083583	PrivWith hold1808	PrivWith hold1813	5/25/2017	Attachment to email. Word document titled "Mosul Civilian Casualty Investigation" with file name "25 MAY TOP LINES PRESS GUIDANCE.DOC"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant
DoD00083774	DoD00083772	PrivWith hold1814	PrivWith hold1818	11/20/2017	Attachment to email. Word document titled "Somalia / U.S. Airstrikes" with file name "20 NOV TOPLINES PRESS GUIDANCE.DOC"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00083778	DoD00083776	PrivWith hold1819	PrivWith hold1823	11/20/2017	Attachment to email. Word document titled "Somalia / U.S. Airstrikes" with file name "20 NOV TOPLINES PRESS GUIDANCE.DOC"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant
DoD00083782	DoD00083780	PrivWith hold1824	PrivWith hold1828	11/20/2017	Attachment to email. Word document titled "Somalia / U.S. Airstrikes" with file name "20 NOV TOPLINES PRESS GUIDANCE.DOC"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00083854	DoD00083851	PrivWith hold1829	PrivWith hold1839	8/14/2017	Attachment to email. Word document titled "F/A-18 crash in Bahrain" with file name "14 AUG TOP LINES PRESS GUIDANCE.doc"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant
DoD00083858	DoD00083855	PrivWith hold1840	PrivWith hold1850	8/14/2017	Attachment to email. Word document titled "F/A-18 crash in Bahrain" with file name "14 AUG TOP LINES PRESS GUIDANCE.doc"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00083880	DoD00083878	PrivWith hold1851	PrivWith hold1855	8/8/2017	Attachment to email. Word document titled "Afghanistan forces" with file name "8 AUG TOP LINES PRESS GUIDANCE.doc"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant
DoD00083883	DoD00083881	PrivWith hold1856	PrivWith hold1860	8/8/2017	Attachment to email. Word document titled "Afghanistan forces" with file name "8 AUG TOP LINES PRESS GUIDANCE.doc"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00083887	DoD00083884	PrivWith hold1861	PrivWith hold1865	8/7/2017	Attachment to email. Word document titled "MV-22 Mishap" with file name "7 AUG TOPLINES PRESS GUIDANCE (FINAL).docx"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant
DoD00083891	DoD00083888	PrivWith hold1866	PrivWith hold1870	8/7/2017	Attachment to email. Word document titled "MV-22 Mishap" with file name "7 AUG TOPLINES PRESS GUIDANCE (FINAL).docx"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00083903	DoD00083900	PrivWith hold1871	PrivWith hold1878	8/4/2017	Attachment to email. Word document titled "Yemen / Shabwah Offensive" with file name "4 AUG -TOP LINES PRESS GUIDANCE.docx"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant
DoD00083907	DoD00083904	PrivWith hold1879	PrivWith hold1886	8/4/2017	Attachment to email. Word document titled "Yemen / Shabwah Offensive" with file name "4 AUG -TOP LINES PRESS GUIDANCE.docx"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00084033	DoD00084031	PrivWith hold1887	PrivWith hold1891	7/13/2017	Attachment to email. Word document titled "France - Bastille Day" with file name "13 July - TOPLINES PRESS GUIDANCE.doc"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant
DoD00084036	DoD00084034	PrivWith hold1892	PrivWith hold1896	7/13/2017	Attachment to email. Word document titled "France - Bastille Day" with file name "13 July - TOPLINES PRESS GUIDANCE.doc"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00084041	DoD00084039	PrivWith hold1897	PrivWith hold1897	7/7/2017	Attachment to email. Word document titled "READ AHEAD FOR PHONE CALL W/REP MIKE TURNER (R-OH)" with file name "Mike Turner Phone Call.docx"	DP - Deliberative Process	Briefing document to assist Secretary of Defense for phone call with U.S. House member. Concerns topics unrelated to transgender military policy.		Not relevant
DoD00084042	DoD00084039	PrivWith hold1898	PrivWith hold1898	7/7/2017	Attachment to email. Word document titled "READ AHEAD FOR PHONE CALL W/REP ADAM SMITH (D-WA)" with file name "Adam Smith Phone Call.docx"	DP - Deliberative Process	Briefing document to assist Secretary of Defense for phone call with U.S. House member. Concerns topics unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0008 4047	DoD0008 4045	PrivWith hold1899	PrivWith hold1899	7/7/2017	Attachment to email. Word document titled "READ AHEAD FOR PHONE CALL W/REP MIKE TURNER (R-OH)" with file name "Mike Turner Phone Call.docx"	DP - Deliberative Process	Briefing document to assist Secretary of Defense for phone call with U.S. House member. Concerns topics unrelated to transgender military policy.		Not relevant
DoD0008 4048	DoD0008 4045	PrivWith hold1900	PrivWith hold1900	7/7/2017	Attachment to email. Word document titled "READ AHEAD FOR PHONE CALL W/REP ADAM SMITH (D-WA)" with file name "Adam Smith Phone Call.docx"	DP - Deliberative Process	Briefing document to assist Secretary of Defense for phone call with U.S. House member. Concerns topics unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0008 4150	DoD0008 4147	PrivWith hold1901	PrivWith hold1906	5/25/2017	Attachment to email. Word document titled "Mosul Civilian Casualty Investigation" with file name "25 MAY TOP LINES PRESS GUIDANCE.DOC"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant
DoD0008 4297	DoD0008 4295	PrivWith hold1907	PrivWith hold1910	11/8/2017	Attachment to email. Word document titled "Former Airman Involved in Texas Mass Shooting" with file name "8 NOV TOPLINES PRESS GUIDANCE.doc"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00084301	DoD00084299	PrivWith hold1911	PrivWith hold1914	11/8/2017	Attachment to email. Word document titled "Former Airman Involved in Texas Mass Shooting" with file name "8 NOV TOPLINES PRESS GUIDANCE.doc"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant
DoD00084305	DoD00084303	PrivWith hold1915	PrivWith hold1921	10/30/2017	Attachment to email. Word document titled "Staff Sgt. Melgar Death Investigation" with file name "TOPLINES 30 OCT 2017.doc"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00084309	DoD00084307	PrivWith hold1922	PrivWith hold1928	10/30/2017	Attachment to email. Word document titled "Staff Sgt. Melgar Death Investigation" with file name "TOPLINES 30 OCT 2017.doc"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant
DoD00085382	DoD00085381	PrivWith hold1929	PrivWith hold1929	8/4/2017	Email with subject line "Draft PM -- Transgender in Military 2 Aug 2017"	EP - Executive Privilege	Email from White House staff to DoD, describing communications among them.	N	Transmittal email

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00085871	DoD00085869	PrivWith hold1930	PrivWith hold1950	8/28/2017	Attachment to email. PDF of memorandum from DoD Office of General Counsel with subject "Litigation hold for Doe et al. v. Trump, et al., No. 1;17-cv-1597 (D.D.C.)" with file name "DoD Litigation Hold with Attachments 8-28-17.pdf"	AC - Attorney Client Privilege; DP - Deliberative Process; WP - Work Product	Litigation hold memorandum pursuant to <i>Doe v. Trump</i> , No. 17-1597 (D.D.C.).	Y	AC and WP
DoD00085954	DoD00085953	PrivWith hold1951	PrivWith hold1954	12/21/2017	Email with subject line "FW: Doe Interrogatories and RFP's (Doe, et al. v. Trump, et al., No. 17-1597 (D.D.C.)"	AC - Attorney Client Privilege; DP - Deliberative Process; WP - Work Product	Email thread discussing process for responding and providing advice related to discovery requests in <i>Doe v. Trump</i> , No. 17-1597 (D.D.C.).	Y	AC and WP

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00086008	DoD00086007	PrivWith hold1955	PrivWith hold1956	12/5/2017	Email with subject line "RE: Request for Info on 2018 Scheduled Events"	EP - Executive Privilege	Email from DoD to White House Office of Cabinet Affairs, responding to WH request for information.		Not relevant
DoD00087182	DoD00087176	PrivWith hold1957	PrivWith hold1961	2/13/2018	Attachment to email. Word document titled "Korean Diplomacy" with file name "180213 TOPLINES PRESS GUIDANCE.doc"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00087190	DoD00087184	PrivWithhold1962	PrivWithhold1966	2/13/2018	Attachment to email. Word document titled "Korean Diplomacy" with file name "180213 TOPLINES PRESS GUIDANCE.doc"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant
DoD00087449	DoD00087447	PrivWithhold1967	PrivWithhold1975	2/8/2018	Attachment to email. Word document titled "Sexual Harassment and Violence at the MSAs" with file name "180208 TOPLINES PRESS GUIDANCE.DOC"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not deliberative. Produce PrivWithhold 1969. Balance not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00087455	DoD00087453	PrivWith hold1976	PrivWith hold1984	2/8/2018	Attachment to email. Word document titled "Sexual Harassment and Violence at the MSAs" with file name "180208 TOPLINES PRESS GUIDANCE.DOC"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.	N	Not deliberative. Produce PrivWithhold 1976 and 1978. Balance not relevant
DoD00087753	DoD00087751	PrivWith hold1985	PrivWith hold2004	1/30/2018	Attachment to email. Word document titled "FY2018 Defense Budget" with file name "180130 TOPLINES PRESS GUIDANCE.DOC"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Redacted portion concerns policies and events unrelated to transgender military policy.	N	Not deliberative. Produce PrivWithhold 1997. Balance not relevant.

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00087772	DoD00087770	PrivWith hold2005	PrivWith hold2015	1/29/2018	Attachment to email. Word document titled "Meeting with ROK MOD" with file name "180129 TOPLINES PRESS GUIDANCE reviewed.DOC"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant
DoD00087778	DoD00087776	PrivWith hold2016	PrivWith hold2026	1/29/2018	Attachment to email. Word document titled "Meeting with ROK MOD" with file name "180129 TOPLINES PRESS GUIDANCE reviewed.DOC"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00088316	DoD00088314	PrivWith hold2027	PrivWith hold2038	1/16/2018	Attachment to email. Word document titled "B-52s Arrive in Guam" with file name "180116 TOPLINES PRESS GUIDANCE.doc"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant
DoD00088320	DoD00088318	PrivWith hold2039	PrivWith hold2050	1/16/2018	Attachment to email. Word document titled "B-52s Arrive in Guam" with file name "180116 TOPLINES PRESS GUIDANCE.doc"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0008 8484	DoD0008 8482	PrivWith hold2051	PrivWith hold2054	1/11/2018	Attachment to email. Word document titled "Afghanistan Video" with file name "180111 TOPLINES PRESS GUIDANCE reviewed.DOC"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant
DoD0008 8803	DoD0008 8801	PrivWith hold2055	PrivWith hold2059	1/4/2018	Attachment to email. Word document titled "Pakistan Military Aid" with file name "180104 TOPLINES PRESS GUIDANCE.doc"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Redacted portion concerns policies and events unrelated to transgender military policy.	N	Not deliberative. Produce PrivWithhold 2059. Otherwise not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00088809	DoD00088807	PrivWith hold2060	PrivWith hold2064	1/4/2018	Attachment to email. Word document titled "Pakistan Military Aid" with file name "180104 TOPLINES PRESS GUIDANCE.doc"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Redacted portion concerns policies and events unrelated to transgender military policy.	N	Not deliberative. Produce PrivWithhold 2064. Otherwise not relevant
DoD00088873	DoD00088871	PrivWith hold2065	PrivWith hold2072	1/3/2018	Attachment to email. Word document titled "Army Casualty in Afghanistan" with file name "180103 TOPLINES PRESS GUIDANCE.doc"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Redacted portion concerns policies and events unrelated to transgender military policy.	N	Not deliberative. Produce PrivWithhold 2072. Otherwise not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00088877	DoD00088875	PrivWith hold2073	PrivWith hold2080	1/3/2018	Attachment to email. Word document titled "Army Casualty in Afghanistan" with file name "180103 TOPLINES PRESS GUIDANCE.doc"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Redacted portion concerns policies and events unrelated to transgender military policy.	N	Not deliberative. Produce PrivWithhold 2080. Otherwise not relevant.
DoD00088949	DoD00088947	PrivWith hold2081	PrivWith hold2087	1/2/2018	Attachment to email. Word document titled "Pakistan Military Aid" with file name "180102 TOPLINES PRESS GUIDANCE.DOC"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Redacted portion concerns policies and events unrelated to transgender military policy.	N	Not deliberative. Produce PrivWithhold 2085. Otherwise not relevant.

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0008 8952	DoD0008 8950	PrivWith hold2088	PrivWith hold2094	1/2/2018	Attachment to email. Word document titled "Pakistan Military Aid" with file name "180102 TOPLINES PRESS GUIDANCE.DOC"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Redacted portion concerns policies and events unrelated to transgender military policy.		Not relevant
DoD0008 9014	DoD0008 9012	PrivWith hold2095	PrivWith hold2101	12/29/2017	Attachment to email. Word document titled "Civilian Casualties" with file name "171229 TOPLINES PRESS GUIDANCE reviewed.DOC"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.	N	Not deliberative. Produce PrivWithhold 2092. Otherwise not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00089020	DoD00089018	PrivWith hold2102	PrivWith hold2108	12/29/2017	Attachment to email. Word document titled "Civilian Casualties" with file name "171229 TOPLINES PRESS GUIDANCE reviewed.DOC"	DP - Deliberative Process	Internal talking points and press guidance document prepared to assist senior DoD leadership. Concerns policies and events unrelated to transgender military policy.		Not relevant
DoD00091189	DoD00091185	PrivWith hold2109	PrivWith hold2117	9/14/2017	PowerPoint Presentation titled "Implication of OSD Reorganization" with file name "100617_SLC_ATL_OSD-REorg_Lord_FINAL.PPTX"	DP - Deliberative Process	Presentation from Office of the Undersecretary of Defense (Acquisition, Technology, and Logistics) to senior DoD leadership re. implications of Office of Secretary of Defense Reorganization.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0009 1191	DoD0009 1185	PrivWith hold2118	PrivWith hold2118	10/16/2017	Excel spreadsheet titled, "MDAP MDA Delegation Status Sheet" with file name "MDAP_Horse Blanket_ratings_v3 c.xlsx"	DP - Deliberative Process	Spreadsheet summarizing progress of numerous defense weapon acquisition projects under the Major Defense Acquisition Program		Not relevant
DoD0009 4640	DoD0009 4628	PrivWith hold2119	PrivWith hold2121	8/1/2017	Word document titled, "Background on Military Accessions Vital to the National Interest (MAVNI) & Deferred Action for Childhood Arrivals (DACA)" with file name "MAVNI_DACA backgrounder (AP Smooth) (002) (002).docx"	DP - Deliberative Process	Background summary regarding concerns of U.S. Senator about the interaction of the "Military Accessions Vital to the National Interest" program and the Deferred Action for Childhood Arrivals program.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0009 4642	DoD0009 4628	PrivWith hold2122	PrivWith hold2122	5/30/2017	Word document titled, "Background Security Investigation Process: Talking Points" with file name "OPM Director TPs on NBIB.docx"	DPP - Deliberative Process Privilege	Talking points on Background Security Investigation Process mission that DoD assumed from the Office of Personnel Management.		Not relevant
DoD0009 4648	DoD0009 4628	PrivWith hold2123	PrivWith hold2125	1/12/2017	Word document titled, "DSD White Paper on Religious Accommodation" with file name "Religious Accommodation Talking Points.docx"	DPP - Deliberative Process Privilege	Deputy Secretary of Defense White Paper on religious accommodation issues across the military.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00094650	DoD00094628	PrivWith hold2126	PrivWith hold2127	7/13/2017	Word document with meeting notes with file name "SD REadiness Review Summary (002).docx"	DPP - Deliberative Process Privilege; EP - Executive Privilege	Draft of minutes of meeting with Deputy Secretary of Defense and senior White House budget and national security personnel about history of operating under continuing resolutions.		Not relevant
DoD00094882	DoD00094880	PrivWith hold2128	PrivWith hold2131	8/11/2017	Word document titled, "MAVNI Program" with file name "11 AUG TOP LINES PRESS GUIDANCE.docx"	DPP - Deliberative Process Privilege	Draft of points provided to news agencies in response to request for information about the "Military Accessions Vital to the National Interest" program, Somalia, freedom of navigation operations, and Russia.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0009 4885	DoD0009 4883	PrivWith hold2132	PrivWith hold2135	8/11/2017	Word document titled, "MAVNI Program" with file name "11 AUG TOP LINES PRESS GUIDANCE.docx"	DPP - Deliberative Process Privilege	Draft of points provided to news agencies in response to request for information about the "Military Accessions Vital to the National Interest" program, Somalia, freedom of navigation operations, and Russia.		Not relevant
DoD0009 5473	DoD0009 5471	PrivWith hold2136	PrivWith hold2136	7/31/2017	Word document titled, "Office Call w/Sen Majority Leader McConnell (R-KY)" with file name "SD TPs for Office Call Sen McConnell_8.2.17v 3.docx"	DPP - Deliberative Process Privilege	Notes in preparation for call w/ Senate Majority Leader regarding nominations to Senate confirmed DoD posts, continuing resolutions, DoD budget.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0009 8490	DoD0009 8487	PrivWith hold2137	PrivWith hold2137	5/13/2017	Attachment to email. Word document titled "Core Themes if Confirmed as Deputy Secretary" with file name "Core Themes as DSD_v1.docx"	DPP - Deliberative Process Privilege	Summarizing talking points of confirmation hearing testimony for Deputy Secretary of Defense position.		Not relevant
DoD0009 8491	DoD0009 8487	PrivWith hold2138	PrivWith hold2138	5/11/2017	Attachment to email. Word document titled "FY 2017 National Defense Authorization Act Reorganization of AT&L and DCMO" with file name "3_Hot Topics Paper_ATL and CMO Reorganizations.zip ?3_Hot Topics Paper_ATL and CMO Reorganizations.docx"	DPP - Deliberative Process Privilege	Overview, background, and key points regarding FY 2017 National Defense Authorization Act Reorganization of processes of current Undersecretary of Defense for Acquisition, Technology, and Logistics, and the Deputy Chief Management Officer		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00098492	DoD00098487	PrivWith hold2139	PrivWith hold2139	5/11/2017	Attachment to email. Word document titled "Overmatch and Third Offset Strategy" with file name "3_Hot Topics Paper_ATL and CMO Reorganizations.zip ?4_Hot Topics Paper: Overmatch Third Offset.docx"	DPP - Deliberative Process Privilege	Overview, background, and key points regarding development of military technological capabilities.		Not relevant
DoD00098493	DoD00098487	PrivWith hold2140	PrivWith hold2140	5/11/2017	Attachment to email. Word document titled "Making DoD Auditable" with file name "3_Hot Topics Paper_ATL and CMO Reorganizations.zip ?5_Hot Topics Paper_Auditability.docx"	DPP - Deliberative Process Privilege	Overview, background and key points regarding financial audit of DoD.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0009 8494	DoD0009 8487	PrivWith hold2141	PrivWith hold2141	5/11/2017	Attachment to email. Word document titled "The Campaign to Defeat the Islamic State of Iraq and Syria (ISIS)" with file name "3_Hot Topics Paper_ATL and CMO Reorganizations.zip ?6_Hot Topics Paper_DISIS.docx"	DPP - Deliberative Process Privilege	Overview, background, and key points regarding Islamic State of Iraq and Syria.		Not relevant
DoD0009 8495	DoD0009 8487	PrivWith hold2142	PrivWith hold2142	5/11/2017	Attachment to email. Word document titled "Russia, Ukraine, and NATO Overview" with file name "3_Hot Topics Paper_ATL and CMO Reorganizations.zip ?7_Hot Topics Paper_Russia Ukraine NATO Overview.docx"	DPP - Deliberative Process Privilege	Overview, background, and key points regarding Russia, Ukraine, and NATO.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0009 8496	DoD0009 8487	PrivWith hold2143	PrivWith hold2143	5/11/2017	Attachment to email. Word document titled "Iran Overview" with file name "3_Hot Topics Paper_ATL and CMO Reorganizations.zip ?8_Hot Topics Paper_Iran.docx"	DPP - Deliberative Process Privilege	Overview, background, and key points regarding Iran.		Not relevant
DoD0009 8497	DoD0009 8487	PrivWith hold2144	PrivWith hold2144	5/11/2017	Attachment to email. Word document titled "China Military Modernization, South China Sea, and Freedom of Navigation Issues" with file name "3_Hot Topics Paper_ATL and CMO Reorganizations.zip ?9_China Military Modernization and SCS FONOPs.docx"	DPP - Deliberative Process Privilege	Overview, background, and key points regarding China Military Modernization, South China Sea, and Freedom of Navigation Issues.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0009 8498	DoD0009 8487	PrivWith hold2145	PrivWith hold2145	5/11/2017	Attachment to email. Word document titled "North Korea" with file name "3_Hot Topics Paper_ATL and CMO Reorganizations.zip ?10_Hot Topics Paper_North Korea.docx"	DPP - Deliberative Process Privilege	Overview, background, and key points regarding North Korea.		Not relevant
DoD0009 8499	DoD0009 8487	PrivWith hold2146	PrivWith hold2146	5/11/2017	Attachment to email. Word document titled "The Rebalance to the Asia-Pacific" with file name "3_Hot Topics Paper_ATL and CMO Reorganizations.zip ?11_Hot Topics Paper_Asia Rebalance.docx"	DPP - Deliberative Process Privilege	Overview, background, and key points regarding policy in the Asia-Pacific region.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00098500	DoD00098487	PrivWith hold2147	PrivWith hold2147	5/11/2017	Attachment to email. Word document titled "Nuclear Modernization" with file name "3_Hot Topics Paper_ATL and CMO Reorganizations.zip ?12_Hot Topics Paper_Nuclear Modernization.docx"	DPP - Deliberative Process Privilege	Overview, background, and key points regarding modernization of nuclear technology.		Not relevant
DoD00098502	DoD00098487	PrivWith hold2148	PrivWith hold2148	5/11/2017	Attachment to email. Word document titled "F-35 LIGHTNING II JOINT STRIKE FIGHTER" with file name "3_Hot Topics Paper_ATL and CMO Reorganizations.zip ?14_ F-35 - Hot Topic.docx"	DPP - Deliberative Process Privilege	Overview, background, and key points regarding F-35 Lightning II Joint Strike Fighter Program.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0009 8503	DoD0009 8487	PrivWith hold2149	PrivWith hold2149	5/11/2017	Attachment to email. Word document titled "Key Issues in U.S. Ballistic Missile Defense Policy and Posture" with file name "3_Hot Topics Paper_ATL and CMO Reorganizations.zip ?15_Hot Topics Paper_Missile Defense.docx"	DPP - Deliberative Process Privilege	Overview, background, and key points regarding U.S. Ballistic Missile Defense Policy and Posture		Not relevant
DoD0009 8504	DoD0009 8487	PrivWith hold2150	PrivWith hold2150	4/5/2017	Attachment to email. Word document titled "CVN-78 / Ford Class Carrier" with file name "3_Hot Topics Paper_ATL and CMO Reorganizations.zip ?16_CVN Delivery-Cost Overruns - Hot Topic.docx"	DPP - Deliberative Process Privilege	Overview, background, and key points regarding CVN-78 / Ford Class Carrier program		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0009 8505	DoD0009 8487	PrivWith hold2151	PrivWith hold2151	5/11/2017	Attachment to email. Word document titled "COLUMBIA Ballistic Missile Submarine" with file name "3_Hot Topics Paper_ATL and CMO Reorganizations.zip ?17_Columbia SSBN - Hot Topic.docx"	DPP - Deliberative Process Privilege	Overview, background, and key points regarding COLUMBIA Ballistic Missile Submarine program.		Not relevant
DoD0009 8506	DoD0009 8487	PrivWith hold2152	PrivWith hold2152	3/31/2017	Attachment to email. Word document titled "Littoral Combat Ship (LCS) / Frigate Program" with file name "3_Hot Topics Paper_ATL and CMO Reorganizations.zip ?18_LittoralCombat Ship (LCS) -Hot Topic.docx"	DPP - Deliberative Process Privilege	Overview, background, and key points regarding Littoral Combat Ship (LCS) and Frigate programs		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0009 8507	DoD0009 8487	PrivWith hold2153	PrivWith hold2153	5/11/2017	Attachment to email. Word document titled "DoD Detention Operations and Policy Issues" with file name "3_Hot Topics Paper_ATL and CMO Reorganizations.zip ?19_Hot Topics Paper_GTMO and Detainee Issues.docx"	DPP - Deliberative Process Privilege	Overview, background, and key points regarding DoD detention operations and policy issues.		Not relevant
DoD0009 8509	DoD0009 8487	PrivWith hold2154	PrivWith hold2154	4/4/2017	Attachment to email. Word document titled "Sexual Assault Prevention and Response / Social Media" with file name "3_Hot Topics Paper_ATL and CMO Reorganizations.zip ?21_Sexual Assault Prevention and Social Media - Hot Topic.docx"	DPP - Deliberative Process Privilege	Overview, background, and key points regarding sexual assault prevention and response and social media tools to combat this issue in DoD.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0009 8511	DoD0009 8487	PrivWith hold2155	PrivWith hold2155	5/11/2017	Attachment to email. Word document titled "Base Realignemnt and Closure (BRAC) Issues" with file name "3_Hot Topics Paper_ATL and CMO Reorganizations.zip ?23_Hot Topics Paper_BRAC.docx"	DPP - Deliberative Process Privilege	Overview, background, and key points regarding Base Realignment and Closure (BRAC) issues.		Not relevant
DoD0009 8514	DoD0009 8487	PrivWith hold2156	PrivWith hold2156	5/11/2017	Attachment to email. Word document titled "Overview: Goldwater-Nichols Reforms" with file name "3_Hot Topics Paper_ATL and CMO Reorganizations.zip ?26_Hot Topics Paper_Goldwater Nichols Reform.docx"	DPP - Deliberative Process Privilege	Overview, background, and key points regarding Goldwater-Nichols reforms, related to organization of DoD.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0009 8516	DoD0009 8487	PrivWith hold2157	PrivWith hold2157	5/11/2017	Attachment to email. Word document titled "Afghanistan Key Issues" with file name "3_Hot Topics Paper_ATL and CMO Reorganizations.zip ?28_Hot Topics Paper_Afghanistan.docx"	DPP - Deliberative Process Privilege	Overview, background, and key points regarding Afghanistan policy		Not relevant
DoD0009 8517	DoD0009 8487	PrivWith hold2158	PrivWith hold2158	5/11/2017	Attachment to email. Word document titled "Overall Counterterrorism Policy" with file name "3_Hot Topics Paper_ATL and CMO Reorganizations.zip ?29_Hot Topics Paper_CT Policy.docx"	DPP - Deliberative Process Privilege	Overview, background, and key points DoD's Overall Counterterrorism Policy		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0009 8518	DoD0009 8487	PrivWith hold2159	PrivWith hold2159	5/11/2017	Attachment to email. Word document titled "Israel Key Issues" with file name "3_Hot Topics Paper_ATL and CMO Reorganizations.zip ?30_Hot Topics Paper_Israel.docx"	DPP - Deliberative Process Privilege	Overview, background, and key points regarding Israel		Not relevant
DoD0009 8519	DoD0009 8487	PrivWith hold2160	PrivWith hold2160	5/11/2017	Attachment to email. Word document titled "Yemen Key Issues" with file name "3_Hot Topics Paper_ATL and CMO Reorganizations.zip ?31_Hot Topics Paper_Yemen.docx"	DPP - Deliberative Process Privilege	Overview, background, and key points regarding Yemen		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00098520	DoD00098487	PrivWith hold2161	PrivWith hold2161	4/4/2017	Attachment to email. Word document titled "Military Compensation Reform" with file name "3_Hot Topics Paper_ATL and CMO Reorganizations.zip ?32_Military Compensation Reform - Hot Topic.docx"	DPP - Deliberative Process Privilege	Overview, background, and key points regarding military compensation reform.		Not relevant
DoD00098523	DoD00098487	PrivWith hold2162	PrivWith hold2162	12/20/2016	Attachment to email. Word document titled "KC-46 Pegasus" with file name "3_Hot Topics Paper_ATL and CMO Reorganizations.zip ?35_KC-46 Tanker.docx"	DPP - Deliberative Process Privilege	Overview, background, and key points regarding KC-46 aircraft recapitalization process and the air-refueling efforts of the AF, Navy, and USMC.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0009 8524	DoD0009 8487	PrivWith hold2163	PrivWith hold2163	12/19/2016	Attachment to email. Word document titled "PRESIDENTIAL AIRCRAFT RECAPITALIZATION PROGRAM" with file name "3_Hot Topics Paper_ATL and CMO Reorganizations.zip ?36_Presidential Aircraft Recapitalization - Hot Topic.docx"	DPP - Deliberative Process Privilege	Overview, background, and key points regarding Presidential aircraft recapitalization program.		Not relevant
DoD0009 8525	DoD0009 8487	PrivWith hold2164	PrivWith hold2164	3/31/2017	Attachment to email. Word document titled "A-10" with file name "3_Hot Topics Paper_ATL and CMO Reorganizations.zip ?37_A-10 - Hot Topic.docx"	DPP - Deliberative Process Privilege	Overview, background, and key points regarding A-10 airplane maintenance and operations in response to Congressional interest.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00098526	DoD00098487	PrivWith hold2165	PrivWith hold2165	5/11/2017	Attachment to email. Word document titled "Efficiencies Overview" with file name "3_Hot Topics Paper_ATL and CMO Reorganizations.zip ?1_Hot Topics Paper_Efficiencies.docx"	DPP - Deliberative Process Privilege	Overview, background, and key points regarding efforts by DoD to more efficiently use its budget, achieve savings, and redirect financial resources.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00101922		PrivWith hold2166	PrivWith hold2167	1/4/2017	Email with subject line "Fwd: URGENT: DOD Cab Exit Memo"	DPP - Deliberative Process Privilege; EP - Executive Privilege	Email between senior DoD officials containing deliberations regarding the public dissemination of an exit memo highlighting DoD's accomplishments from 2009 to 2016 the Obama Administration chose to highlight in the last month of the administration and attaching that exit memo. Email chain contains comments and deliberation from senior WH/EOP officials regarding the public dissemination of the memo.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00101925		PrivWith hold2168	PrivWith hold2170	1/3/2017	Email with subject line "RE: DOD Exit Memo - Remaining NSC Feedback"	DPP - Deliberative Process Privilege; EP - Executive Privilege	Email between senior DoD officials attaching draft exit memo highlighting DoD's accomplishments from 2009 to 2016 the Obama Administration considered highlighting in the last month of the administration. Email chain contains comments and edits on the draft exit memo from senior WH/EOP officials.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00101927		PrivWith hold2171	PrivWith hold2173	12/15/2016	Email with subject line "RE: DOD Exit Memo - Remaining NSC Feedback"	Deliberative Process Privilege; EP - Executive Privilege	Email conversation between senior DoD officials and senior WH/EOP officials containing deliberations on DoD accomplishments from 2009 to 2016 the Obama Administration considered highlighting in a draft exit memo in the last month of the administration and attaching draft memo containing edits in track changes.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00101930		PrivWith hold2174	PrivWith hold2175	12/15/2016	Email with subject line "RE: DOD Exit Memo - Remaining NSC Feedback"	Deliberative Process Privilege; EP - Executive Privilege	Email conversation between senior DoD officials and senior WH/EOP officials containing deliberations on DoD accomplishments from 2009 to 2016 the Obama Administration considered highlighting in a draft exit memo in the last month of the administration and providing edits from WH/EOP officials from the NSC on the draft memo.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00101933		PrivWith hold2176	PrivWith hold2177	12/12/2016	Email with subject line "RE: NSC EDITS: DOD Exit Memo"	Deliberative Process Privilege; EP - Executive Privilege	Discussion of edits and the actual edits to the counter terrorism section of a draft memo highlighting the accomplishments of DoD under the Obama Administration from 2009-2006 provided by WH/EOP officials in NSC.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00101936		PrivWith hold2178	PrivWith hold2179	12/9/2016	Email with subject line "RE: NSC EDITS: DOD Exit Memo"	Deliberative Process Privilege; EP - Executive Privilege	Email conversation between senior DoD officials and senior WH/EOP officials containing deliberations on DoD accomplishments from 2009 to 2016 the Obama Administration considered highlighting in a draft exit memo in the last month of the administration and providing edits from WH/EOP on the draft memo in track changes.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00101942		PrivWith hold2180	PrivWith hold2180	12/9/2016	Email with subject line "Transparency Report"	Attorney-Client Privilege; DPP - Deliberative Process Privilege; EP - Executive Privilege	Email conversation between senior DoD officials and senior WH/EOP officials discussing edits to a draft exit memo regarding DoD accomplishments from 2009 to 2016 the Obama Administration considered highlighting in a draft exit memo in the last month of the administration. Also, seeking attorney review of a section of the draft memo.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00101946		PrivWith hold2181	PrivWith hold2181	12/8/2016	Email with subject line "Exit Memo"	Deliberative Process Privilege	Email between senior DoD officials attaching draft exit memo highlighting DoD's accomplishments from 2009 to 2016 the Obama Administration considered highlighting in the last month of the administration and seeking input from senior DoD officials.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00101948		PrivWith hold2182	PrivWith hold2182	12/8/2016	Email with subject line "Latest Exit Memo"	Deliberative Process Privilege	Email between senior DoD officials attaching draft exit memo highlighting DoD's accomplishments from 2009 to 2016 the Obama Administration considered highlighting in the last month of the administration and discussing WH/EOP edits of the draft memo.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 2019		PrivWith hold2183	PrivWith hold2183	12/8/2016	Email with subject line "FW: NSC EDITS: DOD Exit Memo"	Deliberative Process Privilege; EP - Executive Privilege	Email between senior DoD officials attaching draft exit memo highlighting DoD's accomplishments from 2009 to 2016 the Obama Administration considered highlighting in the last month of the administration and containing deliberations on further review of the draft memo. Email chain includes discussion of edits from WH/EOP officials at NSC.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 2365	DoD0010 2364	PrivWith hold2184	PrivWith hold2190	12/6/2016	Email with subject line "RE: Exit Memo"	Deliberative Process Privilege; EP - Executive Privilege	Email conversation between senior DoD officials and senior WH/EOP officials containing deliberations on DoD accomplishments from 2009 to 2016 the Obama Administration considered highlighting in a draft exit memo in the last month of the administration and attaching a draft of the exit memo.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 2410	DoD0010 2409	PrivWith hold2191	PrivWith hold2192	12/5/2016	Email with subject line "RE: End of Administration Memo"	Deliberative Process Privilege	Email from a senior DoD officials to other senior DoD officials discussing the creation of a draft exit memo highlighting DoD's accomplishments from 2009 to 2016 the Obama Administration considered highlighting in the last month of the administration, asking for input on the draft memo, and attaching an draft of that exit memo.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 2414	DoD0010 2413	PrivWith hold2193	PrivWith hold2194	12/5/2016	Email with subject line "RE: End of Administration Memo"	Deliberative Process Privilege	Email between senior DoD officials attaching draft exit memo highlighting DoD's accomplishments from 2009 to 2016 the Obama Administration considered highlighting in the last month of the administration with edits from senior WH/EOP officials.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 2422	DoD0010 2421	PrivWith hold2195	PrivWith hold2201	12/5/2016	Email with subject line "RE: Exit Memo"	Deliberative Process Privilege; EP - Executive Privilege	Email conversation between senior DoD officials and senior WH/EOP officials containing deliberations on DoD accomplishments from 2009 to 2016 the Obama Administration considered highlighting in a draft exit memo in the last month of the administration.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00102702	DoD00102701	PrivWith hold2202	PrivWith hold2204	11/29/2016	Email with subject line "RE: Exit Memo"	Deliberative Process Privilege; EP - Executive Privilege	Email conversation between senior DoD officials and senior WH/EOP officials containing deliberations and input from various EOP officials regarding DoD's accomplishments from 2009 to 2016 the Obama Administration considered highlight in a draft exit memo in the last month of the administration.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 2751	DoD0010 2750	PrivWith hold2205	PrivWith hold2206	11/29/2016	Email with subject line "Fwd: DRAFT FOR REVIEW: DoD End of Administration Memo for Submission to the White House"	Deliberative Process Privilege	Email between senior DoD officials attaching draft exit memo highlighting DoD's accomplishments from 2009 to 2016 the Obama Administration considered highlighting in the last month of the administration.		Not relevant
DoD0010 2783	DoD0010 2782	PrivWith hold2207	PrivWith hold2207	11/28/2016	Email with subject line "RE: DRAFT FOR REVIEW: DoD End of Administration Memo for Submission to the White House"	Deliberative Process Privilege	Email between senior DoD officials proposing edits to a draft exit memo highlighting DoD's accomplishments from 2009 to 2016 the Obama Administration considered highlighting in the last month of the administration.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 2796	DoD0010 2795	PrivWith hold2208	PrivWith hold2209	11/28/2016	Email with subject line "Look ahead..."	Deliberative Process Privilege	Email between senior DoD officials containing deliberations on several topics unrelated to the litigation (transition, a forthcoming speech, paid contractor sick leave, and updating a DoD Instruction regarding the arming of servicemembers). Email also contains a draft exit memo highlighting DoD's accomplishments from 2009 to 2016 the Obama Administration considered highlighting in the last month of the administration.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 2874	DoD0010 2873	PrivWith hold2210	PrivWith hold2210	11/23/2016	Email with subject line "DRAFT FOR REVIEW: DoD End of Administration Memo for Submission to the White House"	Deliberative Process Privilege	Email between senior DoD officials discussing the creation of a draft exit memo highlighting DoD's accomplishments from 2009 to 2016 the Obama Administration considered highlighting in the last month of the administration and attaching an initial draft of that exit memo.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00102903	DoD00102902	PrivWith hold2211	PrivWith hold2212	11/22/2016	Email with subject line "RE: Exit Memo"	Deliberative Process Privilege; EP - Executive Privilege	Email between senior DoD officials and senior WH/EOP officials discussing the creation of a draft exit memo highlighting DoD's accomplishments from 2009 to 2016 the Obama Administration considered highlighting in the last month of the administration and attaching an initial draft of that exit memo.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00102976	DoD00102975	PrivWith hold2213	PrivWith hold2214	11/21/2016	Email with subject line "FW: End of Administration Memo - Hedger"	Deliberative Process Privilege	Senior DoD officials forwarding to his own personal email address a draft exit memo highlighting DoD's accomplishments from 2009 to 2016 the Obama Administration considered highlighting in the last month of the administration along with the underlying email chain containing deliberations on the creation of the draft exit memo.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00102991	DoD00102990	PrivWith hold2215	PrivWith hold2216	11/21/2016	Email with subject line "RE: Exit Memo"	Deliberative Process Privilege; EP - Executive Privilege	Email conversation between senior DoD officials and senior WH/EOP officials containing deliberations on DoD accomplishments from 2009 to 2016 the Obama Administration considered highlighting in a draft exit memo in the last month of the administration and attaching the draft memo.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00102999	DoD00102998	PrivWith hold2217	PrivWith hold2217	11/21/2016	Email with subject line "RE: Exit Memo"	Deliberative Process Privilege; EP - Executive Privilege	Email conversation between senior DoD officials and senior WH/EOP officials containing deliberations on DoD accomplishments from 2009 to 2016 the Obama Administration considered highlighting in a draft exit memo in the last month of the administration and attaching the draft memo.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00103007	DoD00103006	PrivWith hold2218	PrivWith hold2219	11/21/2016	Email with subject line "RE: End of Administration Memo"	Deliberative Process Privilege; EP - Executive Privilege	Email conversation between senior DoD officials and senior WH/EOP officials containing deliberations on DoD accomplishments from 2009 to 2016 the Obama Administration considered highlighting in a draft exit memo in the last month of the administration and attaching the draft memo.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00103029	DoD00103028	PrivWith hold2220	PrivWith hold2221	11/20/2016	Email with subject line "Re: End of Administration Memo"	Deliberative Process Privilege	Email from a senior DoD officials to other senior DoD officials discussing the creation of a draft exit memo highlighting DoD's accomplishments from 2009 to 2016 the Obama Administration considered highlighting in the last month of the administration, asking for input on the draft memo, and attaching an draft of that exit memo.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00103038	DoD00103037	PrivWith hold2222	PrivWith hold2224	11/19/2016	Email with subject line "RE: End of Administration Memo"	Deliberative Process Privilege	Email from a senior DoD officials to other senior DoD officials discussing the creation of a draft exit memo highlighting DoD's accomplishments from 2009 to 2016 the Obama Administration considered highlighting in the last month of the administration, attaching the draft of that exit memo, and discussing inputs to that draft exit memo from the Military Services.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00103041	DoD00103040	PrivWith hold2225	PrivWith hold2228	11/19/2016	Email with subject line "RE: End of Administration Memo (UNCLASSIFIED)"	Deliberative Process Privilege	Email from a senior DoD official to other senior DoD officials discussing the creation of a draft exit memo highlighting DoD's accomplishments from 2009 to 2016 the Obama Administration considered highlighting in the last month of the administration, attaching the draft of that exit memo, and discussing inputs to that draft exit memo from the Military Services.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00103044	DoD00103043	PrivWith hold2229	PrivWith hold2229	11/19/2016	Email with subject line "RE: USAF End of Administration Input Memo"	Deliberative Process Privilege	Email from a senior DoD official seeking inputs from senior Air Force officials on a draft exit memo highlighting DoD's accomplishments from 2009 to 2016 the Obama Administration considered highlighting in the last month of the administration and attaching the draft of that exit memo.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 3047	DoD0010 3046	PrivWith hold2230	PrivWith hold2230	11/19/2016	Email with subject line "RE: accomplishments"	Deliberative Process Privilege	Email from a senior DoD official seeking inputs from senior Navy officials on a draft exit memo highlighting DoD's accomplishments from 2009 to 2016 the Obama Administration considered highlighting in the last month of the administration and attaching the draft of that exit memo.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00103050	DoD00103049	PrivWith hold2231	PrivWith hold2232	11/19/2016	Email with subject line "Fwd: End of Administration Memo"	Deliberative Process Privilege	Email from senior DoD official seeking inputs from other senior DoD officials on a draft exit memo highlighting DoD's accomplishments from 2009 to 2016 the Obama Administration considered highlighting in the last month of the administration and attaching the draft of that exit memo.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00103062	DoD00103061	PrivWith hold2233	PrivWith hold2233	11/18/2016	Email with subject line "End of Administration Memo"	Deliberative Process Privilege	Email from senior DoD official seeking inputs from other senior DoD officials on a draft exit memo highlighting DoD's accomplishments from 2009 to 2016 the Obama Administration considered highlighting in the last month of the administration and attaching the draft of that exit memo.		Not relevant
DoD00103808	DoD00103803	PrivWith hold2234	PrivWith hold2234	11/2/2016	Word document titled, "ANTI-ISIL FACTS AND STATS" with file name "ANTI-ISIL FACTS 2 NOV 2016.doc"	Deliberative Process Privilege	Internal DoD document containing talking points and statistics regarding mission against ISIL.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 3809	DoD0010 3803	PrivWith hold2235	PrivWith hold2236	11/2/2016	Attachment to email. Word document titled "Budget Amendment" with file name "Budget Amendment - 2 OCT 2016.docx"	Deliberative Process Privilege	Internal DoD document containing talking points regarding a budget amendment for CENTCOM operations to counter-ISIL.		Not relevant
DoD0010 3859	DoD0010 3857	PrivWith hold2237	PrivWith hold2237	11/1/2016	Attachment to email. Word document titled, "ANTI-ISIL FACTS AND STATS" with file name "ANTI-ISIL FACTS 1 NOV 2016.doc"	Deliberative Process Privilege	Internal DoD document containing talking points and statistics regarding mission against ISIL.		Not relevant
DoD0010 3862	DoD0010 3860	PrivWith hold2238	PrivWith hold2238	11/1/2016	Attachment to email. Word document titled, "ANTI-ISIL FACTS AND STATS" with file name "ANTI-ISIL FACTS 1 NOV 2016.doc"	Deliberative Process Privilege	Internal DoD document containing talking points and statistics regarding mission against ISIL.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 5101	DoD0010 5094	PrivWith hold2239	PrivWith hold2239	10/3/2016	Attachment to email. Word document titled, "ANTI-ISIL FACTS AND STATS" with file name "ANTI-ISIL FACTS 03 OCT 2016.doc"	Deliberative Process Privilege	Internal DoD document containing talking points and statistics regarding mission against ISIL.		Not relevant
DoD0010 5115	DoD0010 5113	PrivWith hold2240	PrivWith hold2244	10/3/2016	Attachment to email. Word document titled "Syria – "Verge of Suspension" and One Year Since Russia Intervention" with file name "PG 20161003 Syria Updated.docx"	Deliberative Process Privilege	Internal DoD document providing background and talking points in response to potential questions on progress in Syria one year after Russian intervention		Not relevant
DoD0010 5117	DoD0010 5113	PrivWith hold2245	PrivWith hold2245	10/3/2016	Attachment to email. Word document titled "Syria HVI strike on al-Qaeda leader" with file name "161003 Syria HVI AQ strike Abu Faraj.docx"	Deliberative Process Privilege	Internal DoD document containing talking points on a Syrian strike on a High-value al-Qaeda leader.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 5119	DoD0010 5113	PrivWith hold2246	PrivWith hold2246	10/3/2016	Attachment to email. Word document titled "Afghanistan operational updates" with file name "Afghanistan operational updates.docx"	Deliberative Process Privilege	Internal DoD document containing talking points on Afghanistan operational updates for leadership.		Not relevant
DoD0010 5120	DoD0010 5113	PrivWith hold2247	PrivWith hold2247	10/3/2016	Attachment to email. Word document titled, "ANTI-ISIL FACTS AND STATS" with file name "ANTI-ISIL FACTS 03 OCT 2016.doc"	Deliberative Process Privilege	Internal DoD document containing talking points and statistics regarding mission against ISIL.		Not relevant
DoD0010 5122	DoD0010 5113	PrivWith hold2248	PrivWith hold2252	10/3/2016	Attachment to email. Word document titled "US Support to GNA in Libya" with file name "Libya Strikes 3 OCT 2016.docx"	Deliberative Process Privilege	Internal DoD document providing background and talking points in response to potential questions on US support to interim government in Libya and airstrikes in that area.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 5126	DoD0010 5113	PrivWith hold2253	PrivWith hold2259	10/3/2016	Attachment to email. Word document titled "Philippines - Pres. Duterte Comments" with file name "PG 20161003 - Philippines - Pres. Duterte Comments.docx"	Deliberative Process Privilege	Internal DoD document providing background on comments by Philippines Pres. Duterte in anticipation of media enquiries.		Not relevant
DoD0010 5127	DoD0010 5113	PrivWith hold2260	PrivWith hold2260	10/3/2016	Attachment to email. Word document titled "Iraq Humanitarian Assistance" with file name "161003 Iraq HA.DOCX"	Deliberative Process Privilege	Internal DoD document with talking points on Iraqi humanitarian assistance.		Not relevant
DoD0010 5128	DoD0010 5113	PrivWith hold2261	PrivWith hold2264	10/3/2016	Attachment to email. Word document titled "Russia in Syria" with file name "161003 Russia in Syria.docx"	Deliberative Process Privilege	Internal DoD document providing background and talking points in response to potential questions about Russian activities in Syria.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 5129	DoD0010 5113	PrivWith hold2265	PrivWith hold2270	10/3/2016	Attachment to email. Word document titled "ROK: Terminal High Altitude Area Defense" with file name "PG 20161003 -THAAD ROK Decision Update Policy.docx"	Deliberative Process Privilege	Internal DoD document providing background and talking points in response to potential questions about Korea Terminal High Altitude Area Defense operations.		Not relevant
DoD0010 5130	DoD0010 5113	PrivWith hold2271	PrivWith hold2271	10/3/2016	Attachment to email. Word document titled "North Korea/Japan Defense" with file name "PG 20161003 - North Korea Japan Defense.docx"	Deliberative Process Privilege	Internal DoD document providing background and talking points in response to potential questions about North Korea and Japan.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00105798	DoD00105795	PrivWith hold2272	PrivWith hold2273	9/8/2016	Attachment to email. Word document titled "BACKGROUND PAPER ON HAF CRISIS MANAGEMENT AND CONTINGENCY PLANNING AND EXECUTION" with file name "Transition_AF_SAF_AQ_TAB 11_FOUO Crisis Management and Contingency Plan.docx"	Deliberative Process Privilege	Background document regarding crisis management and contingency planning for National Capital Region.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 5809	DoD0010 5795	PrivWith hold2274	PrivWith hold2274	9/8/2016	Attachment to email. Word document titled "EFFECTS OF MEETING HIGHER END STRENGTH AND WAY AHEAD" with file name "Transition_AF_TA B 3_Initiatives and Actions_3d_Manpower_Effects of Meeting Higher End Strength and Way Ahead.docx"	Deliberative Process Privilege	Background document regarding efforts to increase numbers of active duty servicemembers in the Air Force.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00105812	DoD00105795	PrivWith hold2275	PrivWith hold2277	8/9/2016	Attachment to email. Word document titled "USAF 2016 NUCLEAR POSTURE PRIORITIES/POSITIONS" with file name "Transition_AF_TAB 3_Initiatives and Actions_5a_AF Nuclear Issues_Nuclear Posture Status.docx"	Deliberative Process Privilege	Background document regarding US Air Force's 2016 Nuclear Posture Priorities and Positions.		Not relevant
DoD00105813	DoD00105795	PrivWith hold2278	PrivWith hold2278	8/15/2016	Attachment to email. Word document titled "ICBM Modernization" with file name "Transition_AF_TAB 3_Initiatives and Actions_5b_AF Nuclear Issues_ICBM Modernization.docx"	Deliberative Process Privilege	Background document regarding Intercontinental Ballistic Missile (ICBM) modernization.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00105814	DoD00105795	PrivWith hold2279	PrivWith hold2279	9/6/2016	Attachment to email. Word document titled "LONG RANGE STANDOFF" with file name "Transition_AF_TA B 3_Initiatives and Actions_5c_AF Nuclear Issues_Long Range Stand Off (LRSO).docx"	Deliberative Process Privilege	Background document regarding the "Long Range Stand Off" weapons program.		Not relevant
DoD00105821	DoD00105795	PrivWith hold2280	PrivWith hold2280	9/7/2016	Attachment to email. Word document titled "Joint Surveillance and Target Attack Radar System (JSTARS) Recapitalization (Recap) Program" with file name "Transition_AF_TA B 3_Initiatives and Actions_7e_Moder nization_JSTARS Recapitalization Program.docx"	Deliberative Process Privilege	Background document regarding Joint Surveillance and Target Attack Radar System (JSTARS) recapitalization.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 5848	DoD0010 5845	PrivWith hold2281	PrivWith hold2282	9/8/2016	Attachment to email. Word document titled "BACKGROUND PAPER ON HAF CRISIS MANAGEMENT AND CONTINGENCY PLANNING AND EXECUTION" with file name "Transition_AF_SAF_AQ_TAB 11_FOUO Crisis Management and Contingency Plan.docx"	Deliberative Process Privilege	Background document regarding crisis management and contingency planning for National Capital Region.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 5863	DoD0010 5845	PrivWith hold2283	PrivWith hold2283	8/15/2016	Attachment to email. Word document titled "ICBM Moderinzation" with file name "Transition_AF_TA B 3_Initiatives and Actions_5b_AF Nuclear Issues_ICBM Modernization.docx"	Deliberative Process Privilege	Background document regarding Intercontinental Ballistic Missile (ICBM) modernization.		Not relevant
DoD0010 5864	DoD0010 5845	PrivWith hold2284	PrivWith hold2284	9/6/2016	Attachment to email. Word document titled "LONG RANGE STAND OFF" with file name "Transition_AF_TA B 3_Initiatives and Actions_5c_AF Nuclear Issues_Long Range Stand Off (LRSO).docx"	Deliberative Process Privilege	Background document regarding the Long Range Stand Off (LRSO) weapon.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 5865	DoD0010 5845	PrivWith hold2285	PrivWith hold2285	8/31/2016	Attachment to email. Word document titled "THIRD OFFSET: A STRATEGY FOR INNOVATION" with file name "Transition_AF_TAB 3_Initiatives and Actions_6a_Innovation_Third Offset_A Strategy for Innovation.docx"	Deliberative Process Privilege	Background document regarding development of military technological capabilities.		Not relevant
DoD0010 6015	DoD0010 6013	PrivWith hold2286	PrivWith hold2286	9/15/2016	Attachment to email. Word document titled "Afghanistan: SIGAR report, corruption" with file name "160915 SIGAR report on Afghan corruption.docx"	Deliberative Process Privilege	Internal DoD document providing background and talking points in response to potential questions about Afghanistan		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00106016	DoD00106013	PrivWith hold2287	PrivWith hold2287	9/15/2016	Attachment to email. Word document titled "Anti ISIL Facts and Stats" with file name "ANTI-ISIL FACTS 15 SEP 2016.doc"	Deliberative Process Privilege	Internal DoD document containing talking points and statistics regarding mission against ISIL.		Not relevant
DoD00106021	DoD00106013	PrivWith hold2288	PrivWith hold2293	9/15/2016	Attachment to email. Word document titled "JOINT IMPLEMENTATION CELL – HARD Q&A" with file name "091516 DoD JIC Hard QA.DOCX"	Deliberative Process Privilege	Internal DoD document providing talking points in response to possible questions regarding ongoing negotiations about Syria.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 6022	DoD0010 6013	PrivWith hold2294	PrivWith hold2295	9/15/2016	Attachment to email. Word document titled "Iran – Unprofessional Interaction with Two US Maritime Patrol Aircraft" with file name "160915 Iran - Unprofessional Interaction with Two US Maritime Patrol Air....docx"	Deliberative Process Privilege	Internal DoD document providing background and talking points in response to potential questions about military incident in Strait of Hormuz.		Not relevant
DoD0010 6024	DoD0010 6013	PrivWith hold2296	PrivWith hold2301	9/15/2016	Attachment to email. Word document titled "North Korea, Nuclear Weapons Test" with file name "PG 20160915 - DPRK Nuclear Test.docx"	Deliberative Process Privilege	Internal DoD document providing background and talking points to anticipated questions about recent events in North Korea.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 6025	DoD0010 6013	PrivWith hold2302	PrivWith hold2305	9/15/2016	Attachment to email. Word document titled "Philippines - Pres. Duterte Comments" with file name "PG 20160915 - Philippines - Pres. Duterte Comments.docx"	Deliberative Process Privilege	Internal DoD document providing background on comments by Philippines Pres. Duterte in anticipation of media enquiries.		Not relevant
DoD0010 6121	DoD0010 6119	PrivWith hold2306	PrivWith hold2313	9/13/2016	Attachment to email. Word document titled "Syria Arrangement" with file name "PG 20160913 Syria Post Geneva Arrangement.docx"	Deliberative Process Privilege	Internal DoD document providing background and talking points to expected questions about Syria.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 6122	DoD0010 6119	PrivWith hold2314	PrivWith hold2318	9/13/2016	Attachment to email. Word document titled "Philippines - Pres. Duterte Comments" with file name "PG 20160913 - Philippines - Pres. Duterte Comments.docx"	Deliberative Process Privilege	Internal DoD document providing background on comments by Philippines Pres. Duterte in anticipation of media enquiries.		Not relevant
DoD0010 6123	DoD0010 6119	PrivWith hold2319	PrivWith hold2319	9/14/2016	Attachment to email. Word document titled "ANTI-ISIL FACTS AND STATS" with file name "ANTI-ISIL FACTS 14 SEP 2016.doc"	Deliberative Process Privilege	Internal DoD document containing talking points and statistics regarding mission against ISIL.		Not relevant
DoD0010 7021	DoD0010 7019	PrivWith hold2320	PrivWith hold2320	8/26/2016	Attachment to email. Word document titled "ANTI-ISIL FACTS AND STATS" with file name "ANTI-ISIL FACTS 26 AUG 2016.doc"	Deliberative Process Privilege	Internal DoD document containing talking points and statistics regarding mission against ISIL.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00107400	DoD00107397	PrivWith hold2321	PrivWith hold2333	8/19/2016	PDF of info memo with subject "Update -- Force of the Future Tranches V/VI and General/Flag Officer Matters" with file name "Update-Force of the Future V-VI.pdf"	Deliberative Process Privilege	Memo from Acting Undersecretary of Defense (Personnel and Readiness) to SecDef regarding Force of the Future program.		Not relevant
DoD00107404	DoD00107397	PrivWith hold2334	PrivWith hold2346	8/19/2016	PDF of a memorandum for the Secretary of Defense with the subject line "Dual Hat" with file name "Dual Hat Memo.pdf"	Deliberative Process Privilege	Memo from Deputy SecDef to SecDef on leadership structure of the US Cyber Command and the National Security Agency		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 7409	DoD0010 7397	PrivWith hold2347	PrivWith hold2353	8/18/2016	Word document labeled "draft" titled "OUTLINE1 FOR FY17 BUDGET/NDAA SPEECH NATIONAL PRESS CLUB, WASHINGTON, DC TBD-DAY BETWEEN AUG. 29 AND SEPT. 6, 2016" with file name "National Press Club Budget Speech Outline Draft 1.0.docx"	Deliberative Process Privilege	Speechwriter's outline draft for speech about the budget to be given by Secretary of Defense at the National Press club.		Not relevant
DoD0010 7414	DoD0010 7397	PrivWith hold2354	PrivWith hold2355	8/18/2016	PDF of memo with the subject line "Reprogramming Actions Update" with file name "Untitled.pdf"	Deliberative Process Privilege	Memo to SecDef from Under Secretary of Defense (Comptroller) regarding reprogramming actions.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00107434	DoD00107430	PrivWith hold2356	PrivWith hold2368	8/19/2016	PDF of info memo with subject "Update -- Force of the Future Tranches V/VI and General/Flag Officer Matters" with file name "Update-Force of the Future V-VI.pdf"	Deliberative Process Privilege	Memo from Acting Undersecretary of Defense (Personnel and Readiness) to SecDef regarding Force of the Future program.		Not relevant
DoD00107438	DoD00107430	PrivWith hold2369	PrivWith hold2381	8/19/2016	PDF of a memorandum for the Secretary of Defense with the subject line "Dual Hat" with file name "Dual Hat Memo.pdf"	Deliberative Process Privilege	Memo from Deputy SecDef to SecDef on leadership structure of the US Cyber Command and the National Security Agency		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 7442	DoD0010 7430	PrivWith hold2382	PrivWith hold2388	8/18/2016	Draft Word document titled "INSPECTORS GENERAL TOWN HALL OPENING REMARKS MARK CENTER AUDITORIUM, ALEXANDRIA, VA THURSDAY, AUGUST 26, 2016" with file name "IG Town Hall Draft 1.0.docx"	Deliberative Process Privilege	Speechwriter's draft for remarks made to DoD Inspector General Town Hall.		Not relevant
DoD0010 7443	DoD0010 7430	PrivWith hold2389	PrivWith hold2395	8/18/2016	Word document labeled "draft" titled "OUTLINE1 FOR FY17 BUDGET/NDAA SPEECH NATIONAL PRESS CLUB, WASHINGTON, DC TBD-DAY BETWEEN AUG. 29 AND SEPT. 6, 2016" with file name "National Press Club Budget Speech Outline Draft 1.0.docx"	Deliberative Process Privilege	Speechwriter's outline draft for speech about the budget to be given by Secretary of Defense at the National Press club.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00107448	DoD00107430	PrivWith hold2396	PrivWith hold2397	8/18/2016	PDF of memo with the subject line "Reprogramming Actions Update" with file name "Untitled.pdf"	Deliberative Process Privilege	Confidential memorandum, dated 8/18/2016, from M. McCord, Under Secretary of Defense (Comptroller); Chief Financial Officer, to the Secretary of Defense, concerning the status of actions for the reprogramming of funds appropriated to DOD, including summaries of those actions and a recommendation regarding the Secretary's action		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00107453	DoD00107450	PrivWith hold2398	PrivWith hold2410	8/19/2016	PDF of info memo with subject "Update -- Force of the Future Tranches V/VI and General/Flag Officer Matters" with file name "Update-Force of the Future V-VI.pdf"	Deliberative Process Privilege	Confidential memorandum dated 8/19/2016, from P. Levine, Acting Under Secretary of Defense, to Secretary of Defense, providing a summary of work done on the "forces of the future" initiative. The memo describes pre-decisional deliberations of DoD in that the efforts and discussions described in the memorandum pre-date the roll-out of the "forces of the future" program.		Not relevant

DoD0010 7457	DoD0010 7450	PrivWith hold2411	PrivWith hold2423	8/19/2016	PDF of a memorandum for the Secretary of Defense with the subject line "Dual Hat" with file name "Dual Hat Memo.pdf"	Deliberative Process Privilege	Confidential memorandum from R. Work, Deputy Secretary of Defense, to the Secretary of Defense, dated 8/19/2016, concerning proposed changes to authority delegated to Commander of CYBERCOM. It is predecisional because the memorandum was drafted before the Secretary finally decided on a memorandum, a draft of which is included in the package, from the Secretary of Defense to the President, notifying the President of the Secretary's	Not relevant
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Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
							decision regarding the delegated authority.		

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00107461	DoD00107450	PrivWith hold2424	PrivWith hold2430	8/18/2016	Draft Word document titled "INSPECTORS GENERAL TOWN HALL OPENING REMARKS MARK CENTER AUDITORIUM, ALEXANDRIA, VA THURSDAY, AUGUST 26, 2016" with file name "IG Town Hall Draft 1.0.docx"	Deliberative Process Privilege	Confidential draft of speech prepared for the Secretary of defense. The speech is scheduled for 8/26/2016. The draft is dated 8/18/2016, and marked draft 1.0. The draft is predecisional as it was prepared prior to the date of the speech.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 7462	DoD0010 7450	PrivWith hold2431	PrivWith hold2437	8/18/2016	Draft Word document titled "OUTLINE1 FOR FY17 BUDGET/NDAA SPEECH NATIONAL PRESS CLUB, WASHINGTON, DC TBD-DAY BETWEEN AUG. 29 AND SEPT. 6, 2016" with file name "National Press Club Budget Speech Outline Draft 1.0.docx"	Deliberative Process Privilege	Confidential outline of a scheduled speak at the National Press Club regarding the defense budget. The outline is pre-decisional as it was prepared prior to the speech, dated 8/18/2016, and before the preparation of initial drafts of the speech.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00107467	DoD00107450	PrivWith hold2438	PrivWith hold2439	8/18/2016	PDF of memo with the subject line "Reprogramming Actions Update" with file name "Untitled.pdf"	Deliberative Process Privilege	Confidential memorandum, dated 8/18/2016, from M. McCord, Under Secretary of Defense (Comptroller); Chief Financial Officer, to the Secretary of Defense, concerning the status of actions for the reprogramming of funds appropriated to DOD, including summaries of those actions and a recommendation regarding the Secretary's action		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 9257	DoD0010 9255	PrivWith hold2440	PrivWith hold2444	7/1/2016	Attachment to email sent by Stuart Munsch. Word document titled "Turkey: Terrorist Attack on Ataturk International Airport" with file name "PG 20160701 - Turkey - Istanbul Attacker.docx"	Deliberative Process Privilege	Confidential briefing document, dated 7/1/2016, to Secretary of Defense, prepared by DoD media office, containing proposed talking points and responses to media questions about DoD's investigation of a terrorist attack on a military base in Turkey. The document is predecisional at it was prepared before the Secretary's press briefing.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 9260	DoD0010 9255	PrivWith hold2445	PrivWith hold2466	7/1/2016	Attachment to email sent by Stuart Munsch Word document titled "Combined Talking Points" with file name "PG 20160701 -- CivCas EO and Aggregate Stats.doc"	Deliberative Process Privilege	Confidential briefing paper, dated 7/1/2016, to Secretary of Defense, containing and extended discussion of a proposed executive order regarding the use of lethal force and proposed talking points and responses to questions from the media regarding the same.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 9316	DoD0010 9314	PrivWith hold2467	PrivWith hold2471	7/1/2016	Attachment to email sent by Courtney Hillson. Word document titled "Turkey: Terrorist Attack on Ataturk International Airport" with file name "PG 20160701 - Turkey - Istanbul Attacker.docx"	Deliberative Process Privilege	Confidential briefing document, dated 7/1/2016, to Secretary of Defense, prepared by DoD media office, containing proposed talking points and responses to media questions about DoD's investigation of a terrorist attack on a military base in Turkey. The document is predecisional as it was prepared before the Secretary's press briefing.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00109319	DoD00109314	PrivWith hold2472	PrivWith hold2493	7/1/2016	Attachment to email sent by Courtney Hillson. Word document titled "Combined Talking Points" with file name "PG 20160701 -- CivCas EO and Aggregate Stats.doc"	Deliberative Process Privilege	Confidential briefing paper, dated 7/1/2016, to Secretary of Defense, containing and extended discussion of a proposed executive order regarding the use of lethal force and proposed talking points and responses to questions from the media regarding the same.		Not relevant
DoD00109324	DoD00109322	PrivWith hold2494	PrivWith hold2494	7/1/2016	Attachment to email. Word document titled "ANTI-ISIL FACTS AND STATS" with file name "ANTI-ISIL FACTS 01 JUL 2016.doc"	Deliberative Process Privilege	Confidential briefing document, dated 7/1/2016, to senior DoD officials, concerning DoD's operations against ISIL.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 9445	DoD0010 9443	PrivWith hold2495	PrivWith hold2496	6/30/2016	Attachment to email. PDF titled "RCB Investigation Briefing Card with file name "06.30.2016 - RCB Investigation Briefing Card - APPROVED.PDF"	Deliberative Process Privilege	Confidential briefing document, dated 6/30/2016, to the chief of naval operations, containing a summary of an investigation into an incident involving Iranian forces, providing proposed talking points and responses to media questions regarding the incident and the subsequent investigation. The talking points are predecisional in that they were prepared prior to the press conference regarding this incident.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 9449	DoD0010 9443	PrivWith hold2497	PrivWith hold2497	6/30/2016	Attachment to email. Word document titled "ANTI-ISIL FACTS AND STATS" with file name "ANTI-ISIL FACTS 30 JUN 2016.doc"	Deliberative Process Privilege	Confidential briefing document, dated 7/1/2016, to senior DoD officials, concerning DoD's operations against ISIL.		Not relevant
DoD0011 4213	DoD0011 4211	PrivWith hold2498	PrivWith hold2499	4/5/2016	Word document titled "SYRIA/ISIL: Abu Firas, SOF, FFSTs" with file name "PG 20160405 -- Syria, ISIL - FFSTs.docx"	Deliberative Process Privilege	Confidential briefing document, dated 7/1/2016, to senior DoD officials, concerning DoD's operations against ISIL.		Not relevant
DoD0011 4215	DoD0011 4211	PrivWith hold2500	PrivWith hold2502	4/4/2016	Word document titled "Mar31 Air Strike in Somalia - Dhoore" with file name "Air Strike in Somalia-Dhoore - 4-5-2016.docx"	Deliberative Process Privilege	Internal talking points and press guidance document prepared to assist DoD/military leadership. Concerns al-Shabaab attack.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0011 4216	DoD0011 4211	PrivWith hold2503	PrivWith hold2503	4/5/2016	Word document titled "ANTI-ISIL FACTS AND STATS" with file name "ANTI-ISIL FACTS 5 APR 16.doc"	Deliberative Process Privilege	Internal briefing document prepared to assist DoD/military leadership. Concerns military campaign against ISIL.		Not relevant
DoD0011 4219	DoD0011 4211	PrivWith hold2504	PrivWith hold2510	4/5/2016	Word document titled "EMBARGOED - Guantanamo Press Guidance" with file name "PG 20160405 GTMO xfers to Senegal.docx"	Deliberative Process Privilege	Internal talking points and press guidance document prepared to assist DoD/military leadership. Concerns transfer of Guantanamo detainees.		Not relevant
DoD0011 4221	DoD0011 4211	PrivWith hold2511	PrivWith hold2513	4/4/2016	Word document titled "Somalia al-Shabaab Self Defense Strike" with file name "Somalia Self Defense Air Strike 4-5-2016.docx"	Deliberative Process Privilege	Internal talking points and press guidance document prepared to assist DoD/military leadership. Concerns al-Shabaab attack.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00116697		PrivWith hold2514	PrivWith hold2515	12/8/2016	Email with subject line "RE: NSC EDITS: DOD Exit Memo"	Deliberative Process Privilege	Email conversation between senior DoD officials and senior WH/EOP officials containing deliberations on DoD accomplishments from 2009 to 2016 the Obama Administration considered highlighting in a draft exit memo in the last month of the administration and attaching draft memo containing edits in track changes.		Not relevant
DoD00117082	DoD00117081	PrivWith hold2516	PrivWith hold2517	12/13/2016	PDF titled "ART Meeting Schedule - Dec 12-16" with file name "ART Meeting Schedule - Week of 12 December.pdf"	Deliberative Process Privilege	Draft schedule reflecting planned meetings involving administration transition officials.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00117268		PrivWith hold2518	PrivWith hold2520	12/19/2016	Email with subject line "RE: End of Administration Memo"	Deliberative Process Privilege	Email from a senior DoD officials to other senior DoD officials discussing the creation of a draft exit memo highlighting DoD's accomplishments from 2009 to 2016 the Obama Administration considered highlighting in the last month of the administration, attaching the draft of that exit memo, and discussing inputs to that draft exit memo from the Military Services.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00117270		PrivWith hold2521	PrivWith hold2521	12/7/2016	Email with subject line "Exit Memo"	Deliberative Process Privilege	Email from a senior DoD officials to other senior DoD officials discussing the creation of a draft exit memo highlighting DoD's accomplishments from 2009 to 2016 the Obama Administration considered highlighting in the last month of the administration, attaching the draft of that exit memo, and discussing inputs to that draft exit memo from the Military Services.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0012 2124		PrivWith hold2522	PrivWith hold2528	4/9/2018	Email with subject line "FW: [Non-DoD Source] TRICARE Regulatory Reform Briefing Schedule Groupings"	AC - Attorney Client Privilege	Email conversation between DoD OGC attorney and their clients seeking a legal review of proposed changes to TRICARE regulations covering gender dysphoria.	N	Not deliberative and no legal advice sought or provided. Defendants may redact the last email on the chain to John Casciotti at DoD OGC. Balance of PrivWith 2522-2528 to be produced.
DoD0013 2934		PrivWith hold2529	PrivWith hold2531	4/3/2018	Email with subject line "RE: Karnoski supp brief due tomorrow"	AC - Attorney Client Privilege	Email conversation between DoD OGC Counsel and their clients regarding a draft version of a legal brief in the instant litigation.	Y	AC
DoD0013 2937		PrivWith hold2532	PrivWith hold2533	4/2/2018	Email with subject line "[Non-DoD Source] Karnoski supp brief due tomorrow"	AC - Attorney Client Privilege; WP - Work Product Privilege	Email conversation between DoD OGC Counsel and DOJ counsel regarding a litigation deadline tracking document.	Y	AC

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0013 2939		PrivWith hold2534	PrivWith hold2540	4/2/2018	Email with subject line "RE: Chapter 2 in TG Litigation Begins"	AC - Attorney Client Privilege; WP - Work Product Privilege	Email conversation among DoD attorneys discussing developments in this litigation, and the related cases.	Y	AC
DoD0013 2961		PrivWith hold2541	PrivWith hold2547	3/30/2018	Email with subject line "RE: Chapter 2 in TG Litigation Begins"	AC - Attorney Client Privilege	Email conversation among DoD attorneys discussing developments in this litigation, and the related cases.	Y	AC
DoD0013 2963		PrivWith hold2548	PrivWith hold2553	3/30/2018	Email with subject line "RE: Chapter 2 in TG Litigation Begins"	AC - Attorney Client Privilege	Email conversation among DoD attorneys discussing developments in this litigation, and the related cases.	Y	AC
DoD0013 2967		PrivWith hold2554	PrivWith hold2554	3/29/2018	Email with subject line "Corrected Copies of Motion to Dissolve PI and Supporting Declaration"	AC - Attorney Client Privilege	Email conversation among DoD attorneys discussing developments in this litigation.	Y	AC

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0013 2986		PrivWith hold2555	PrivWith hold2558	3/28/2018	Email with subject line "RE: [Non-DoD Source] New events in your CourtLink Tracked Docket: DOE et al v. TRUMP et al - US-DIS-DCD - 1:17cv1597"	AC - Attorney Client Privilege	Email conversation among DoD attorneys discussing developments in this litigation, and the related cases.	Y	AC
DoD0013 2991		PrivWith hold2559	PrivWith hold2560	3/27/2018	Email with subject line "FW: [Non-DoD Source] New events in your CourtLink Tracked Docket: DOE et al v. TRUMP et al - US-DIS-DCD - 1:17cv1597"	AC - Attorney Client Privilege	Email conversation among DoD OGC attorneys regarding legal developments in <i>Doe v. Trump</i> , No. 17-cv-1597 (D.D.C.).	Y	AC
DoD0013 3006		PrivWith hold2561	PrivWith hold2561	3/27/2018	Email with subject line "Action Requested: PR POTUS TG Decision Memo - GC Edits & Comments"	AC - Attorney Client Privilege	Email conversation among DoD OGC attorneys regarding request for OGC legal review of a draft decision memo from the Under Secretary for Personnel and Readiness.	Y	AC

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00133021		PrivWith hold2562	PrivWith hold2562	3/26/2018	Email with subject line "FW: Search for PDFs (UNCLASSIFIED)"	AC - Attorney Client Privilege	Email conversation between DoD OGC Counsel and their clients regarding collection of documents pursuant to litigation proceedings.	Y	AC
DoD00137848	DoD00137847	PrivWith hold2563	PrivWith hold2563	12/11/2017	Attachment to email. Word document prepared by Stephanie Miller titled "Hard Questions for Military Accessions Vital to the National Interest" with file name "MAVNI LPR FY19 Hard Qs and As.docx"	Deliberative Process Privilege	Briefing paper regarding Military Accessions Vital to the National Interest (MAVNI). Drafted for Secretary of Defense in preparation for congressional hearing. Unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00137850	DoD00137847	PrivWith hold2564	PrivWith hold2564	12/11/2017	Attachment to email. Word document titled "Foreign National Recruiting" with file name "SD Foriegn National Recruiting.docx"	Deliberative Process Privilege	Briefing paper regarding Foreign National Recruiting. Drafted for Secretary of Defense in preparation for congressional hearing. Unrelated to transgender military policy.		Not relevant
DoD00137873	DoD00137872	PrivWith hold2565	PrivWith hold2565	12/11/2017	Attachment to email. Word document prepared by Stephanie Miller titled "Hard Questions for Military Accessions Vital to the National Interest" with file name "MAVNI LPR FY19 Hard Qs and As.docx"	Deliberative Process Privilege	Briefing paper regarding Military Accessions Vital to the National Interest (MAVNI). Drafted for Secretary of Defense in preparation for congressional hearing. Unrelated to transgender military policy.		Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00137875	DoD00137872	PrivWith hold2566	PrivWith hold2566	12/11/2017	Attachment to email. Word document titled "Foreign National Recruiting" with file name "SD Foriegn National Recruiting.docx"	Deliberative Process Privilege	Briefing paper regarding Foreign National Recruiting. Drafted for Secretary of Defense in preparation for congressional hearing. Unrelated to transgender military policy.		Not relevant
DoD00140607		PrivWith hold2567	PrivWith hold2569	1/9/2018	Email with subject line "RE: Have to Drop Off"	AC - Attorney Client Privilege	Email conversation among DoD OGC attorneys regarding responding to discovery in <i>Doe v. Trump</i> , No. 17-1597 (D.D.C.).	Y	AC
DoD00140608	DoD00140607	PrivWith hold2570	PrivWith hold2573	12/20/2017	Email with subject line "Doe Interrogatories and RFP's (Doe, et al. v. Trump, et al., No. 17-1597 (D.D.C.))"	AC - Attorney Client Privilege	Email message from DoD OGC attorney to clients regarding responding to discovery in <i>Doe v. Trump</i> , No. 17-1597 (D.D.C.).	Y	AC

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0014 2085	DoD0014 2084	PrivWith hold2574	PrivWith hold2574	1/17/2018	Attachment to email. Word document titled "Women in Combat Litigation" with file name "32-Women in Combat Litigation 12 Jan 2018.docx"	AC - Attorney Client Privilege; WP - Work Product Privilege	DoD OGC working paper for attorneys summarizing the DoD position for litigation concerning women in combat positions across the Military Services.		Not relevant
DoD0014 3348	DoD0014 3347	PrivWith hold2575	PrivWith hold2575	7/26/2017	Email with the subject line "CNN Reporting: Trump announces US military ban on transgender people"	AC - Attorney Client Privilege	Email conversation among DoD OGC attorneys regarding potential litigation.	N	Transmittal email, not soliciting or providing legal advice
DoD0014 3352	DoD0014 3351	PrivWith hold2576	PrivWith hold2576	7/26/2017	Email with the subject line "New transgender policy (UNCLASSIFIED)"	AC - Attorney Client Privilege	Email conversation between DoD OGC attorneys and their clients regarding the effect of social media posts from the Executive Branch on ongoing policy process.	Y	AC

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0014 3356	DoD0014 3355	PrivWith hold2577	PrivWith hold2578	7/26/2017	Email with the subject line "RE: POTUS TG TWEET (UNCLASSIFIED)"	AC - Attorney Client Privilege	Email conversation between DoD OGC attorneys and their clients regarding the effect of social media posts from the Executive Branch on ongoing policy process.	Y	AC
DoD0014 3358	DoD0014 3357	PrivWith hold2579	PrivWith hold2581	7/26/2017	Email with the subject line "RE: POTUS TG TWEET (UNCLASSIFIED)"	AC - Attorney Client Privilege	Email conversation between DoD OGC attorneys and their clients regarding the effect of social media posts from the Executive Branch on ongoing policy process.	Y	AC
Navy_00 067020		PrivWith hold2582	PrivWith hold2584	12/21/2017	Email with subject line "DISCOVERY: Doe, et al. v. Trump, et al., No. 17-1597 (D.D.C.)"	Attorney - Client Privilege; WP - Work Product Privilege	Email message from Navy attorney to clients regarding responding to discovery in <i>Doe v. Trump</i> , No. 17-1597 (D.D.C.).	Y	AC; WP

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
Navy_00067021		PrivWith hold2585	PrivWith hold2586	8/28/2017	Attachment to email. PDF of memorandum from the DoD Office of General Counsel with the subject "Litigation Hold for Doe et al. v. Trump et al., No. 1:17-cv-1597 (D.D.C.)" with file name "(1) Lit Hold Ltr.pdf"	Attorney - Client Privilege; WP - Work Product Privilege	Litigation hold memorandum pursuant to <i>Doe v. Trump</i> , No. 17-1597 (D.D.C.).	Y	AC
Navy_00067022		PrivWith hold2587	PrivWith hold2587	12/21/2017	PDF with file name "(1) Transgender Policy Related Litigation Hold (Doe v. Trump, Stone v. Trump, Karnoski v. Trump, and Stockman v. Trump).pdf"	Attorney - Client Privilege; WP - Work Product Privilege	Email message from Navy attorney to clients regarding litigation hold in <i>Doe v. Trump</i> , No. 17-1597 (D.D.C.).	Y	AC

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
Navy_00082081		PrivWith hold2588	PrivWith hold2589	1/23/2018	Email with subject line "UPDATE! TRANSGENDER LITIGATION (Secure transmission)"	Attorney - Client Privilege	Email conversation among Navy attorney and clients regarding litigation hold in <i>Doe v. Trump</i> , No. 17-1597 (D.D.C.), and related cases.	Y	AC
USCG 00007597		PrivWith hold2590	PrivWith hold2591	1/19/2018	Email with the subject line "FW: Doe v. Trump Lawsuit"	AC - Attorney Client Privilege; WP - Work Product Privilege	Email conversation between USCG Counsel and their clients regarding documents to be used in <i>Doe v. Trump</i> , No. 17-1597 (D.D.C.)	Y	AC
AF_CTRL_00000185		PrivWith hold2592	PrivWith hold2593	5/14/2018	Calendar invitation titled "Prep for Hill Mtgs"	DP - Deliberative Process	Contains redaction regarding planned topics for discussion with Senators.	N	Not deliberative. Email notes PDF of points to discuss with Senator Collins re transgender policy. Does not appear to be included. Should be produced, if it hasn't already been produced.

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
Army_10004634		PrivWith hold2594	PrivWith hold2596	10/23/2017	Email addressing court filing.	AC - Attorney Client; DP - Deliberative	Attorney mental impressions regarding matter in litigation or anticipated litigation; Deliberations regarding the formulation of the transgender policy; Seeking or providing legal advice regarding transgender policy	Y	AC, WP
Army_10005406		PrivWith hold2597	PrivWith hold2598	10/19/2017	Email between agency attorneys from OTJAG and OGC discussing a matter in litigation or anticipated litigation pertaining to the development of the military's transgender policy.	AC - Attorney Client; DP - Deliberative; WP - Work Product	Attorney mental impressions regarding matter in litigation or anticipated litigation; Deliberations regarding the formulation of the transgender policy; Seeking or providing legal advice regarding transgender policy	Y	AC, WP

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
Army_10005414		PrivWithhold2599	PrivWithhold2599	10/18/2017	Document was produced and disseminated between agency attorneys pursuant to matters in litigation or in anticipated litigation.	AC - Attorney Client; WP - Work Product	Attorney mental impressions regarding matter in litigation or anticipated litigation; Seeking or providing legal advice regarding transgender policy; Seeking or providing legal advice regarding litigation risk	Y	AC, WP
Army_10009171		PrivWithhold2600	PrivWithhold2612	10/24/2017	Email with subject line "RE: REMINDER: CACO TASKER - Update of Personnel IP ISO Mr. McPherson - Nominee for Army GC (S: COB 25 OCT 17) (UNCLASSIFIED)"	DP - Deliberative	Email chain containing deliberations regarding preparation of briefing materials in support of nominee to be Army General Counsel.	Y	AC/WP pages PrivWithhold 2600-2604. Produce PrivWithhold 2605-through middle of PrivWithhold2607. Balance of PrivWithhold 2607-2612 not produced.
Army_10009943		PrivWithhold2613	PrivWithhold2621					N	Not privileged
Army_10030186		PrivWithhold2622	PrivWithhold2622					N	Not privileged

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
Army_10 038152		PrivWith hold2623	PrivWith hold2623						Not relevant
Army_10 040255		PrivWith hold2624	PrivWith hold2624					N	Not privileged
DoD0000 0984		PrivWith hold2625	PrivWith hold2629	12/13/2017	RE: Tasker: Due 14 December - SD Issue Papers and Hard Questions for FY19 Budget Hearings	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy	N	Not deliberative
DoD0000 1090		PrivWith hold2630	PrivWith hold2635	12/11/2017	RE: Tasker: Due 14 December - SD Issue Papers and Hard Questions for FY19 Budget Hearings (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy	N	Not deliberative

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00001104		PrivWith hold2636	PrivWith hold2640	12/11/2017	RE: Tasker: Due 14 December - SD Issue Papers and Hard Questions for FY19 Budget Hearings (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy	N	Not deliberative
DoD00001124		PrivWith hold2641	PrivWith hold2645	12/11/2017	FW: Tasker: Due 14 December - SD Issue Papers and Hard Questions for FY19 Budget Hearings (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy	N	Not deliberative

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00001222		PrivWith hold2646	PrivWith hold2649	12/8/2017	RE: TG Litigation (UNCLASSIFIED//FOUO)	AC - Attorney Client Privilege; DP - Deliberative Process; WP - Work Product	Seeking or providing legal advice regarding transgender policy; Seeking or providing legal advice regarding litigation risk	Y	AC; WP
DoD00001468		PrivWith hold2650	PrivWith hold2652	11/30/2017	RE: Draft USMEPCOM Policy Memorandum 2-5 - TG Applicant Processing (UNCLASSIFIED)	AC - Attorney Client Privilege; DP - Deliberative Process	Attorney mental impressions regarding matter in litigation or anticipated litigation; Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Seeking or providing legal advice regarding transgender policy	N	Transmittal emails not privileged, Redact the email message from Arendt to Casciotti on page PrivWithhold 2650, but otherwise produce,

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00001730		PrivWith hold2653	PrivWith hold2653					N	Transmittal email
DoD00002246		PrivWith hold2654	PrivWith hold2654	9/22/2017	RE: MAVNI and TG (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy	N	Not deliberative
DoD00002887		PrivWith hold2655	PrivWith hold2659	7/7/2017	RE: DEPSECDEF information book - requests (SUSPENSE: 1200 July 10) (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy	N	Not deliberative
DoD00002898		PrivWith hold2660	PrivWith hold2663	7/7/2017	DEPSECDEF information book - requests (SUSPENSE: 1200 July 10) (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy	N	Not deliberative
DoD00003016		PrivWith hold2664	PrivWith hold2666					N	Not deliberative

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00003103		PrivWith hold2667	PrivWith hold2668	5/17/2017	FW: 17 MAY - TOP LINES - MAVNI - Transgender (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy	Y	DP
DoD00003105		PrivWith hold2669	PrivWith hold2670	5/17/2017	FW: 17 MAY - TOP LINES - MAVNI - Transgender (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy	Y	DP

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00003107		PrivWith hold2671	PrivWith hold2671	5/17/2017	17 MAY - TOP LINES - MAVNI - Transgender (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy		Not relevant
DoD00003113		PrivWith hold2672	PrivWith hold2672	5/17/2017	FW: APPROVAL HOT HOT -- FW: Media Query - Transgender Policy - Military Times (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy	N	Not deliberative
DoD00003207		PrivWith hold2673	PrivWith hold2676	3/16/2017	FW: HOT _ HOT -- FW: Hot: Prep Q&A for 28 March SASC Roundtable (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy	N	Not deliberative

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00003794		PrivWith hold2677	PrivWith hold2678	5/10/2016	Updated DoDI (Clean & Track Changes)	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy	Y	DP
DoD00004657		PrivWith hold2679	PrivWith hold2681	8/1/2017	Email regarding a DoD Transgender cost paper	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy	N	Not deliberative

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00005472		PrivWith hold2682	PrivWith hold2683	12/12/14	Email chain concerning Pending ALARACT re: Army retention of transgender service members (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy	Y	DP
DoD00009258		PrivWith hold2684	PrivWith hold2687					N	Not deliberative
DoD00009265		PrivWith hold2688	PrivWith hold2693					N	Not deliberative
DoD00009271		PrivWith hold2694	PrivWith hold2699					N	Not deliberative
DoD00009837		PrivWith hold2700	PrivWith hold2702	8/1/17	Email chain concerning Transgender cost paper (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy	N	Not deliberative
DoD00009860		PrivWith hold2703	PrivWith hold2707	7/31/17	Email concerning APPROVAL -- FW: P&R Nomination Prep Tasker (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy	N	Not deliberative

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00010001		PrivWith hold2708	PrivWith hold2712	7/10/17	Email forward concerning APPROVAL: DEPSECDEF information book - requests (SUSPENSE: 1200 July 10) (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy	N	Not deliberative. Redact email from Warren to Hebert on bottom of PrivWithhold 2709. Otherwise produce.
DoD00010006		PrivWith hold2713	PrivWith hold2716	7/10/17	Email chain concerning APPROVAL: DEPSECDEF information book - requests (SUSPENSE: 1200 July 10) (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy	N	Not deliberative
DoD00010261		PrivWith hold2717	PrivWith hold2718	2/23/17	Email concerning APPROVAL -- FW: SecDef HASC Roundtable - Q&A Prep Materials	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy	N	Not deliberative
DoD00011513		PrivWith hold2719	PrivWith hold2723					N	Not deliberative
DoD00011517		PrivWith hold2724	PrivWith hold2728					Y	DP

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0002 1463		PrivWith hold2729	PrivWith hold2731	4/25/2017	Email FW: SUSPENSE COB Apr 27 -- FW: Deputy Secretary of Defense Nominee Prep Assistance and Nominations Guidance	AC - Attorney Client Privilege; DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Seeking or providing legal advice regarding transgender policy	Y	DP
DoD0002 2232		PrivWith hold2732	PrivWith hold2735					N	Not deliberative
DoD0002 2284		PrivWith hold2736	PrivWith hold2740	7/31/2017	Email discussion on briefing plan for senior leadership nomination prep which includes transgender assignments	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy	N	Not deliberative
DoD0002 2472		PrivWith hold2741	PrivWith hold2744	4/25/2017	Email discussion on assistance for nomination prep including the transgender policy	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy;	N	Not deliberative

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0002 2540		PrivWith hold2745	PrivWith hold2746	3/31/2017	Email regarding Deputy Secretary of Defense Nominee Prep Assistance and Nominations Guidance	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy	N	Not deliberative
DoD0002 2575		PrivWith hold2747	PrivWith hold2751	8/10/2017	Email discussion concerning preparation of various topics including the transgender policy for P&R nominees	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy	N	Not deliberative

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0002 2603		PrivWith hold2752	PrivWith hold2756	8/14/2017	Email discussion concerning preparation of various topics including the transgender policy for P&R nominees	AC - Attorney Client Privilege; DP - Deliberative Process; EP - Executive Privilege	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy; Seeking or providing legal advice regarding transgender policy	N	Not deliberative

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00022610		PrivWith hold2757	PrivWith hold2760	7/7/2017	Email discussion concerning preparation of various topics including the transgender policy for the deputy secretary of defense	AC - Attorney Client Privilege; DP - Deliberative Process; EP - Executive Privilege	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy; Seeking or providing legal advice regarding transgender policy; Seeking or providing legal advice regarding litigation risk	Y	AC
DoD00022631		PrivWith hold2761	PrivWith hold2765					N	Not deliberative

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0002 2677		PrivWith hold2766	PrivWith hold2770	7/28/2017	Email discussion concerning preparation of various topics including the transgender policy for P&R nominees	AC - Attorney Client Privilege; DP - Deliberative Process; EP - Executive Privilege	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy; Seeking or providing legal advice regarding transgender policy	Y	AC

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0002 2691		PrivWith hold2771	PrivWith hold2775	8/10/2017	Email discussion concerning preparation of various topics including the transgender policy for P&R nominees	AC - Attorney Client Privilege; DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy; Seeking or providing legal advice regarding transgender policy	N	No legal advice discussed, sought or given. Not deliberative

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0002 2707		PrivWith hold2776	PrivWith hold2780	7/7/2017	Email discussion concerning preparation of various topics including the transgender policy for DSD	AC - Attorney Client Privilege; DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy; Seeking or providing legal advice regarding transgender policy	Y	DP
DoD0002 6961		PrivWith hold2781	PrivWith hold2782	8/2/2017	Email chain regarding Info papers for USD (P&R) Nominee Confirmation Prep (RI)	AC - Attorney Client Privilege; DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy; Seeking or providing legal advice regarding transgender policy	Y	AC

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00026968		PrivWith hold2783	PrivWith hold2785	8/1/2017	Email chain regarding Transgender cost paper	AC - Attorney Client Privilege; DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Seeking or providing legal advice regarding transgender policy	Y	AC
DoD00026978		PrivWith hold2786	PrivWith hold2786	7/31/2017	Email chain regarding Info papers for USD (P&R) Nominee Confirmation Prep (MPP)	AC - Attorney Client Privilege; DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy; Seeking or providing legal advice regarding transgender policy	Y	AC

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00027040		PrivWith hold2787	PrivWith hold2789	5/18/2017	Email chain regarding 17 MAY - TOP LINES - MAVNI - Transgender	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy	Y	DP
DoD00027127		PrivWith hold2790	PrivWith hold2792	2/23/2017	Email chain regarding SecDef roundtable including discussion of policies for service of transgender individuals	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy	N	Not deliberative
DoD00027139		PrivWith hold2793	PrivWith hold2794	2/23/2017	Email chain regarding SecDef roundtable including discussion of policies for service of transgender individuals	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy	N	Not deliberative

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00027141		PrivWith hold2795	PrivWith hold2797	2/23/2017	Email chain regarding SecDef roundtable including discussion of policies for service of transgender individuals	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy	N	Not deliberative
DoD00027145		PrivWith hold2798	PrivWith hold2799	2/23/2017	Email chain regarding SecDef roundtable including discussion of policies for service of transgender individuals	AC - Attorney Client Privilege; DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy; Seeking or providing legal advice regarding transgender policy	N	Not deliberative

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00027149		PrivWith hold2800	PrivWith hold2801	2/23/2017	Email chain regarding SecDef roundtable including discussion of policies for service of transgender individuals	AC - Attorney Client Privilege; DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy; Seeking or providing legal advice regarding transgender policy	N	Not deliberative
DoD00028457		PrivWith hold2802	PrivWith hold2802					Y	

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0003 1673		PrivWith hold2803	PrivWith hold2805	3/27/2017	Email FW: 1200-1300: 45 Day Plan Senior Steering Group	AC - Attorney Client Privilege; DP - Deliberative Process;	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy; Seeking or providing legal advice regarding transgender policy	Y	AC, DP for PrivWithhold 2802-03. Produce PrivWithhold 2804 and 2805 – not privileged.
DoD0003 8081		PrivWith hold2806	PrivWith hold2806	5/16/2017	For REVIEW - Top Lines for SecDef Press Conf - MAVNI and Transgender .msg	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy	N	Not deliberative

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0005 1842		PrivWith hold2807	PrivWith hold2810	7/10/2017	Email chain concerning information book for DEPSECDEF including discussion of transgender policies	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy	Y	DP
DoD0005 1850		PrivWith hold2811	PrivWith hold2815	7/10/2017	Email chain concerning information book for DEPSECDEF including discussion of transgender policies	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy	Y	DP
DoD0005 2197		PrivWith hold2816	PrivWith hold2820	7/10/2017	Email regarding APPROVAL: DEPSECDEF information book - requests (SUSPENSE: 1200 July 10)	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy	Y	DP

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00068047		PrivWith hold2821	PrivWith hold2821	7/31/2017	Email chain regarding Info papers for USD (P&R) Nominee Confirmation Prep (MPP)	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy	Y	DP
DoD00082880		PrivWith hold2822	PrivWith hold2822						Not relevant
DoD00082881	DoD00082880	PrivWith hold2823	PrivWith hold2825					N	Not deliberative. Produce header only on PrivWithhold 2823 and second to the last paragraph on PrivWithhold 2825. Balance is not relevant
DoD00082886		PrivWith hold2826	PrivWith hold2826					N	Transmittal email
DoD00082887	DoD00082886	PrivWith hold2827	PrivWith hold2829					N	Not deliberative. Produce header only on PrivWithhold 2827 and second to the last paragraph on PrivWithhold 2829. Balance is not relevant.
DoD00082979		PrivWith hold2830	PrivWith hold2830					N	Transmittal email

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0008 2980	DoD0008 2979	PrivWith hold2831	PrivWith hold2833	10/17/2017	Email with subject line "Daily Comms Update (UNCLASSIFIED)"	DP - Deliberative Process	Email thread reflecting briefing for senior DoD leadership on press guidance and strategy.	N	Not deliberative. Produce header on PrivWithhold 2831 and last paragraph on page PrivWithhold 2832. Balance not relevant.
DoD0008 3089		PrivWith hold2834	PrivWith hold2834					N	Transmittal email
DoD0008 3090	DoD0008 3089	PrivWith hold2835	PrivWith hold2836					N	Not deliberative. Produce header PrivWithhold 2835 and second to last paragraph 2836. Balance is not relevant
DoD0008 3093		PrivWith hold2837	PrivWith hold2837					N	Transmittal email
DoD0008 3094	DoD0008 3093	PrivWith hold2838	PrivWith hold2839					N	Not deliberative. Produce header PrivWithhold 2838 and second to last paragraph 2839. Balance is not relevant.
DoD0008 3105		PrivWith hold2840	PrivWith hold2840					N	Transmittal email
DoD0008 3106	DoD0008 3105	PrivWith hold2841	PrivWith hold2843					N	Not deliberative
DoD0008 3108		PrivWith hold2844	PrivWith hold2844						Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0008 3109	DoD0008 3108	PrivWith hold2845	PrivWith hold2847	9/12/2017	Email conversation regarding status of the transgender decision to prepare for the media questions	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy;	N	Not deliberative
DoD0008 3111		PrivWith hold2848	PrivWith hold2848						Not relevant
DoD0008 3112	DoD0008 3111	PrivWith hold2849	PrivWith hold2851	9/12/2017	Email conversation regarding status of the transgender decision to prepare for the media questions	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy	N	Not deliberative
DoD0008 3121		PrivWith hold2852	PrivWith hold2852						Not relevant
DoD0008 3122	DoD0008 3121	PrivWith hold2853	PrivWith hold2855	8/31/2017	Email conversation regarding status of the transgender decision to prepare for the media questions	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy	N	Not deliberative. Produce header PrivWithhold 2853 and last two paragraphs on PrivWithhold2855. Balance not relevant
DoD0008 3127		PrivWith hold2856	PrivWith hold2856					N	Transmittal email

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0008 3128	DoD0008 3127	PrivWith hold2857	PrivWith hold2859	8/31/2017	Email conversation regarding status of the transgender decision to prepare for the media questions	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy	N	Not deliberative. Produce header PrivWithhold 2857 and last two paragraphs on PrivWithhold2859. Balance not relevant.
DoD0008 3145		PrivWith hold2860	PrivWith hold2860					N	Transmittal email
DoD0008 3146	DoD0008 3145	PrivWith hold2861	PrivWith hold2863	8/30/2017	Email conversation regarding status of the transgender decision to prepare for the media questions	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy	N	Not deliberative. Produce header on PrivWithhold 2861 and Paragraph on same page starting with "Transgender". Balance is not relevant
DoD0008 3150		PrivWith hold2864	PrivWith hold2864					N	Transmittal email
DoD0008 3151	DoD0008 3150	PrivWith hold2865	PrivWith hold2867	8/30/2017	Email conversation regarding status of the transgender decision to prepare for the media questions	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy	N	Not deliberative. Produce header on PrivWithhold 2865 and Paragraph on same page starting with "Transgender". Balance is not relevant.
DoD0008 3232		PrivWith hold2868	PrivWith hold2868					N	Transmittal email

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0008 3233	DoD0008 3232	PrivWith hold2869	PrivWith hold2870					N	Not deliberative. Produce header on PrivWithhold 2869 and paragraph on PrivWithhold 2870 that begins with "Transgender". Balance is not relevant.
DoD0008 3247		PrivWith hold2871	PrivWith hold2871					N	Transmittal email
DoD0008 3555		PrivWith hold2872	PrivWith hold2872						Not relevant
DoD0008 3556	DoD0008 3555	PrivWith hold2873	PrivWith hold2875					N	Not deliberative. Produce Header section on PrivWithhold 2873 and the paragraph on PrivWithhold 2874 starting with Transgender. Balance is not relevant.
DoD0008 3583		PrivWith hold2876	PrivWith hold2876					N	Transmittal email
DoD0008 3584	DoD0008 3583	PrivWith hold2877	PrivWith hold2879					N	Not deliberative. Produce header section on PrivWithhold 2877 and paragraph on PrivWithhold 2878 re Transgender cadets. Balance not relevant
DoD0008 3772		PrivWith hold2880	PrivWith hold2880					N	Transmittal email

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0008 3773	DoD0008 3772	PrivWith hold2881	PrivWith hold2883	11/20/2017	Talking points re TG policy	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy	N	Not deliberative. Produce header and Paragraph beginning "Transgender" on PrivWithhold 2881. Balance is not relevant
DoD0008 3776		PrivWith hold2884	PrivWith hold2884					N	Transmittal email
DoD0008 3777	DoD0008 3776	PrivWith hold2885	PrivWith hold2887	11/20/2017	Talking points re TG policy	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy	N	Not deliberative. Produce header and Paragraph beginning "Transgender" on PrivWithhold 2881. Balance is not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0008 3780		PrivWith hold2888	PrivWith hold2888					N	Transmittal email
DoD0008 3781	DoD0008 3780	PrivWith hold2889	PrivWith hold2891	11/20/201 7	Talking points re TG policy	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy	N	Not deliberative. Produce header and Paragraph beginning "Transgender" on PrivWithhold 2889. Balance is not relevant
DoD0008 3851		PrivWith hold2892	PrivWith hold2892					N	Transmittal email

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0008 3852	DoD0008 3851	PrivWith hold2893	PrivWith hold2895	8/14/2017	Email regarding updated media coverage of the transgender policy	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy	N	Not deliberative. Produce PrivWithhold Document 2893 with header and then the portion of the page that starts with Off-Camera Briefing and subjects. Balance is not relevant.
DoD0008 3855		PrivWith hold2896	PrivWith hold2896					N	Transmittal email
DoD0008 3856	DoD0008 3855	PrivWith hold2897	PrivWith hold2899	8/14/2017	Email regarding updated media coverage of the transgender policy	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy	N	Not deliberative. Produce PrivWithhold Document 2897 with header and then the portion of the page that starts with Off-Camera Briefing and subjects. Balance is not relevant.

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0008 3878		PrivWith hold2900	PrivWith hold2900					N	Transmittal email
DoD0008 3879	DoD0008 3878	PrivWith hold2901	PrivWith hold2903	8/8/2017	Email regarding updated media coverage of the transgender policy	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy	N	Not deliberative. Produce header on PrivWithhold 2901 and paragraph on PrivWithhold 2902 beginning with Transgender. Balance is not relevant.
DoD0008 3881		PrivWith hold2904	PrivWith hold2904					N	Transmittal email

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0008 3882	DoD0008 3881	PrivWith hold2905	PrivWith hold2907	8/8/2017	Email regarding updated media coverage of the transgender policy	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy	N	Not deliberative. Produce header on PrivWithhold 2905 and paragraph on PrivWithhold 2906 beginning with Transgender. Balance is not relevant.
DoD0008 3884		PrivWith hold2908	PrivWith hold2908					N	Transmittal email
DoD0008 3885	DoD0008 3884	PrivWith hold2909	PrivWith hold2911	8/7/2017	Email regarding updated media coverage of the transgender policy	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy	N	Not deliberative. Produce PrivWithhold 2909 header and section entitled Briefings. Balance of document is not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0008 3888		PrivWith hold2912	PrivWith hold2912					N	Transmittal email
DoD0008 3889	DoD0008 3888	PrivWith hold2913	PrivWith hold2915	8/7/2017	Email regarding updated media coverage of the transgender policy	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy	N	Not deliberative. Produce PrivWithhold 2913 header and section entitled Briefings. Balance of document is not relevant
DoD0008 3900		PrivWith hold2916	PrivWith hold2916					N	Transmittal email
DoD0008 3904		PrivWith hold2917	PrivWith hold2917						Not relevant
DoD0008 3905	DoD0008 3904	PrivWith hold2918	PrivWith hold2920	8/5/2017	Email discussing press items of interest including transgender.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy	N	Not deliberative. Produce header section on PrivWithhold 2918, and Paragraph beginning "Transgender" on PrivWithhold 2919. Balance is not relevant.

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0008 4031		PrivWith hold2921	PrivWith hold2921					N	Transmittal email
DoD0008 4032	DoD0008 4031	PrivWith hold2922	PrivWith hold2923	7/13/2017	Email containing notes from press questions including transgender.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy	N	Not deliberative. Produce header and first paragraph of PrivWithhold 2922. Balance is not relevant.
DoD0008 4034		PrivWith hold2924	PrivWith hold2924					N	Transmittal email
DoD0008 4035	DoD0008 4034	PrivWith hold2925	PrivWith hold2926	7/13/2017	Email containing notes from press questions including transgender.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy	N	Not deliberative. Produce header and first paragraph of PrivWithhold 2925. Balance is not relevant.
DoD0008 4039		PrivWith hold2927	PrivWith hold2927					N	Transmittal email

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0008 4040	DoD0008 4039	PrivWith hold2928	PrivWith hold2929	7/8/2017	Email discussion of read ahead materials including transgender.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy	N	Not deliberative
DoD0008 4045		PrivWith hold2930	PrivWith hold2930						Not relevant
DoD0008 4046	DoD0008 4045	PrivWith hold2931	PrivWith hold2932	7/8/2017	Email discussion of read ahead materials including transgender.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy	N	Not deliberative
DoD0008 4147		PrivWith hold2933	PrivWith hold2933						Not relevant
DoD0008 4148	DoD0008 4147	PrivWith hold2934	PrivWith hold2936					N	Not deliberative. Produce Header on PrivWithhold 2934 and first full paragraph. Produce paragraph on PrivWithhold 2935 that starts with Transgender cadets. Balance is not relevant.
DoD0008 4295		PrivWith hold2937	PrivWith hold2937					N	Transmittal email
DoD0008 4296	DoD0008 4295	PrivWith hold2938	PrivWith hold2941					N	Not deliberative. Produce header section on PrivWithhold 2938 and paragraph on PrivWithhold 2940 that begins with Accessions and OPCA request for guidance. Balance is not relevant.

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0008 4299		PrivWith hold2942	PrivWith hold2942					N	Transmittal email
DoD0008 4300	DoD0008 4299	PrivWith hold2943	PrivWith hold2946					N	Not deliberative. Produce header section on PrivWithhold 2943 and paragraph on PrivWithhold 2945 that begins with Accessions and OPCA request for guidance. Balance is not relevant.
DoD0008 4303		PrivWith hold2947	PrivWith hold2947					N	Transmittal email
DoD0008 4304	DoD0008 4303	PrivWith hold2948	PrivWith hold2950					N	Not deliberative. Produce header section of PrivWithhold 2948 and Accessions paragraph on PrivWithhold 2949. Balance is not relevant
DoD0008 4307		PrivWith hold2951	PrivWith hold2951					N	Transmittal email
DoD0008 4308	DoD0008 4307	PrivWith hold2952	PrivWith hold2954					N	Not deliberative. Produce header section of PrivWithhold 2952 and Accessions paragraph on PrivWithhold 2953. Balance is not relevant
DoD0008 5381		PrivWith hold2955	PrivWith hold2955					N	Transmittal email
DoD0008 5869		PrivWith hold2956	PrivWith hold2956						Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00085870	DoD00085869	PrivWith hold2957	PrivWith hold2962	12/22/2017	FW_ Doe Interrogatories and RFP's (Doe, et al. v. Trump, et al., No. 17-1597 (D.D.C.) .msg	AC - Attorney Client Privilege; WP - Work Product	Attorney mental impressions regarding matter in litigation or anticipated litigation; Contains attorney mental impressions and opinions concerning a draft litigation filing; Seeking or providing legal advice regarding litigation risk; Seeks advice from a client on a draft litigation filing	Y	AC; WP
DoD00085953		PrivWith hold2963	PrivWith hold2963						Not relevant
DoD00086007		PrivWith hold2964	PrivWith hold2964						Not relevant
DoD00087176		PrivWith hold2965	PrivWith hold2965						Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0008 7177	DoD0008 7176	PrivWith hold2966	PrivWith hold2969	2/13/2018	email conversation regarding an update on a transgender story appearing in a news publication.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy	N	Not deliberative. Produce header in PrivWithhold 2966 and paragraph on same page regarding story on transgender Navy reservist. Balance not relevant
DoD0008 7184		PrivWith hold2970	PrivWith hold2970					N	Transmittal email
DoD0008 7185	DoD0008 7184	PrivWith hold2971	PrivWith hold2974	2/13/2018	email conversation regarding a media article that will be published about a transgender service member	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy	N	Not deliberative. Produce header in PrivWithhold 2971 and paragraph on same page regarding story on transgender Navy reservist. Balance not relevant
DoD0008 7447		PrivWith hold2975	PrivWith hold2975					N	Transmittal email
DoD0008 7448	DoD0008 7447	PrivWith hold2976	PrivWith hold2979	2/8/2018	Email between DoD personnel discussing media items.	DP - Deliberative Process	Deliberations regarding the rescission of the transgender policy	N	Not deliberative. Produce header on PrivWithhold 2976 and paragraphs on PrivWithhold 2978 starting with "Transgender" and "Non-Deployable Service Members". Balance in not relevant
DoD0008 7453		PrivWith hold2980	PrivWith hold2980					N	Transmittal email

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0008 7454	DoD0008 7453	PrivWith hold2981	PrivWith hold2984	2/8/2018	Email between DoD personnel discussing media items.	DP - Deliberative Process	Deliberations regarding the rescission of the transgender policy	N	Not deliberative. Produce header on PrivWithhold 2981 and paragraphs on PrivWithhold 2983 starting with "Transgender" and "Non-Deployable Service Members". Balance in not relevant
DoD0008 7751		PrivWith hold2985	PrivWith hold2985					N	Transmittal email
DoD0008 7752	DoD0008 7751	PrivWith hold2986	PrivWith hold2989					N	Not deliberative. Produce Header on PrivWithhold 2986 and paragraph beginning "Transgender" on PrivWithhold 2987. Balance is not relevant.
DoD0008 7770		PrivWith hold2990	PrivWith hold2990					N	Transmittal email
DoD0008 7771	DoD0008 7770	PrivWith hold2991	PrivWith hold2994	1/29/2018	Email between DoD personnel discussing media items.	DP - Deliberative Process	Deliberations regarding the rescission of the transgender policy	N	Not deliberative. Produce header on PrivWithhold 2991 and paragraph on same page relating to Rep. Kennedy guest at SOTU speech. Balance is not relevant.
DoD0008 7776		PrivWith hold2995	PrivWith hold2995					N	Transmittal email
DoD0008 7777	DoD0008 7776	PrivWith hold2996	PrivWith hold2999	1/29/2018	Email between DoD personnel discussing media items.	DP - Deliberative Process	Deliberations regarding the rescission of the transgender policy	N	Not deliberative. Produce header on PrivWithhold 2996 and paragraph on same page relating to Rep. Kennedy guest at SOTU speech. Balance is not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0008 8314		PrivWith hold3000	PrivWith hold3000					N	Transmittal email
DoD0008 8315	DoD0008 8314	PrivWith hold3001	PrivWith hold3003	1/16/2018	Email discussing transgender news items.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy	N	Not deliberative. Produce PrivWithhold 3001 – header and second full paragraph which deals with a report by Tom Vanden Brook. Balance is not relevant
DoD0008 8318		PrivWith hold3004	PrivWith hold3004					N	Transmittal email
DoD0008 8319	DoD0008 8318	PrivWith hold3005	PrivWith hold3007	1/16/2018	Email discussing transgender news items.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy	N	Not deliberative. Produce PrivWithhold 3001 – header and second full paragraph which deals with a report by Tom Vanden Brook. Balance is not relevant
DoD0008 8482		PrivWith hold3008	PrivWith hold3008					N	Transmittal email

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0008 8483	DoD0008 8482	PrivWith hold3009	PrivWith hold3012	1/11/2018	Email between DoD personnel discussing media items.	DP - Deliberative Process	Deliberations regarding the rescission of the transgender policy	N	Not deliberative. Produce header to PrivWithhold 3009, and paragraph on PrivWithhold 3011 on "Transgender/Accession. Balance is not relevant.
DoD0008 8801		PrivWith hold3013	PrivWith hold3013					N	Transmittal email
DoD0008 8802	DoD0008 8801	PrivWith hold3014	PrivWith hold3016	1/4/2018	Email conversation regarding daily comms update on transgender accessions	DP - Deliberative Process	Deliberations regarding the rescission of the transgender policy	N	Not deliberative. Produce PrivWithhold 3014 and the top portion of 3015 before the weather forecast. Balance is not relevant
DoD0008 8807		PrivWith hold3017	PrivWith hold3017					N	Transmittal email
DoD0008 8808	DoD0008 8807	PrivWith hold3018	PrivWith hold3020	1/4/2018	Email conversation regarding daily comms update on transgender accessions	DP - Deliberative Process	Deliberations regarding the rescission of the transgender policy	N	Not deliberative. Produce all of PrivWithhold 3018 and the top portion of 3019 before the weather forecast. Balance is not relevant
DoD0008 8871		PrivWith hold3021	PrivWith hold3021					N	Transmittal email
DoD0008 8872	DoD0008 8871	PrivWith hold3022	PrivWith hold3023	1/3/2018	Email conversation regarding daily comms update on transgender accessions	DP - Deliberative Process	Deliberations regarding the rescission of the transgender policy	N	Not deliberative. Produce all of PrivWithhold 3022 and 3023 through the weather forecast. Balance is not relevant.
DoD0008 8875		PrivWith hold3024	PrivWith hold3024					N	Transmittal email

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0008 8876	DoD0008 8875	PrivWith hold3025	PrivWith hold3026	1/3/2018	Email conversation regarding daily comms update on transgender accessions	DP - Deliberative Process	Deliberations regarding the rescission of the transgender policy	N	Not deliberative. Produce PrivWithhold 3025 and 3026 through the weather forecast. Balance is not relevant.
DoD0008 8947		PrivWith hold3027	PrivWith hold3027					N	Transmittal email
DoD0008 8948	DoD0008 8947	PrivWith hold3028	PrivWith hold3029	1/2/2018	Email conversation regarding daily comms update on transgender accessions	DP - Deliberative Process	Deliberations regarding the rescission of the transgender policy	N	Not deliberative. Produce PrivWithhold 3026. Balance is not relevant
DoD0008 8950		PrivWith hold3030	PrivWith hold3030					N	Transmittal email
DoD0008 8951	DoD0008 8950	PrivWith hold3031	PrivWith hold3032	1/2/2018	Email conversation regarding daily comms update on transgender accessions	DP - Deliberative Process	Deliberations regarding the rescission of the transgender policy	N	Not deliberative. Produce PrivWithhold 3031. Balance is not relevant
DoD0008 9012		PrivWith hold3033	PrivWith hold3033					N	Transmittal email

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD00089013	DoD00089012	PrivWith hold3034	PrivWith hold3035	12/29/2017	Email conversation regarding daily comms update on transgender accessions	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy	N	Not deliberative.
DoD00089018		PrivWith hold3036	PrivWith hold3036						Not relevant
DoD00089019	DoD00089018	PrivWith hold3037	PrivWith hold3038	12/29/2017	Email conversation regarding daily comms update on transgender accessions	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy	N	Not deliberative

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0009 1185		PrivWith hold3039	PrivWith hold3039					N	Transmittal email
DoD0009 1186	DoD0009 1185	PrivWith hold3040	PrivWith hold3040					N	Transmittal email
DoD0009 4628		PrivWith hold3041	PrivWith hold3041					N	Transmittal email
DoD0009 4629	DoD0009 4628	PrivWith hold3042	PrivWith hold3042					N	Transmittal email
DoD0009 4880		PrivWith hold3043	PrivWith hold3043					N	Transmittal email
DoD0009 4881	DoD0009 4880	PrivWith hold3044	PrivWith hold3045	8/11/2017	DoD Email including EOP regarding TG policy	DP - Deliberative Process; EP - Executive Privilege	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy	N	Not deliberative.
DoD0009 4883		PrivWith hold3046	PrivWith hold3046					N	Transmittal email

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0009 4884	DoD0009 4883	PrivWith hold3047	PrivWith hold3049	8/11/2017	DoD Email including EOP regarding TG policy	DP - Deliberative Process; EP - Executive Privilege	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy	N	Not deliberative
DoD0009 5471		PrivWith hold3050	PrivWith hold3050					N	Transmittal email
DoD0009 5472	DoD0009 5471	PrivWith hold3051	PrivWith hold3053	7/31/2017	Email conversation regarding talking points	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy	Y	DP
DoD0009 8487		PrivWith hold3054	PrivWith hold3054					N	Transmittal email
DoD0009 8488	DoD0009 8487	PrivWith hold3055	PrivWith hold3055						Not relevant
DoD0010 2364		PrivWith hold3056	PrivWith hold3056						Not relevant
DoD0010 2409		PrivWith hold3057	PrivWith hold3058						Not relevant
DoD0010 2413		PrivWith hold3059	PrivWith hold3060						Not relevant
DoD0010 2421		PrivWith hold3061	PrivWith hold3061						Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 2701		PrivWith hold3062	PrivWith hold3062						Not relevant
DoD0010 2750		PrivWith hold3063	PrivWith hold3063						Not relevant
DoD0010 2782		PrivWith hold3064	PrivWith hold3064						Not relevant
DoD0010 2795		PrivWith hold3065	PrivWith hold3065						Not relevant
DoD0010 2873		PrivWith hold3066	PrivWith hold3066						Not relevant
DoD0010 2902		PrivWith hold3067	PrivWith hold3067						Not relevant
DoD0010 2975		PrivWith hold3068	PrivWith hold3068						Not relevant
DoD0010 2990		PrivWith hold3069	PrivWith hold3069						Not relevant
DoD0010 2998		PrivWith hold3070	PrivWith hold3070						Not relevant
DoD0010 3006		PrivWith hold3071	PrivWith hold3072						Not relevant
DoD0010 3028		PrivWith hold3073	PrivWith hold3073						Not relevant
DoD0010 3037		PrivWith hold3074	PrivWith hold3074						Not relevant
DoD0010 3040		PrivWith hold3075	PrivWith hold3075						Not relevant

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 3043		PrivWith hold3076	PrivWith hold3076						Not relevant
DoD0010 3046		PrivWith hold3077	PrivWith hold3077						Not relevant
DoD0010 3049		PrivWith hold3078	PrivWith hold3078						Not relevant
DoD0010 3061		PrivWith hold3079	PrivWith hold3079						Not relevant
DoD0010 3803		PrivWith hold3080	PrivWith hold3080						Not relevant
DoD0010 3804	DoD0010 3803	PrivWith hold3081	PrivWith hold3084					N	Not deliberative. Produce header on PrivWithhold 3081 and Transgender paragraph on 3082 and 2 paragraphs on 3083 re transgender and women in military. Balance not relevant.
DoD0010 3857		PrivWith hold3085	PrivWith hold3085					N	Transmittal email
DoD0010 3858	DoD0010 3857	PrivWith hold3086	PrivWith hold3088					N	Not deliberative. Produce header on PrivWithhold 3086, and paragraphs on transgender students, and Transgender and Women in the military, both on PrivWithhold 3087
DoD0010 3860		PrivWith hold3089	PrivWith hold3089					N	Transmittal email

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 3861	DoD0010 3860	PrivWith hold3090	PrivWith hold3092					N	Not deliberative. Produce header on PrivWithhold 3090 and the two Transgender paragraphs on PrivWithhold 3091. Balance not relevant
DoD0010 5094		PrivWith hold3093	PrivWith hold3093					N	Transmittal email
DoD0010 5095	DoD0010 5094	PrivWith hold3094	PrivWith hold3096					N	Not deliberative. Produce header on PrivWithhold 3094 and two paragraphs on transgender references on PrivWithhold 3095 and PrivWithhold page 3096
DoD0010 5113		PrivWith hold3097	PrivWith hold3097					N	Transmittal email
DoD0010 5114	DoD0010 5113	PrivWith hold3098	PrivWith hold3100					N	Not deliberative. Produce header on PrivWithhold 3098 and two paragraphs on transgender references on PrivWithhold 3099 and PrivWithhold page 3100
DoD0010 5795		PrivWith hold3101	PrivWith hold3101					N	Transmittal email
DoD0010 5796	DoD0010 5795	PrivWith hold3102	PrivWith hold3103					N	Transmittal email
DoD0010 5845		PrivWith hold3104	PrivWith hold3104					N	Transmittal email
DoD0010 5846	DoD0010 5845	PrivWith hold3105	PrivWith hold3106					N	Transmittal email

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 6013		PrivWith hold3107	PrivWith hold3107					N	Transmittal email
DoD0010 6014	DoD0010 6013	PrivWith hold3108	PrivWith hold3110					N	Not deliberative. Produce header for PrivWithhold 3108 and paragraph on Transgender on PrivWithhold 3109 and PrivWithhold 3110.
DoD0010 6119		PrivWith hold3111	PrivWith hold3111					N	Transmittal email
DoD0010 6120	DoD0010 6119	PrivWith hold3112	PrivWith hold3113					N	Not deliberative. Produce first half of PrivWithhold 3112. Balance is not relevant.
DoD0010 7019		PrivWith hold3114	PrivWith hold3114					N	Transmittal email
DoD0010 7020	DoD0010 7019	PrivWith hold3115	PrivWith hold3117					N	Not deliberative. Produce header on PrivWithhold 3115 and two paragraphs on PrivWithhold 3116 re "transgender". Balance is not relevant.
DoD0010 7397		PrivWith hold3118	PrivWith hold3118					N	Transmittal email
DoD0010 7398	DoD0010 7397	PrivWith hold3119	PrivWith hold3119	8/20/2016	Email regarding transgender memo.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy	N	Not deliberative
DoD0010 7399	DoD0010 7397	PrivWith hold3120	PrivWith hold3120					N	Transmittal email

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 7403	DoD0010 7397	PrivWith hold3121	PrivWith hold3121						Not relevant
DoD0010 7407	DoD0010 7397	PrivWith hold3122	PrivWith hold3122						Not relevant
DoD0010 7413	DoD0010 7397	PrivWith hold3123	PrivWith hold3123					N	Transmittal email
DoD0010 7430		PrivWith hold3124	PrivWith hold3124					N	Transmittal email
DoD0010 7431	DoD0010 7430	PrivWith hold3125	PrivWith hold3125	8/19/2016	Fwd_ CLEANSING EMAIL - Documents and Emails provided to SecDef on Thursday and Friday.msg	DP - Deliberative Process	Email contains description of materials provided to Secretary of Defense, including deliberations regarding formulation of TG policy.	N	Not deliberative
DoD0010 7433	DoD0010 7430	PrivWith hold3126	PrivWith hold3126					N	Transmittal email
DoD0010 7437	DoD0010 7430	PrivWith hold3127	PrivWith hold3127					N	Transmittal email
DoD0010 7441	DoD0010 7430	PrivWith hold3128	PrivWith hold3128					N	Not deliberative
DoD0010 7447	DoD0010 7430	PrivWith hold3129	PrivWith hold3129					N	Not deliberative; transmittal email
DoD0010 7450		PrivWith hold3130	PrivWith hold3130					N	Transmittal email

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 7451	DoD0010 7450	PrivWith hold3131	PrivWith hold3131	8/19/2016	Email regarding transgender memo.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy	N	Transmittal email
DoD0010 7452	DoD0010 7450	PrivWith hold3132	PrivWith hold3132					N	Transmittal email
DoD0010 7456	DoD0010 7450	PrivWith hold3133	PrivWith hold3133						Not relevant
DoD0010 7460	DoD0010 7450	PrivWith hold3134	PrivWith hold3134					N	Transmittal email
DoD0010 7466	DoD0010 7450	PrivWith hold3135	PrivWith hold3135					N	Transmittal email
DoD0010 9255		PrivWith hold3136	PrivWith hold3136					N	Transmittal email
DoD0010 9256	DoD0010 9255	PrivWith hold3137	PrivWith hold3139	7/4/2016	Press guidance document.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy	N	Transmittal email
DoD0010 9314		PrivWith hold3140	PrivWith hold3140					N	Transmittal email
DoD0010 9315	DoD0010 9314	PrivWith hold3141	PrivWith hold3142	7/1/2016	Press guidance document.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy	N	Transmittal email
DoD0010 9322		PrivWith hold3143	PrivWith hold3143					N	Transmittal email

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0010 9323	DoD0010 9322	PrivWith hold3144	PrivWith hold3146	7/1/2016	E-mail report regarding policy including transgender.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy	N	Not deliberative. Produce header to PrivWithhold 3144 and four paragraphs on PrivWithhold 3145. Balance is not relevant.
DoD0010 9443		PrivWith hold3147	PrivWith hold3147					N	Transmittal email
DoD0010 9444	DoD0010 9443	PrivWith hold3148	PrivWith hold3151	6/30/2016	Email regarding transgender media coverage.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy	N	Not deliberative. Produce header to PrivWithhold 3148, Top Issues Section on PrivWithhold 3149 and Card section on 3150. Balance is not relevant
DoD0011 4211		PrivWith hold3152	PrivWith hold3152					N	Transmittal email
DoD0011 4212	DoD0011 4211	PrivWith hold3153	PrivWith hold3155					N	Not deliberative. Produce header to Off Camera Briefing Section on PrivWithhold 3153. Balance is not relevant
DoD0011 7081		PrivWith hold3156	PrivWith hold3157					N	Transmittal email

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0013 7847		PrivWith hold3158	PrivWith hold3163	2/7/2018	Email between DoD personnel gathering material for congressional briefings.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy	N	Not deliberative
DoD0013 7872		PrivWith hold3164	PrivWith hold3169	1/25/2018	Email between DoD personnel gathering material for congressional briefings.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy	N	Not deliberative
DoD0014 2084		PrivWith hold3170	PrivWith hold3171	1/18/2018	Email between DoD personnel including attorneys providing edits to transgender documents.	AC - Attorney Client Privilege; DP - Deliberative Process	Attorney mental impressions regarding matter in litigation or anticipated litigation; Seeking or providing legal advice regarding transgender policy	Y	AC

Document ID	Parent ID	In Camera Begin Bates	In Camera End Bates	Date	Title of Document/Subject Line of Email/Description	Privilege Determination	Privilege Description	Privilege Y/N	Reasons
DoD0014 3347		PrivWith hold3172	PrivWith hold3173					N	No legal advice sought or provided
DoD0014 3351		PrivWith hold3174	PrivWith hold3175	7/26/2017	Email with the subject line "New transgender policy (UNCLASSIFIED)"	AC - Attorney Client Privilege	Email conversation between DoD OGC attorneys and their clients regarding the effect of social media posts from the Executive Branch on ongoing policy process.	Y	AC
DoD0014 3355		PrivWith hold3176	PrivWith hold3177	7/26/2017	Email with the subject line "RE: POTUS TG TWEET (UNCLASSIFIED)"	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy	Y	DP and AC
DoD0014 3357		PrivWith hold3178	PrivWith hold3180	7/26/2017	Email with the subject line "RE: POTUS TG TWEET (UNCLASSIFIED)"	AC - Attorney Client Privilege	Email conversation between DoD OGC attorneys and their clients regarding the effect of social media posts from the Executive Branch on ongoing policy process.	Y	AC

EXHIBIT 4

From: [Neller Gen Robert B](#)
To: [Dunford Gen Joseph F](#)
Subject: RE: Transgender policy message (UNCLASSIFIED)
Date: Thursday, July 27, 2017 11:07:00 AM

Can you talk today?

-----Original Message-----

From: Dunford, Joseph F Jr Gen USMC JS (US) (b)(6)
Sent: Thursday, July 27, 2017 10:57 AM
To: Milley, Mark A GEN USARMY HQDA CSA (US); Richardson ADM John M; Neller Gen Robert B; Goldfein, David L Gen USAF AF-CC (US); Lengyel, Joseph L Gen USAF NG NGB (US)
Subject: RE: Transgender policy message (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

P.S. When asked, I will state that I was not consulted ... expect that question will come NLT than my September hearing.

VR
Joe

-----Original Message-----

From: Dunford, Joseph F Jr Gen USMC JS (US)
Sent: Thursday, July 27, 2017 7:55 AM
To: Milley, Mark A GEN USARMY HQDA CSA (US) (b)(6) 'Richardson, John M ADM CNO' (b)(6) 'Neller Gen Robert B' (b)(6) Goldfein, David L Gen USAF AF-CC (US) (b)(6) Lengyel, Joseph L Gen USAF NG NGB (US) (b)(6)
Subject: Transgender policy message (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Chiefs,

I know yesterday's announcement was unexpected. The message below is provided in advance of an official letterhead memo from me. It's as much as we can say right now. I'd ask that you ensure widest dissemination ...

VR
Joe

From: CJCS
To: Service Chiefs, Commanders and Senior Enlisted Leaders

I know there are questions about yesterday's announcement on the transgender policy by the President. There will be no modifications to the current policy until the President's direction has been received by the Secretary of Defense and the Secretary has issued implementation guidance.

In the meantime, we will continue to treat all of our personnel with respect. As importantly, given the current fight and the challenges we face, we will all remain focused on accomplishing our assigned missions.

CLASSIFICATION: UNCLASSIFIED
CLASSIFICATION: UNCLASSIFIED

CJCS_00001087

From: [Neller Gen Robert B](#)
To: [Dunford, Joseph F Jr Gen USMC JS \(US\)](#); [Milley, Mark A GEN USARMY HQDA CSA \(US\)](#); [Richardson ADM John M; Goldfein, David L Gen USAF AF-CC \(US\)](#); [Lengyel, Joseph L Gen USAF NG NGB \(US\)](#)
Cc: [Walters LtGen Glenn M](#) (b)(6); [Laster LtGen James B; Brilakis LtGen Mark A; Ewers MajGen John R; Hoque SES Robert D](#) (b)(6); [Wissler LtGen John E; Berger LtGen David H](#) (b)(6); [McMillian LtGen Rex C](#) (b)(6); [Kennedy BGen Paul J](#) (b)(6); [Renforth BGen Austin E; Jurney BGen William M](#)
Subject: RE: Transgender policy message (UNCLASSIFIED)
Date: Thursday, July 27, 2017 8:59:00 AM

Roger over.
V/R Neller

-----Original Message-----

From: [Dunford, Joseph F Jr Gen USMC JS \(US\)](#) (b)(6)
Sent: Thursday, July 27, 2017 7:55 AM
To: [Milley, Mark A GEN USARMY HQDA CSA \(US\)](#); [Richardson ADM John M; Neller Gen Robert B; Goldfein, David L Gen USAF AF-CC \(US\)](#); [Lengyel, Joseph L Gen USAF NG NGB \(US\)](#)
Subject: Transgender policy message (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Chiefs,

I know yesterday's announcement was unexpected. The message below is provided in advance of an official letterhead memo from me. It's as much as we can say right now. I'd ask that you ensure widest dissemination ...

VR
Joe

From: CJCS
To: Service Chiefs, Commanders and Senior Enlisted Leaders

I know there are questions about yesterday's announcement on the transgender policy by the President. There will be no modifications to the current policy until the President's direction has been received by the Secretary of Defense and the Secretary has issued implementation guidance.

In the meantime, we will continue to treat all of our personnel with respect. As importantly, given the current fight and the challenges we face, we will all remain focused on accomplishing our assigned missions.

CLASSIFICATION: UNCLASSIFIED

CJCS_00001088

From: Herrington, Mark H CIV OSD OGC (US) mark.h.herrington2.civ@mail.mil 
Subject: Final Release Regarding "Tweet FOIA" 17-2707 (D.D.C.)
Date: September 14, 2018 at 9:52 AM
To: cerissa.cafasso@americanoversight.org
Cc: Kahn, Matthew (USADC) Matthew.Kahn@usdoj.gov



Cerissa,

Please find attached the combined final response to the tweet FOIA from OSD/JS and the service branches. Some redactions have been taken pursuant to b(5), for deliberative process and attorney / client privileges. All b(5) redactions are marked. All other redactions were taken under b(6), some of which are marked. The others are in similar areas, such as email to/from sections and signature blocks. Exemption 6, 5 U.S.C. § 552(b)(6), permits the Government to withhold information about individuals when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." DoD has a practice to withhold personally identifying information of those members of DoD who are at the military rank of Colonel or below and at the rank of GS-15 or below. See O'Keefe v. DoD, 463 F. Supp. 2d 317, (E.D.N.Y. 2006) (holding that "the probative value of this personally identifying information is nominal and does not overcome the privacy interest of the employees involved. The employees who conducted the investigation are of relatively low rank"). An exception to this rule allows the names of those personnel who routinely deal with the press to be released. The rationale for this practice is that disclosing the names of the individuals involved could subject such individuals to annoyance or harassment in their private lives. Thus, this policy protects significant personal privacy interests. Moreover, release of these low-level individuals' names would not serve the "core purpose" of the FOIA, as it would not show "what the government is up to." As these individuals were not the decision makers who are typically held accountable by the public, their identities are not typically relevant or of interest to the public. Thus, there is no public interest outweighing the significant personal privacy interests involved. DoD attempted to consistently redact any personally identifying information of those members of DoD who do not routinely deal with the press and who were not senior level employees, as well as the contact information for all employees. These redactions included email addresses, signature blocks, names within emails, phone numbers, and office locations.

Please let Matt Kahn know if you have any questions.

Sincerely,

Mark

Mark Herrington
Associate Deputy General Counsel (Litigation Counsel)
U.S. Department of Defense Office of General Counsel
1600 Defense Pentagon, Room 3B688
Washington, D.C. 20301-1600
703-571-0799
mark.h.herrington2.civ@mail.mil
mark.h.herrington2.civ@mail.smil.mil



Tweet FOIA
respon...ted.pdf

From: [Kremer, Kyle J Brig Gen USAF JS 11 \(US\)](#)
To: [Dunford, Joseph F Jr Gen USMC JS \(US\)](#); [Selva, Paul J Gen USAF JS OCJCS \(US\)](#)
Cc: [JS Pentagon DoM List JDir Directors](#); [JS Pentagon DoM List JDir Vice Directors](#); [Dumont, Michael J \(Mike\) RADM USN JS ODJS \(US\)](#); [Hicks, Gregory L CAPT USN JS OCJCS \(US\)](#)
Subject: RE: POTUS Tweet on Transgender (UNCLASSIFIED)
Date: Wednesday, July 26, 2017 9:42:00 AM

CLASSIFICATION: UNCLASSIFIED

Chairman/Vice Chairman,

We are working with OSD (P&R) on the issue. Everyone was caught flat-footed. More to follow.

V/R
Kyle

KYLE J. KREMER, Brig Gen, USAF
Director for Manpower & Personnel
The Joint Staff, J-1
Pentagon, Room (b) (6)
Comm (b) (6) DSN (b) (6)

-----Original Message-----

From: Hicks, Gregory L CAPT USN JS OCJCS (US)
Sent: Wednesday, July 26, 2017 9:16 AM
To: Dunford, Joseph F Jr Gen USMC JS (US) <(b) (6)>; Selva, Paul J Gen USAF JS OCJCS (US) <(b) (6)>
Cc: JS Pentagon DoM List JDir Directors <(b) (6)>; JS Pentagon DoM List JDir Vice Directors <(b) (6)>; Dumont, Michael J (Mike) RADM USN JS ODJS (US) <(b) (6)>
Subject: POTUS Tweet on Transgender (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Sirs - POTUS has tweeted the below on Transgenders not being able to serve in the military in any capacity. The total message is three different tweets just before 0900. CNN is covering live and the Pentagon Press Corps is looking for comment from OSD PA. We will defer all press to OSD PA.

Donald J, Trump
@realDonaldTrump 18 minutes ago
After consultation with my Generals and military experts, please be advised that the United States Government will not accept or allow.....

....Transgender individuals to serve in any capacity in the U.S. Military. Our military must be focused on decisive and overwhelming.....

....victory and cannot be burdened with the tremendous medical costs and disruption that transgender in the military would entail. Thank you

VR/ CAPT Greg Hicks
Special Assistant for Public Affairs
To the Chairman of the Joint Chiefs of Staff Room (b) (6) The Pentagon Washington, DC 20318-9999
www.jcs.mil gregory.l.hicks18.mil@mail.mil
(b) (6)
Cell: (b) (6)

From: [Kurta, Anthony M SES OSD OUSD P-R \(US\)](#)
To: [REDACTED] [CIV \(US\)](#)
Cc: ["Penrod, Vee S SES OSD PR"](#); (b) (6); [MILLER, Stephanie P SES OSD OUSD P-R \(US\); Hebert, Lernes J SES OSD OUSD P-R \(US\); \[REDACTED\] CDR USN OSD OUSD P-R \(US\); Penrod, Virginia S SES OSD OUSD P-R \(US\); \[REDACTED\] CIV OSD OUSD P-R \(US\); \[REDACTED\] LCDR USN OSD OUSD P-R \(US\)](#)
Subject: RE: Trump bans transgender individuals from U.S. military service (UNCLASSIFIED)
Date: Wednesday, July 26, 2017 11:11:00 AM

CLASSIFICATION: UNCLASSIFIED

[REDACTED]
Thanks and very helpful.
Tony

-----Original Message-----

From: Thomas, James A Jr [CIV \(US\)](#)
Sent: Wednesday, July 26, 2017 11:08 AM
To: Kurta, Anthony M SES OSD OUSD P-R (US) (b) (6) >
Cc: 'Penrod, Vee S SES OSD PR' (b) (6) >
Subject: RE: Trump bans transgender individuals from U.S. military service (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Hope you're enjoying some much deserved time away from DC. In case you haven't seen this, below is the statement we are using with the Hill regarding the President's tweet. If you have any questions please let me know.

"We refer all questions about the President's statements to the White House. We will continue to work closely with the White House to address the new guidance provided by the Commander-in-Chief on transgender individuals serving the military. We will provide revised guidance to the Department in the near future."

Jeff A. Davis
Captain, U.S. Navy
Director of Defense Press Operations

(b) (6)

[REDACTED]
Special Assistant
P&R Team Chief
Office of the Assistant Secretary of Defense
Legislative Affairs
Pentagon, Room (b) (6)
(b) (6)

-----Original Message-----

From: Greene, Craig [<mailto:Craig.Greene@mail.house.gov>]
Sent: Wednesday, July 26, 2017 10:06 AM
To: Kurta, Anthony M SES OSD OUSD P-R (US) <[REDACTED]>
Cc: Sennott, Daniel <Daniel.Sennott@mail.house.gov>; 'Penrod, Vee S SES OSD PR' <[REDACTED]>; [REDACTED] CIV (US) <[REDACTED]>
Subject: [Non-DoD Source] RE: Trump bans transgender individuals from U.S. military service (UNCLASSIFIED)

Sorry to bother you on Leave. Enjoy and turn you BB off.

Vee anything you can share would be helpful

craig

Craig Greene
Professional Staff Member
Armed Services Committee
U.S. House of Representatives
(202) 225-5540

-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US) [mailto:(b) (6)]
Sent: Wednesday, July 26, 2017 9:59 AM
To: Greene, Craig <Craig.Greene@mail.house.gov>
Cc: Sennott, Daniel <Daniel.Sennott@mail.house.gov>; 'Penrod, Vee S SES OSD PR' <>
Subject: RE: Trump bans transgender individuals from U.S. military service (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Craig

I am on leave in MT! Thanks for the congrats.

I know you will be asked many questions, but we don't have any further info at this point. That is all I have for now.

Tony

-----Original Message-----

From: Greene, Craig [mailto:Craig.Greene@mail.house.gov]
Sent: Wednesday, July 26, 2017 9:43 AM
To: Kurta, Anthony M SES OSD OUSD P-R (US) <>
Cc: Sennott, Daniel <Daniel.Sennott@mail.house.gov>; 'Penrod, Vee S SES OSD PR' <>
Subject: [Non-DoD Source] Trump bans transgender individuals from U.S. military service

Tony,

I'm going to get pummeled by offices today, can you shed some light on this?

Oh by the way congratulations on your nomination. I don't have time to go thru Will Cooper.

Craig

The U.S. military will no longer allow transgender individuals to serve "in any capacity," President Donald Trump announced on Twitter this morning.

"After consultation with my Generals and military experts, please be advised that the United States Government will not accept or allow Transgender individuals to serve in any capacity in the U.S. Military," Trump wrote online, breaking his message up into multiple posts. "Our military must be focused on decisive and overwhelming victory and cannot be burdened with the tremendous medical costs and disruption that transgender in the military would entail. Thank you."

The announcement represents a reversal of an Obama-era policy established last June by former Defense Secretary Ash Carter, who shifted Pentagon policy to allow transgender troops to serve openly. Last month, Defense Secretary James Mattis announced that the Pentagon would delay his predecessor's order through the remainder of 2017 in order to review the impact of the shift.

Craig Greene

Professional Staff Member

Armed Services Committee

U.S. House of Representatives



CLASSIFICATION: UNCLASSIFIED

CLASSIFICATION: UNCLASSIFIED

CLASSIFICATION: UNCLASSIFIED

EXHIBIT 5



SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

JUN 30 2016

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DEPUTY CHIEF MANAGEMENT OFFICER
CHIEF OF THE NATIONAL GUARD BUREAU
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, COST ASSESSMENT AND PROGRAM
EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
DEPARTMENT OF DEFENSE CHIEF INFORMATION OFFICER
ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE
AFFAIRS
ASSISTANT TO THE SECRETARY OF DEFENSE FOR PUBLIC
AFFAIRS
DIRECTOR, NET ASSESSMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Directive-type Memorandum (DTM) 16-005, "Military Service of Transgender Service Members"

References: DoD Directive 1020.02E, "Diversity Management and Equal Opportunity in the DoD," June 8, 2015
DoD Directive 1350.2, "Department of Defense Military Equal Opportunity (MEO) Program," August 18, 1995
DoD Instruction 6130.03, "Medical Standards for Appointment, Enlistment, or Induction in the Military Services," April 28, 2010, as amended

Purpose. This DTM:

- Establishes policy, assigns responsibilities, and prescribes procedures for the standards for retention, accession, separation, in-service transition, and medical coverage for transgender personnel serving in the Military Services.
- Except as otherwise noted, this DTM will take effect immediately. It will be converted to a new DoDI. This DTM will expire effective June 30, 2017.

Applicability. This DTM applies to OSD, the Military Departments (including the Coast Guard at all times, including when it is a Service in the Department of Homeland Security by agreement with that Department), the Office of the Chairman of the Joint Chiefs of Staff and the

Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD.

Policy.

- The defense of the Nation requires a well-trained, all-volunteer force comprised of Active and Reserve Component Service members ready to deploy worldwide on combat and operational missions.
- The policy of the Department of Defense is that service in the United States military should be open to all who can meet the rigorous standards for military service and readiness. Consistent with the policies and procedures set forth in this memorandum, transgender individuals shall be allowed to serve in the military.
- These policies and procedures are premised on my conclusion that open service by transgender Service members while being subject to the same standards and procedures as other members with regard to their medical fitness for duty, physical fitness, uniform and grooming, deployability, and retention, is consistent with military readiness and with strength through diversity.

Responsibilities

- The Secretaries of the Military Departments will:
 - Take immediate action to identify all DoD, Military Department, and Service issuances, the content of which relate to, or may be affected by, the open service of transgender Service members.
 - Draft revisions to the issuances identified, and, as necessary and appropriate, draft new issuances, consistent with the policies and procedures in this memorandum.
 - Submit to the Under Secretary of Defense for Personnel and Readiness (USD(P&R)) the text of any proposed revisions to existing Military Department and Service regulations, policies, and guidance, and of any proposed new issuance, no later than 30 days in advance of the proposed publication date of each.
- The USD(P&R) will:
 - Take immediate action to identify all DoD, Military Department, and Service issuances, the content of which relate to, or may be affected by, the open service of transgender Service members.

- Draft revisions to the issuances identified in this memorandum and, as necessary and appropriate, draft new issuances consistent with the policies and procedures in this memorandum.

Procedures. See Attachment.

Releasability. **Cleared for public release.** This DTM is available on the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

A handwritten signature in black ink that reads "Ash Carter". The signature is written in a cursive, flowing style.

Attachment:

As stated

cc:

Secretary of Homeland Security
Commandant, United States Coast Guard

ATTACHMENT

PROCEDURES

1. SEPARATION AND RETENTION

a. Effective immediately, no otherwise qualified Service member may be involuntarily separated, discharged or denied reenlistment or continuation of service, solely on the basis of their gender identity.

b. Transgender Service members will be subject to the same standards as any other Service member of the same gender; they may be separated, discharged, or denied reenlistment or continuation of service under existing processes and basis, but not due solely to their gender identity or an expressed intent to transition genders.

c. A Service member whose ability to serve is adversely affected by a medical condition or medical treatment related to their gender identity should be treated, for purposes of separation and retention, in a manner consistent with a Service member whose ability to serve is similarly affected for reasons unrelated to gender identity or gender transition.

2. ACCESSIONS

a. Medical standards for accession into the Military Services help to ensure that those entering service are free of medical conditions or physical defects that may require excessive time lost from duty. Not later than July 1, 2017, the USD(P&R) will update DoD Instruction 6130.03 to reflect the following policies and procedures:

(1) A history of gender dysphoria is disqualifying, **unless**, as certified by a licensed medical provider, the applicant has been stable without clinically significant distress or impairment in social, occupational, or other important areas of functioning for 18 months.

(2) A history of medical treatment associated with gender transition is disqualifying, **unless**, as certified by a licensed medical provider:

(a) the applicant has completed all medical treatment associated with the applicant's gender transition; and

(b) the applicant has been stable in the preferred gender for 18 months;
and

(c) If the applicant is presently receiving cross-sex hormone therapy post-gender transition, the individual has been stable on such hormones for 18 months.

(3) A history of sex reassignment or genital reconstruction surgery is disqualifying, **unless**, as certified by a licensed medical provider:

(a) a period of 18 months has elapsed since the date of the most recent of any such surgery; and

(b) no functional limitations or complications persist, nor is any additional surgery required.

b. The Secretaries of the Military Departments and the Commandant, United States Coast Guard, may waive or reduce the 18-month periods, in whole or in part, in individual cases for applicable reasons.

c. The standards for accession described in this memorandum will be reviewed no later than 24 months from the effective date of this memorandum and may be maintained or changed, as appropriate, to reflect applicable medical standards and clinical practice guidelines, ensure consistency with military readiness, and promote effectiveness in the recruiting and retention policies and procedures of the Armed Forces.

3. IN-SERVICE TRANSITION

a. Effective October 1, 2016, DoD will implement a construct by which transgender Service members may transition gender while serving, in accordance with DoDI 1300.28, which I signed today.

b. Gender transition while serving in the military presents unique challenges associated with addressing the needs of the Service member in a manner consistent with military mission and readiness needs.

4. MEDICAL POLICY. Not later than October 1, 2016, the USD(P&R) will issue further guidance on the provision of necessary medical care and treatment to transgender Service members. Until the issuance of such guidance, the Military Departments and Services will handle requests from transgender Service members for particular medical care or to transition on a case-by-case basis, following the spirit and intent of this memorandum and DoDI 1300.28.

5. EQUAL OPPORTUNITY

a. All Service members are entitled to equal opportunity in an environment free from sexual harassment and unlawful discrimination on the basis of race, color, national origin, religion, sex, or sexual orientation. It is the Department's position, consistent with the U.S. Attorney General's opinion, that discrimination based on gender identity is a form of sex discrimination.

b. The USD(P&R) will revise DoD Directives (DoDDs) 1020.02E, "Diversity Management and Equal Opportunity in the DoD," and 1350.2, "Department of Defense Military Equal Opportunity (MEO) Program," to prohibit discrimination on the basis of gender identity and to incorporate such prohibitions in all aspects of the DoD MEO program. The USD(P&R) will prescribe the period of time within which Military Department and Service issuances implementing the MEO program must be conformed accordingly.

6. EDUCATION AND TRAINING

a. The USD(P&R) will expeditiously develop and promulgate education and training materials to provide relevant, useful information for transgender Service members, commanders, the force, and medical professionals regarding DoD policies and procedures on transgender service. The USD(P&R) will disseminate these training materials to all Military Departments and the Coast Guard not later than October 1, 2016.

b. Not later than November 1, 2016, each Military Department will issue implementing guidance and a written force training and education plan. Such plan will detail the Military Department's plan and program for training and educating its assigned force (to include medical professionals), including the standards to which such education and training will be conducted, and the period of time within which it will be completed.

7. IMPLEMENTATION AND TIMELINE

a. Not later than October 1, 2016, the USD(P&R) will issue a Commander's Training Handbook, medical guidance, and guidance establishing procedures for changing a Service member's gender marker in DEERS.

b. In the period between the date of this memorandum and October 1, 2016, the Military Departments and Services will address requests for gender transition from serving transgender Service members on a case-by-case basis, following the spirit and intent of this memorandum and DoDI 1300.28.

EXHIBIT 6

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RYAN KARNOSKI, et al.,

Plaintiffs,

STATE OF WASHINGTON,

Plaintiff-Intervenor,

v.

DONALD J. TRUMP, in his official capacity as

President of the United States, et al.,

Defendants.

Case No. 2:17-cv-01297-MJP

PLAINTIFFS' 26(A)(2) EXPERT REPORT OF BRAD R. CARSON

I, Brad R. Carson, have been retained by counsel for Plaintiffs as an expert in the above-captioned litigation. Pursuant to Rule 26(a)(2) of the Federal Rules of Civil Procedure, this report summarizes my qualifications as an expert, the matters I have been asked to review and opine upon, the materials I have reviewed and the work I have performed in reaching my opinions, and the nature of and bases for my opinions. It is based on the information that I have had the opportunity to review to date, and I reserve the right to revise and supplement it if any new information becomes available in the future.

I. Summary of Qualifications.

I served in the Department of Defense as the Acting Under Secretary of Defense for Personnel and Readiness (“USD P&R”) from April 2, 2015 to April 8, 2016. In that capacity, and at the direction of the Secretary of Defense, I led a group of senior personnel drawn from all of the

armed services to develop, over many months of information collection and analysis, a Department-wide policy regarding service by transgender people (the “Working Group”), all as more fully described below.

I attended Baylor University and obtained an undergraduate degree in history in 1989. After college, I attended Trinity College in Oxford, England on a Rhodes Scholarship and earned a Master’s degree in Politics, Philosophy, and Economics. When I returned to the United States, I attended the University of Oklahoma College of Law, graduating with a law degree in 1994.

After I graduated from law school, I practiced as an attorney at the law firm Crowe & Dunlevy from 1994 to 1997, and again in 1999. From 1997 to 1998 I served as a White House Fellow, where I worked as a Special Assistant to the Secretary of Defense. From 2001 to 2005, I served in Congress as the Representative for the State of Oklahoma’s 2nd District.

In addition to my civilian career, I am also a commissioned officer in the United States Navy Reserve. I currently serve in the Individual Ready Reserve. I deployed to Iraq in 2008 as Officer-in-Charge of intelligence teams embedded with the U.S. Army’s 84th Explosive Ordnance Disposal Battalion. In Iraq, our teams were responsible for investigating activities relating to improvised explosive devices and the smuggling of weapons and explosives. For my service in Iraq, I was awarded the Bronze Star Medal and other awards.

I have held several leadership positions within the Department of Defense (“DoD”). In 2011, I was nominated by the President to serve as General Counsel to the United States Army and unanimously confirmed by the U.S. Senate. As General Counsel, my duties included providing legal advice to the Secretary, Under Secretary, and Assistant Secretaries of the Army regarding the regulation and operation of the U.S. Army. I also assisted in the supervision of the Office of the Judge Advocate General. I served as General Counsel until March 2014.

In late 2013, while serving in that position, I was nominated by the President to serve as Under Secretary of the Army. I was unanimously confirmed by the U.S. Senate in February 2014 and sworn in on March 27, 2014. As Under Secretary of the Army, I was the second-ranking civilian official in the Department of the Army. My responsibilities included the welfare of roughly 1.4 million active and reserve soldiers and other Army personnel, as well as a variety of matters relating to Army readiness, including oversight of installation management and weapons and equipment procurement. With the assistance of two Deputy Under Secretaries, I directly supervised the Assistant Secretaries of the Army for Manpower and Reserve Affairs; Acquisition, Logistics and Technology; Financial Management and Comptroller; Installations, Energy and Environment; and Civil Works. My responsibilities involved the management and allocation of an annual budget amounting to almost \$150 billion.

I was appointed by the President to serve as acting USD P&R in April 2015. In that capacity, I functioned as the principal staff assistant and advisor to the Secretary and the Deputy Secretary of Defense for Total Force Management with respect to readiness; National Guard and Reserve component affairs; health affairs; training; and personnel requirements and management, including equal opportunity, morale, welfare, recreation, and quality of life matters. My responsibilities over these matters extended to more than 2.5 million military personnel.

Since completing my duties as acting USD P&R in 2016, I have served as a Senior Advisor to the Boston Consulting Group. My work there involves advising aerospace and defense clients, and public sector clients, in areas of legal reform, change management, human capital and talent management development, and executive leadership. Since August 2018, I have been a professor at the Frank Batten School of Public Policy at the University of Virginia, specializing in intelligence and defense issues.

During the past four years, I have not testified as an expert at trial or by deposition. A copy of my curriculum vitae, which includes my publications, is attached as Exhibit A. I am not being compensated for my work in connection with this case.

In preparing this report, I considered the materials listed in the bibliography attached as Exhibit B. I also relied on my professional experience and education, including my understanding of U.S. military personnel policies and military readiness.

II. Background.

A. The Working Group's Mandate.

On July 28, 2015, then-Secretary of Defense Ashton B. Carter ordered me, in my capacity as USD P&R, to convene the Working Group to formulate policy options for DoD regarding transgender service members. Secretary Carter ordered the Working Group to present its recommendations within 180 days. In the interim, transgender service members were not to be discharged or denied reenlistment or continuation of service on the basis of gender identity without my personal approval.

The Working Group included roughly twenty-five members. Each branch of military service was represented by a senior uniformed officer (generally a three-star admiral or general), a senior civilian official, and various staff members. The Surgeons General and senior representatives of the Chaplains for each branch of service also attended the Working Group meetings.

Secretary Carter's order directed the Working Group to "start with the presumption that transgender persons can serve openly without adverse impact on military effectiveness and readiness, unless and except where objective practical impediments are identified." Open Service Directive. That mandate did not mean that "standards were adjusted or relaxed to accommodate

service by transgender persons.” Report and Recommendations on Military Service by Transgender Persons (Feb. 2018) at 19. Rather, instead of simply assuming that the medical needs of transgender service members were inconsistent with generally applicable standards for fitness or deployability, we conducted an evidence-based assessment to determine whether those prior assumptions were actually true.

The Working Group formulated its recommendations by collecting and considering evidence from a variety of sources, including a careful review of all available scholarly evidence and consultations with medical experts, personnel experts, readiness experts, health insurance companies, civilian employers, and commanders whose units included transgender service members. We began our work based on reports from commanders that there were already transgender individuals serving in the field and performing their duties well, so the task before us was not merely an abstract exercise to establish a policy on military service by transgender persons. Rather, the question was whether there was any reason these existing service members should be deemed unfit for service and involuntarily separated due to their transgender status. We were receiving questions from the field about whether these individuals could continue serving, and we needed to develop a consistent policy rather than leaving the issue to ad hoc determinations by commanders.

B. The Findings of the RAND Report.

On behalf of the Working Group, I requested that RAND, a nonprofit research institution that provides research and analysis to the Armed Services, complete a comprehensive study of the health care needs of transgender people, including potential health care utilization and costs, and to assess whether allowing transgender service members to serve openly would affect readiness.

In 2016, RAND presented the results of its exhaustive study in a report entitled

“Assessing the Implications of Allowing Transgender Personnel to Serve Openly.” The Report explained that as defined by the American Psychiatric Association, the term transgender refers to “the broad spectrum of individuals who identify with a gender different from their natal sex.” The RAND Report also explained that “transgender status alone does not constitute a medical condition,” and that “only transgender individuals who experience significant related distress are considered to have a medical condition called gender dysphoria (GD).” For those individuals, the recognized standard of care includes some combination of psychosocial, pharmacological, and/or surgical care. The RAND Report recognized that, “[n]ot all patients seek all forms of care”; “while one or more of these types of treatments may be medically necessary for some transgender individuals with GD, the course of treatment varies and must be determined on an individual basis by patients and clinicians.”

The RAND Report evaluated the capacity of the military health system (“MHS”) to provide necessary care for transgender service members. It determined that necessary psychotherapeutic and pharmacological care are available and regularly provided through the MHS, and that surgical procedures “quite similar to those used for gender transition are already performed within the MHS for other clinical indications.” In particular, the MHS already performs reconstructive surgeries on patients who have been injured or wounded in combat. “The skills and competencies required to perform these procedures on transgender patients are often identical or overlapping.” In addition, the Report noted that “performing these surgeries on transgender patients may help maintain a vitally important skill required of military surgeons to effectively treat combat injuries.”

The RAND Report also examined all available actuarial data to determine how many transgender service members are likely to seek gender transition-related medical treatment. The Report concluded that “we expect annual gender transition-related health care to be an extremely

small part of overall health care provided to the [Active Component] population.” The Report similarly concluded that the cost of extending health care coverage for gender transition-related treatments is expected to be “an exceedingly small proportion of DoD’s overall health care expenditure.” The Report found no evidence that allowing transgender people to serve openly would negatively impact unit cohesion, operational effectiveness, or readiness. The Report found that the estimated loss of days available for deployment due to transition-related treatments “is negligible.” Based on estimates assuming the highest utilization rates for such treatment, it concluded that the number of nondeployable man-years due to gender transition-related treatments would constitute 0.0015 percent of all available deployable labor years across both the Active Component and Select Reserves. The Report also found no evidence that permitting openly transgender people to serve in the military would disrupt unit cohesion. It noted that while similar concerns were raised preceding policy changes permitting open service by gay and lesbian personnel and allowing women to serve in ground combat positions, those concerns proved to be unfounded. The Report found no evidence to expect a different outcome for open service by transgender persons.

The RAND Report examined the experience of eighteen other countries that permit open service by transgender personnel—including Israel, Australia, the United Kingdom, and Canada. The Report found that all of the available research concerning their experience with open transgender service revealed no negative effect on cohesion, operational effectiveness, or readiness. To the contrary, some commanders reported that “increases in diversity led to increases in readiness and performance.”

The RAND Report also identified significant costs associated with separation and a ban on open service, including “the discharge of personnel with valuable skills who are otherwise qualified.”

C. Issues Considered by the Working Group.

The Working Group sought to identify and address all relevant issues relating to service by openly transgender persons, including the following core areas:

1. Adherence to Military Standards and Readiness.

A guiding principle for the Working Group was that there would be no change in the military's existing standards for fitness and deployability, and there would be no special or reduced standards or categories created only for transgender service members. Instead, the issue was how to apply the same standards equally to both transgender and non-transgender service members. After a lengthy process of review, our conclusion was that equal application of existing standards required that transgender service members who have not yet transitioned meet the fitness standards of their birth-assigned sex until they transition as part of an approved medical treatment plan, and after they complete gender transition, they must meet the fitness standards of their gender following transition.

In evaluating those standards, the Working Group examined the implications of ensuring equitable application of individual standards during the gender transition process, while also ensuring that commanders were able to maintain the highest standards of operational readiness for their units. The resulting regulations and military documentation provide extensive guidance on the waivers and Exception to Policy ("ETP") procedures that are available for service members and commanders to manage transitions. They provide that before a service member has completed gender transition, the service member will be treated as a member of the pre-transition gender. The rules expressly address physical fitness tests, facilities, and grooming standards. They also make clear that a service member is not necessarily entitled to any particular ETP, and emphasize that the process is tailored and individualized, taking into account the service member's needs and the readiness requirements of the command.

A change in gender marker in the Defense Enrollment Eligibility Reporting System (“DEERS”), which is an electronic database that helps verify who is eligible for military benefits represents the end of the gender transition process, and requires a commander’s approval, consistent with that commander’s evaluation of “expected impacts on mission and readiness.” DoDI 1300.28, “In-Service Transition for Transgender Service Members (June 30, 2016).

2. *Fitness and Deployability.*

We also determined that service by transgender individuals would have no greater impact on deployability than service by individuals with many other medical conditions that are not disqualifying. Fitness and deployability are not measured in a vacuum. In our systematic review, we sought to ensure that any concerns about transgender service members’ fitness or deployability were being treated consistently with the way service members with other comparable conditions were being treated. The Working Group discussed that, while some transgender service members might not be deployable for limited periods of time due to their treatment, this is not unusual, as it is common for service members to be non-deployable for periods of time due to medical conditions such as pregnancy, orthopedic injuries, obstructive sleep apnea, appendicitis, gall bladder disease, infectious disease, and myriad other conditions. For example, the RAND Report estimated that at the time of the report, 14 percent of the active Army personnel—or 50,000 active duty soldiers—were ineligible to deploy for legal, medical, or administrative reasons.

With respect to deployment, the Working Group concluded that transgender service members could deploy while continuing to receive cross-sex hormone therapy without relaxing generally applicable standards. The Working Group determined that military policy and practice allows service members to use a range of medications, including hormones, while in such settings.

The MHS has an effective system for distributing prescribed medications to deployed service members across the globe, including those in combat settings.

We also considered contingencies such as whether a transgender individual could safely experience periods of disruption in prescribed medications and found no significant issues that would impact deployability. We further considered whether transgender service members would need close medical monitoring during or after completing a treatment plan for gender transition, and after consulting with medical experts and considering all the available evidence, found that the recommended monitoring is for only a short period of time at the beginning of transition and could be safely adjusted or delayed to avoid any impact on readiness.

Avoiding an increase in the number of non-deployable service members was a priority for the Working Group. This led to the development of a policy on gender transition by existing service members that minimized any impact on deployability. Under the policy we developed, a service member could not begin a treatment plan for gender transition without prior consultation with his or her commander. The service member was required to work with his or her commander and military medical provider to develop a transition plan that would not impact deployability. Depending on the individual's medical needs and the timing of any planned deployment, this might mean delaying the commencement of hormone replacement therapy or postponing planned surgeries. Military and non-military medical experts confirmed that this approach was consistent with medical standards and satisfied military readiness concerns.

The Working Group also addressed the psychological health and stability of transgender people. In addition to taking into account the conclusions of the RAND Report, the Working Group concluded, based on discussions with medical experts and others, that being transgender is not a psychological disorder. While some transgender people experience gender

dysphoria, that condition can be resolved with appropriate medical care. In addition, the Working Group noted the positive track record of transgender people in civilian employment, as well as the positive experiences of commanders with transgender service members in their units.

3. *Costs.*

The Working Group's analysis concluded that total costs for providing medically necessary care to transgender service members would be a small fraction of DoD's overall expenditures on health care. Among other things, this was due to the fact that the population is small, and within that population, the need for and cost of care varies by individual. The Working Group also concluded that any costs from open service would be significantly offset by the benefits realized from allowing open service by transgender service members, including increased retention and reduced training costs. Maintaining the ban, on the other hand, would be costly. For example, banning service by openly transgender persons would result in the loss, either through discharge or reduced retention, of highly trained and experienced service members, leaving unexpected vacancies in operational units and requiring the expensive and time-consuming recruitment and training of replacement personnel. Such a ban also would harm the military by excluding qualified individuals based on a characteristic with no relevance to a person's fitness to serve.

4. *Privacy and Unit Cohesion.*

The Working Group considered questions about unit cohesion extensively. This included a review of the experience of a number of other countries, including Israel, Great Britain, and others, which allow open military service by transgender service members and have not encountered any reduction in, or problems with, unit cohesion. It also included a review of the U.S. military's experience in repealing "Don't Ask, Don't Tell" and allowing women to serve in combat roles. In both cases, loss of unit cohesion was cited as a reason for the prior bans on open and /or

equal service, and in both cases, eliminating the bans did not result in any problems with, or loss of, unit cohesion. The Working Group also considered privacy-related questions with respect to showers and other sex-separated facilities. This evidence included discussions with commanders and transgender service members who had been on deployment under spartan and austere conditions, which indicated that transgender service members' use of shared facilities had not led to any significant issues or impact on morale or unit cohesion. These and other discussions further indicated that shower and toilet facilities are, at best, a secondary consideration compared to the other challenges and demands of military deployment, and that even in relatively harsh conditions, some privacy is usually available in showers and other facilities. Nevertheless, the policy developed by the Working Group addressed these considerations by giving commanders discretion to deal with any privacy-related issues and make appropriate accommodations concerning facilities where necessary, such as scheduling the use of showers or offering alternate facilities. As described further below, this flexibility is neither unusual nor confined to transgender service members.

I concluded my service as USD P&R on April 8, 2016. By that time, the Working Group had concluded that transgender personnel should be permitted to serve openly in the military.

D. President Trump's Ban.

On July 26, 2017, President Donald Trump abruptly announced, via *Twitter*, that transgender individuals would no longer be permitted to serve in any capacity in the U.S. Military. On August 25, 2017, President Trump issued a memorandum to the Secretary of Defense and the Secretary of Homeland Security that formalized his ban on open military service by transgender individuals and ordered them to reverse the policy adopted in June 2016 that permitted military service by openly transgender persons. The Memorandum "directed" the military to (1) ban openly transgender service members (subject to a potential exception for existing service members), (2) ban

accessions by transgender applicants, and (3) ban transition-related surgical treatment.

The Memorandum ordered DoD to submit by February 21, 2018, “a plan for implementing both the general policy” and “specific directives” set forth in his memorandum.

On August 29, 2017, Secretary Mattis issued a statement that, “as directed,” DoD would “develop a study and implementation plan” that would “carry out the president’s policy direction.” On September 14, 2017, Secretary Mattis issued two memoranda concerning implementation of the ban. The first affirmed that DoD would “carry out the President’s policy,” and by February 21, 2018 “present the President with a plan to implement [his] policy and directives.” The second convened a “Panel of Experts” to study and develop the implementation plan.

On March 23, 2018, DoD publicly released three documents in connection with the ban previously announced by the President. The first was a memorandum dated February 22, 2018 from Secretary Mattis, which effected the ban on open service and each of the three specific “directives” (as to retention, accession, and surgical care) ordered by the President’s August 25, 2017 Memorandum. The second was a 44-page “Report and Recommendations on Military Service by Transgender Persons” (“Report”), dated February 2018, that purported to justify the ban. The third was a further Memorandum from the President, dated March 23, 2018, which first confirmed that, “[p]ursuant to” his 2017 Memorandum, DoD had submitted the memorandum and report he had previously ordered, and then purported to “revoke” his 2017 Memorandum and authorize DoD “to implement any appropriate policies concerning military service by transgender individuals.”

III. Expert Opinions.

In my six years at the Pentagon, and particularly in my role as General Counsel to the Army, I became familiar with the legal authorities concerning judicial deference to military

decisions. In cases where deference was granted, the decision in question was made by, and represented the views of, the military. Those decisions concerned a matter that was within the military's special expertise. And, they were the result of a careful and considered review and analysis. I also became familiar with the military's decision-making process and its practices and processes for studying and preparing and issuing reports with respect to significant policy issues, including personnel-related issues. In my experience, those practices and processes are typically rigorous, thorough, and evidence-based.

In my opinion, neither the ban on accession and open service by transgender individuals first announced and directed by President Trump and subsequently implemented by Secretary Mattis' February 22, 2018 Memorandum (collectively, "the Ban"), nor the February 2018 Report the government relies on as support for the Ban, reflect such a military decision or were the result of such a process. They concern a decision that was made by the White House, not the military. They do not represent the professional judgment of military authorities, and were not decided by the appropriate military officials in their considered professional judgment. They are also premised on a medical and scientific conclusion that is contrary to settled medical and scientific consensus, and not within the special expertise of the military. And, they do not appear to be the product of the military's usual decision-making and report-generating process. In particular, the Report, as well as the process by which it was prepared, vary in significant ways from the other reports I received and reviewed while I was at DoD, and the processes by which those reports were prepared. These differences, at a minimum, raise serious questions as to whether the Report: was drafted by the DoD staff that would typically draft a report like this; reflects conclusions and recommendations that were actually made by, and that represent, the considered, consensus views of, the military; and was the product of the rigorous, thorough, and evidence-based decision-making process the military typically

employs. This is particularly the case with respect to a major personnel decision like this, which reversed a decision the military had made less than two years earlier and which prior decision indisputably was the product of such a rigorous, thorough, and evidence-based process.

A. The Decision To Ban Transgender Individuals from the Military Was Made by the President, and Not the Military.

As a threshold matter, the decision to ban transgender individuals from the military was made by the President and not the military. The Ban was first announced by the President (via Twitter) on July 26, 2017. The President's tweets made clear that he was ordering the Ban and that it was not conditional on military study, review or input: "Please be advised that the United States Government will not accept or allow Transgender individuals to serve in any capacity in the U.S. Military." Although the tweet referred to consultation with unnamed "generals and military experts," no such generals or experts have been identified, and the announcement appears to have caught the military by surprise. The Chairman of the Joint Chiefs of Staff advised the Service Chiefs that the announcement was "unexpected" and he "was not consulted." There is also no evidence that the President's announcement was preceded by any military analysis, consultation or decision-making process. In fact, it is my understanding that the record is entirely devoid of evidence of any involvement by the military before the Ban was announced. Nor was the announcement conditioned on any subsequent review or analysis or decision-making process by the military or, for that matter, anyone else.

The President subsequently formalized the Ban in a "Presidential Memorandum" dated August 25, 2017. It directed the Secretary of Defense to reverse the policy previously adopted by Secretary Carter in June 2016 that permitted transgender individuals to join and openly serve in the military and (1) to return to the policy of banning openly transgender service members, subject to a possible exception for those currently serving, (2) to ban accessions by transgender applicants,

and (3) to ban transition-related surgical care. That Memorandum, too, made clear that it reflected the President's decision and "directives" and specifically ordered the military to submit a "plan for implementing" his "general policy" and "specific directives" by February 21, 2018. Once again, the Memorandum does not refer to any prior involvement by the military with respect to any of these directives. And, as in the case of the President's initial announcement of the policy a month earlier by tweet, there is no evidence that the Memorandum was preceded by any military analysis, consultation, or decision-making process, and it is my understanding that the record is devoid of evidence of any involvement by the military before the Memorandum was issued. Nor was the policy conditioned on any subsequent review or analysis or decision-making by the military. To the contrary, the Memorandum specifically ordered the military to implement the policy the President had adopted. The only exception was the Memorandum's request that the military make a recommendation as to what to do with those current transgender service members who had "come out" in reliance on the Carter policy and were now openly serving.

The military clearly understood that the Ban had already been decided upon and that its role was to implement that policy and the President's specific directives. This was made clear in its response to the President's Memorandum. On August 29, 2017, Secretary Mattis confirmed that "as directed," DoD would "develop a study and implementation plan" that would "carry out the President's policy direction." He also confirmed that he would establish a "panel of experts . . . to provide advice and recommendations on the implementation of the President's direction" and that he would thereafter "provide advice to the President concerning implementation of his policy decision."

On September 14, 2017, Secretary Mattis issued two memoranda that again recognized that the role of DoD and the "Panel of Experts" was to "carry out the President's policy"

and, by February 21, 2018, “present the President with a plan to implement [his] policy and directives.”

In my professional opinion, these facts belie any suggestion that the policy subsequently announced by Secretary Mattis on February 22, 2018, as directed by the President’s August 25, 2017, Memorandum, was independent of the President’s Memorandum and directives, or represented a policy decision by the military, as opposed to the military’s implementation of a policy decided by the President and specifically directed by its Commander-In-Chief.

Any suggestion that the policy reflected in Secretary Mattis’ February 22, 2018 Memorandum was independent of the President’s directive or represented a policy decision by the military is further belied by the substance of the policy set forth in Secretary Mattis’ February 22, 2018 memorandum. It implements each of the three directives set forth in the President’s August 25, 2017 Memorandum. Even the Mattis Memorandum’s “grandfather” exception for currently serving transgender service members who had “come out” and been diagnosed with gender dysphoria after the effective date of the Carter policy was in response to the President’s directive in the August 25, 2017 Memorandum “to address transgender individuals currently serving.”

Finally, any suggestion that the policy set forth in Secretary Mattis’ February 22, 2017 Memorandum was independent of the President’s Memorandum and directives is belied by how the military operates. Military officials do not have discretion to disobey their Commander-In-Chief or to refuse to implement his policy decisions and directives. A central tenet of the military is obeying superiors higher up in the chain of command and following orders, even where one may disagree with them. And, there is no one higher in the chain of command than the President. Based on my experience in the military, including as a senior official in DoD, the military could not have “unrung the bell” of the President’s prior directive and reached a truly independent decision, let alone one

that disobeyed or was contrary to his directives, even if it had wanted or attempted to do so. That is particularly true where, as here, the President had publicly announced his decision and publicly directed the military to implement it, such that any rejection or failure to implement the President's policy would publicly undermine the military's Commander-In-Chief.

In sum, in my professional opinion, and based on my experience in the military, the policy banning accession and open service by transgender individuals set forth in Secretary Mattis' February 22, 2018 Memorandum does not reflect a military decision or judgment; it reflects the President's decision and policy. DoD would not have adopted that policy on its own or without President Trump's prior announcement of that policy and August 25, 2017 Memorandum specifically directing the military to implement it. This is particularly so in view of the military's prior, extensive review and analysis of this exact same issue only two years prior and adoption of a policy of open accession and service by transgender individuals that was directly contrary to the policy ordered by the President.

B. The February 2018 Report is Predicated on the Drafter(s)' Views as to a Medical and Scientific Issue on Which the Military Does Not Have Special Expertise.

An essential predicate for the Report and its conclusion that all transgender people, as a group, should be excluded from joining or serving in the military, as opposed to only those who cannot satisfy the rigorous requirements for physical and mental health fitness that apply to everyone else, is that transgender individuals can experience gender dysphoria, and while there are medically-accepted treatments for this medical condition, the effectiveness of those treatments is "uncertain." Accordingly, the Report asserts that it is simply too risky to allow any transgender people to serve in the military; such individuals could experience gender dysphoria, and the treatment for that condition might not be fully successful, and if that were to occur, such individuals could pose a risk to military effectiveness and the like. As the Report's Executive Summary concludes "although

[t]here are serious differences of opinion on this issue, even among military professionals, ... in the final analysis, given the uncertainty associated with the study and treatment of gender dysphoria . . . the Department must proceed with caution” (i.e., ban transgender individuals who are not willing to serve in their birth-assigned gender). Report at 6, 24, 35, 41.

The Report thus includes a lengthy discussion of some of the scientific literature concerning gender dysphoria and its treatment, in which it criticizes and dismisses studies that have found that gender dysphoria can be successfully treated and relies on a handful of studies which it argues demonstrate that whether gender dysphoria can be successfully treated is medically and scientifically uncertain. Report at 24-27. As discussed in greater detail below, this type of critique and advocacy for one side of a medical and scientific debate is highly unusual in a DoD report like this. The DoD staff who typically prepare such reports do not view weighing in on purported medical or scientific disputes as within their expertise or part of their role.

And, while I am not an expert on this question, I learned enough about it during my work leading the Carter Working Group to know that the Report relies on cherry-picking a handful of articles from the hundreds on the subject and adopts a view that, as the American Medical Association, the American Psychiatric Association, and the American Psychological Association all confirmed at the time the Report was released, is contrary to settled medical and scientific consensus. See, April 3, 2018 Letter from American Medical Association Executive Vice President, CEO James L. Madara to Secretary Mattis (Report “mischaracterized and rejected the wide body of peer-reviewed research on the effectiveness of transgender medical care”; “there is no medically valid reason -- including a diagnosis of gender dysphoria -- to exclude transgender individuals from military service”); Mar. 26, 2018 Statement of American Psychological Association (the “APA”) (the APA “is alarmed by the administration’s misuse of psychological science to stigmatize

transgender Americans and justify limiting their ability to serve in uniform and access medically necessary health care”; “Substantial psychological research shows that gender dysphoria is a treatable condition, and does not, by itself, limit the ability of individuals to function and excel in their work, including in military service.”); Mar. 24, 2018 Statement of American Psychiatric Association (“Transgender people do not have a mental disorder, thus, they suffer no impairment whatsoever in their judgment or ability to work.”).

In sum, the Report is admittedly premised on a medical and scientific conclusion that is contrary to settled medical and scientific consensus, and on which the military does not have any special expertise.

C. The Report Was Not the Product of DoD’s Usual Decision-Making or Report-Preparation Processes.

The Report also differs in a number of significant respects from the DoD reports concerning personnel and other policy issues that I reviewed during the years I was with DoD. Based on these differences, it is my opinion that the Report is not the product of the military’s usual process for making significant personnel and other policy decisions.

As a threshold matter, it is my understanding that the government has never disclosed who drafted the Report or when or how it was prepared. What we do know is that the cover page is dated “February 2018,” but the Report was not publicly released until March 23, 2018, at the same time the government first disclosed Secretary Mattis’ February 22, 2018 Memorandum and President Trump’s March 23, 2018 “Presidential Memorandum” confirming that he had received and reviewed the Report and the Mattis Memorandum and purporting to revoke his prior, August 25, 2017 Memorandum. We also know that the Report was not prepared by the Panel of Experts convened by Secretary Mattis on September 14, 2017. The Panel of Experts issued a separate report in January 2018, approximately a month earlier. While we do not know the substance or content of that

report or how it compares with the February 2018 Report (the government has produced the Panel's report only in a redacted form in which the entire text is blacked out), apparently someone concluded there was a need to prepare a separate report which would be publicly released and relied on to support the Ban in lieu of the Panel of Experts' report.

These facts alone demonstrate that the Report was not the product of DoD's usual decision-making process. Based on my experience, in prior cases where DoD convened a working group to study a particular personnel or other issue and its work resulted in a written report, the working group was actively involved in preparing, reviewing, and finalizing and approving the report. Recent examples that come to mind are DoD's November 30, 2010 report concerning the repeal of "Don't Ask, Don't Tell", DoD's February 2012 report recommending repeal of its prior policy barring "co-location" of women with ground combat operations, and DoD's December 2010 report recommending repeal of the exclusion of women from serving in ground combat roles. I am not aware of any prior situation where DoD appointed a working group to study an issue and DoD issued a report purporting to reflect its work, but that working group was not involved in drafting and preparing, reviewing and revising, and finalizing and approving the report.

That the Report was not the product of DoD's usual processes is further supported by the Report's unusual tone and format, the process by which it was prepared, and its substantive content. In each of these respects, the Report is unlike any other report on personnel-related or other policy issues that I saw during the six years I was a senior official in DoD.

1. The Report's Tone and Manner of Presentation.

The Report bears few of the indicia—either in form or substance—of reports generated through the typical process for DoD work product. Typically, a report recommending a major personnel or other policy change would be accompanied by a cover memorandum from an

official with institutional responsibility and expertise in that area, such as a Deputy Assistant Secretary of Defense with oversight of that area or subject matter. Instead, the Report was accompanied only by a transmittal memorandum from Secretary of Defense Mattis forwarding the Report directly to President Trump, as Secretary Mattis had been instructed to do. Such a report also is typically produced on Department of Defense letterhead, or with other indications that it is an official DoD document, such as identification of the DoD office or working group that prepared it. The Report is unusual in that, except for a DoD seal on its cover page, which anyone could copy and paste, it bears no markings or other indications that it is an official DoD document. Nor does the Report indicate its author or identify any group or individual within DoD that was responsible for its preparation.

Additionally, the extensive footnotes in the Report are unusual compared to DoD drafting conventions. I reviewed scores of similar documents during the six years I served in DoD and became very familiar with both the finalized form of such reports, and the working process of the staff who drafted them. In my years of reviewing such reports, I do not ever recall seeing one footnoted in this manner. Put simply, the Report resembles a law review article more than an official document of the DoD. Nor would DoD staff ordinarily cite the kinds of medical and social science articles and other materials cited and discussed in the Report's footnotes. This is both because staff is usually unfamiliar with such materials, and because they view such materials as outside their expertise and therefore are reluctant to interpret and comment upon them.

For similar reasons, it is even more unusual for such reports to take issue with and critique such medical and scientific sources, as the Report does. See, e.g., Report at 24-27. Again, the DoD staff that draft such reports do not view that as within their expertise or role.

It is also highly unusual for staff to cherry pick among available sources, as the Report does. I know from my experiences in leading the Carter Working Group that there are literally scores of medical and scientific articles that address gender dysphoria and its treatment. Yet, the Report focuses on only a handful of those articles in arguing, contrary to settled medical consensus, that whether standard treatments are effective in resolving gender dysphoria is “uncertain.” See, e.g., Report at 6, 24, 35, 41. Once again, making such selections among the relevant literature, and making such scientific and medical pronouncements, is not something DoD staff view as within their expertise or role.

However, what is most striking and unusual about the Report’s tone and manner of presentation is how argumentative and one-sided it is. I do not recall seeing that type of writing style and advocacy in any other DoD report. DoD is a large bureaucracy, and the preparation of a report like this usually involves scores of different individuals and stakeholders with varying views and priorities. This typically results in a careful, deliberative and thoughtful process as questions are raised, competing views are aired, and concerns are addressed. This process typically involves extensive editing and results in a neutral and measured tone, in which broad, categorical assertions or pronouncements are rare, the prose is vanilla and devoid of rhetorical flourishes, and statements and conclusions are carefully conditioned to ensure their accuracy and avoid over-statements or over-generalizations. In contrast, the Report reads as if it was written by one or a few individuals with a single point of view, and advocating for a particular position.

This is illustrated by the Report’s treatment of the RAND Corporation’s 2016 report studying open service by transgender individuals. Rather than treating that report as a source of relevant information concerning the issue at hand, as a typical DoD report would do, the Report treats the RAND report as an obstacle to be overcome and attacked. This is particularly surprising and

unusual in view of RAND's unique and respected role as a trusted, independent analyst and advisor to DoD. RAND is one of, if not the, leading military policy research institutions in the country, is heavily funded by the military, has been routinely consulted on almost every significant policy issue it has confronted, and has been the researcher and author of more than 2,500 reports for the military. RAND is a federally funded research and development center with elements doing research for the Air Force (Project AIR FORCE) and the Army (RAND's Arroyo Center), and RAND's National Defense Research Institute is sponsored by the Office of the Secretary of Defense, the Joint Staff, the United Combatant Commands, the defense agencies, and the Department of the Navy. Nevertheless, the Report does not simply disagree with RAND's conclusions, which would be unusual in and of itself; it attacks its competency and challenges its independence. See, e.g., Report 14 (accusing RAND of taking a "macro" instead of a "micro-level" focus on the effects of open service and failing "to meaningfully address the significant mental health problems that accompany gender dysphoria"); 38 ("the RAND Study does not meaningfully address" and "largely dismisses concerns about the impact on unit cohesion"); 39 ("the RAND Study mischaracterizes or overstates the reports upon which it rests its conclusion"). I am not aware of any prior instance in which a DoD report has done this.

The Report's argumentative and one-sided approach is further demonstrated by its treatment of a peer-reviewed study of open transgender service in the Canadian Forces ("CF"), which "found no evidence of any effect on unit or overall cohesion." See A. Okros and D. Scott, "Gender Identity in the Canadian Forces: A Review of Possible Impacts on Operational Effectiveness" ("Okros, et al."); Report 40. The Report omits this overall—and directly relevant—conclusion. Instead, it miscites the report's reference to complaints by some CF commanders that they received insufficient guidance and training concerning CF's open service policy, and the report's observation

that the CF chain of command “has not fully earned the trust of the transgender personnel,” as evidence of “serious problems with unit cohesion.” Report at 40. But this misstates the report and its conclusion, which are directly to the contrary. Complaints about CF’s failure to provide sufficient implementation guidance did not mean open service led to “serious problems with unit cohesion.” The same thing is true of the report’s observation that commanders had not earned the trust of transgender troops. In fact, the report concluded that this lack of trust had not reduced unit cohesion. Okros, et al. at 8.

2. *The Process By Which The Report Was Generated.*

The process by which the Report was generated was likewise unusual and varies significantly from the process typically followed by DoD.

As discussed above, President Trump first announced the Ban publicly, by tweet, without any apparent input from the military, and certainly no study or deliberation or military-led decision-making process. He then formalized the Ban in a “Presidential Memorandum,” which again was announced publicly and specifically and unambiguously directed the military to implement the Ban by specific dates. The Secretary of Defense then publicly answered that, as directed by the President, DoD would implement the ban. Only then was a Panel of Experts appointed, and with the express and limited purpose and direction of implementing the President’s directives. The Panel then generated a report in January 2018, which was never released, and the Report, which the government relies on to support the ban, is a separate document that was written thereafter. The government has not disclosed who wrote the Report or the process by which it was generated, or the extent to which it relied on or includes the report and conclusions of the Panel of Experts.

One month later on March 23, 2018, a day after the deadline the President had ordered in his August 25, 2017 Memorandum for DoD to implement his directives, the government released

Secretary Mattis' February 22, 2018 Memorandum. That Memorandum effected each of the directives and bans on transgender accession, open service, and surgical care ordered by the President's August 25, 2017 Memorandum, with only a limited "grandfather" exception for certain currently serving transgender service members.

On the same date, the government released the Report, which attempts to justify those bans, without disclosing who drafted it or the process by which it was prepared, as well as a new "Presidential Memorandum" in which the President acknowledged receipt of the implementation plan and report ordered by his August 25, 2017 Memorandum, but purported to "revoke" that Memorandum so that DoD could "implement any appropriate policies concerning military service by transgender individuals."

Every aspect of this process is unusual and contrary to the military's typical process for making decisions and preparing and issuing reports, and in my experience and to my knowledge, unprecedented. Among other things:

- it was a process initiated and directed by the President, not the military; in which the policy in question was adopted and publicly announced by the President, not the military, before there was study and input by the military;
- the military was not asked to study the issue and recommend a policy, but rather was told what the policy would be and directed to implement it;
- the Panel of Experts the government claims was appointed to study the issue and make a policy recommendation was appointed after the policy had already been ordered by the President and publicly announced; and
- the Panel of Experts then wrote a report that was not publicly released and the group's conclusions and recommendations have not been publicly disclosed.

Instead, the government attempts to justify the Ban by a separate, subsequent report, but has refused to disclose who wrote that report or the process by which it was generated. The government now claims that the policy banning accession and open service by transgender individuals that DoD announced on March 23, 2018 is “new” and was generated independent of the President’s August 25, 2017 directives, even though it effects each of those directives and is the result of an “implementation” process the President directed and whose admitted purpose, according to DoD, was to implement the President’s directives.

There is no evidence of any military involvement at all in this process up to and through President Trump’s August 25, 2017 Memorandum announcing the Ban and directing the military to implement it. And, while the military was involved after that point, the process that it followed was unusual and unprecedented in almost every respect. That process might be one lawyers would create to improve their defense of litigation challenging the President’s Ban. But it is not a process that the military would follow if left to its own devices, particularly if its objective was to study, and recommend a policy on, a significant personnel or other matter, as opposed to implementing a policy that had already been decided upon and directed by the President.

Finally, the process by which the Report was generated was unusual in that it does not appear to reflect input from a number of organizations within the military that would typically be consulted on a significant personnel-related policy like this. These entities include each military service’s personnel office, Vice Chief, Surgeon General, recruiting command, and legal department, as well as DoD’s health affairs and legal departments. Once again, this is consistent with a process where the objective was not to study and then reach consensus on and recommend a policy, but rather to implement and justify, after the fact, a policy that had already been adopted and directed by the President.

3. *The Report's Content.*

The content of the Report also is unusual in a number of respects, which further suggests that it was not the product of the military's usual process for making decisions and preparing reports on personnel and other policy issues.

First, in studying an issue like this, DoD's typical approach is to identify and consider both the pros and the cons and the costs and benefits of a proposed policy, before arriving at a recommendation. Often, that includes forthrightly acknowledging risks and concerns with a proposed change or new policy. For example, the military's 2010 report on the repeal of "Don't Ask, Don't Tell" noted that the working group that had been appointed to study that issue was directed, and had attempted, to "thoroughly, objectively, and methodically examine all aspects of this question" in a "professional, thorough and dispassionate" way that left "our personal views at the door" and that "studiously avoided restricting Working Group members' personal views about the issue." "Report on Comprehensive Review of the Issues Associated with a Repeal of 'Don't Ask, Don't Tell,'" Nov. 30, 2010 at 1-2, 30. The working group's report reflected this balanced approach. It concluded that, while the risk of repeal to overall military effectiveness was low, in the short term there would be some limited and isolated disruptions to unit cohesion and retention, but those effects would not be widespread or long-lasting, and that longer term, the military would adjust and accommodate open service by gay and lesbian service members. Id. at 3. This balanced approach of looking at both the pros and cons and the costs and benefits of repeal was also reflected in the Report's fiscal assessment of repeal. The Working Group looked at "net costs," which included both the estimated costs of repeal and the estimated costs avoided by repeal, including costs avoided by increased retention and reduced discharges (and resulting need to recruit and train replacement troops). Id. at 46, 150-51.

The Report, on the other hand, starts with a firm conclusion and point of view—that transgender individuals should not be allowed to access or openly serve in the military—and marshals arguments to support and justify that pre-ordained conclusion. It largely omits contrary evidence and considerations, and to the extent it does note contrary evidence or considerations, it is usually to attempt to rebut or refute them, as in the case of the RAND Corporation’s conclusions discussed above. This type of one-sided approach, and open advocacy, is not something I recall seeing in other DoD reports. And, it is not the way the DoD staff that usually drafts such reports writes, and it is not the kind of work product that typically results from DoD’s decision-making process.

The Report’s one-sided, advocacy-type approach is further illustrated by its treatment of the expected costs of providing transition—related medical care. The Report completely omits the actual costs of such care presented to the Panel of Experts—a total of \$2.2 million in 2017 (DoD, Health Data on Active Duty Service Members with Gender Dysphoria (Dec. 13, 2017) at USDOE00002663), which is below RAND’s estimate of \$2.4 million to \$8.4 million per year (RAND Report at xi). Instead, the Report focuses on the purported 300% percentage increase in the average annual costs of medical care for transgender individuals as compared to all services members. See Report at 41. In doing so, it omits not only what such care costs in actual dollars, but also the facts that (1) any time new forms of care are first made available to a group with a particular medical condition, as they were with respect to transgender individuals with gender dysphoria during this period, there will be a percentage increase in the average cost of care for that group that is higher than for the population as a whole (2) any comparison of the average medical costs for individuals with a particular medical condition, no matter what the condition is, are likely to be greater than the average costs for all service members. Transgender service members with untreated gender

dysphoria are no different in that respect from any other group of service members with a particular medical condition.

The Report's one-sided discussion of medical costs also omits any consideration or discussion of the costs of reversing the existing, open service policy or reinstating the ban on open service. This includes the loss of the substantial contributions that are currently being made by transgender service members, and that will be made in the future if transgender individuals continue to be allowed to access the military. It also includes the cost of recruiting and training new, non-transgender individuals to fill the positions of transgender service members who elect not to reenlist or are discharged due to the Ban. In short, the Report addresses only the purported savings of reinstating the ban, but not its costs and foregone benefits, and even then, in a one-sided and misleading way. It engages in the kind of advocacy one might expect to see in a legal brief, as opposed to the kind of balanced, non-polemical approach one would expect in a DoD report.

Another example of the one-sided nature of the Report concerns the supposed impact of transition-related treatment on deployability. In arguing that such treatment "could render service members with gender dysphoria non-deployable for a significant period of time—perhaps even a year," the Report relies on "Endocrine Society guidelines for cross-sex hormone therapy [which] recommend quarterly bloodwork and laboratory monitoring of hormone levels during the first year of treatment." Report at 33. However, the Report omits that this same issue (required monitoring of hormone treatment and its effect on deployability) came up during the Carter Working Group's review and, as part of its review, the Working Group received specific guidance from the lead author of the Endocrine Society guidelines, Dr. Wylie Hembree. In a letter dated October 25, 2015 (Exhibit C, attached), Dr. Hembree explained that the recommendation for one year of quarterly monitoring "was intended to cover a diverse, civilian population, including older, unreliable and/or unhealthy

individuals who are not representatives of the population of service members.” Id. For that younger, healthier population, Dr. Hembree explained that only 2-3 months of monitoring was required. Id.

Dr. Hembree’s letter concluded that:

There is no reason to designate individuals as non-deployable after the commencement of hormone replacement therapy. While individuals might be placed on limited duty (office work) until the initial monitoring work at the 2-3 month mark, they can perform their jobs overseas in a wide range of deployed settings both before and after the initial monitoring.

Id. The letter further undermined the Report’s suggestion that such monitoring would require special expertise that might not be available in the field:

[T]he monitoring and, if necessary, re-adjustment of prescribed doses do not need to be performed by endocrinologists or specialists. Any physicians or nurses who have received a modest amount of training can perform those tasks.

Id.

Similarly, the Report omits any mention of the widely-publicized 2014 report of a commission, co-directed by former U.S. Surgeon General Joycelyn Elders, which also addressed the effect of hormone replacement therapy on deployment and fitness. It, too, reached conclusions that contradict the Report’s assertions that hormone replacement therapy could render transgender troops unfit and non-deployable. See M. Joycelyn Elders, George R. Brown, Eli Coleman, Thomas A. Kolditz and Alan M. Steinman (2014), “Medical Aspects of Transgender Military Service,” Armed Forces and Society, 41(2). Among other things, it concluded that:

[T]he military consistently retains non-transgender men and women who have conditions that may require hormone replacement. For example, the military lists several gynecological conditions (dysmenorrhea, endometriosis, menopausal syndrome, chronic pelvic pain, hysterectomy, or oophorectomy) as requiring referral for evaluation only when they affect duty performance. And the only male genitourinary conditions that require referral for evaluation involve renal or voiding dysfunctions. The need for cross-sex hormone treatment is not listed as a reason for referral for either men or women.

The 2014 commission report likewise undermines the Report's suggestion that the military might not be able to provide hormones while transgender troops are deployed in combat settings:

Military policy allows service members to take a range of medications, including hormones, while deployed in combat settings. * * * According to Defense Department deployment policy, 'There are few medications that are inherently disqualifying for deployment.' And, Army deployment policy requires that 'A minimum of a 180-day supply of medications for chronic conditions will be dispersed to all deploying Soldier.' * * * The Military Health Service maintains a sophisticated and effective system for distributing prescription medications to deployed service members worldwide.

Id. at 206-207.

In short, the Report exhibits a one-sided, outcome driven approach which, among other things, omits discussion of contrary evidence that is directly on point. This is not the approach DoD reports typically take, and during my years as a senior official at DoD I cannot recall another report that was so one-sided and result-driven and that simply ignored contrary evidence that was widely known and directly relevant.

Second, the Report's repeated suggestion that transgender service members are somehow receiving special treatment by being "exempted" from the standards that apply to all other service members not only further illustrates the Report's one-sided approach, but is not something that would be endorsed by the DoD staff that usually drafts reports like this or that would survive DoD's process for preparing and approving reports like this. The reason is that it is inaccurate and the DoD staff who draft and review reports like this would know that. In making this suggestion, the Report ignores the fact that the regulations and the service-specific guidance implementing open service all emphasize that all service members are subject to the same fitness, deployability and other standards, regardless of whether they are transgender. In fact, during the first meeting of the Carter Working Group, we affirmed our commitment to the principle that our process of study,

fact-gathering, and analysis would be guided by the principle that all service members must meet the same universal standards.

We maintained that core commitment as questions arose throughout our work. There was no suggestion that any standards should be weakened or lowered for transgender service members. In particular, the military maintains a long list of conditions for which enlistees are screened, and under the open service policy, anyone who cannot meet the relevant standards for a particular condition cannot serve, regardless of transgender status. For example, if an individual has a urological condition, there are universal rules that determine when that is disqualifying. If a person cannot meet those standards, they cannot serve, regardless of whether they are transgender. The same is true for rules concerning anxiety and depression. There is no need for a separate set of rules for transgender people because they are subject to the same rules that apply to everyone else.

Conversely, when some members of the Carter Working Group suggested that the military should not cover various transition-related surgeries, we examined that question by asking whether any other class of soldier is denied medically necessary care. The answer was “no” and we therefore recommended that such care be covered. In other words, there was no reduction of standards—just one set of rules that is blind to transgender status.

In my professional opinion, it is the Report that singles out transgender people for different treatment by creating a separate “standard” and restriction that applies only to them, in addition to the rules and standards that apply to everyone else. They can only serve if they do so in their birth-assigned gender—that is, as non-transgender individuals. This “standard” is not universal; it applies only to transgender individuals, since they are the only ones affected by a rule requiring service in one’s birth-assigned gender. The “standard” embraced by the Report thus targets

transgender individuals by definition and is not really a “standard” at all, but rather a ban on their service based on their transgender status.

In sum, DoD’s current regulations require that transgender individuals satisfy the same medical, fitness, deployability and other standards as everyone else. The Report’s suggestion that former Secretary Carter “relaxed” the standards for transgender individuals is simply wrong, and the DoD staff that typically prepare and review such reports would know that and would not have drafted and approved a report that was premised on that false assumption.

Third, the same thing is true with respect to the Report’s related assumption—and premise—that transgender people are unfit to serve by definition. DoD evaluates all potential service members rigorously, but begins with the presumption that one is eligible to serve until screening indicates otherwise, not a presumption of exclusion. The Report does the opposite by defining the entire class of transgender people as per se unqualified. I cannot think of another example during the six years I was at DoD of a military policy that categorically excludes a class of people. For example, certain conditions that limit deployability are found disproportionately in certain groups, such as pregnancy in women, or other conditions in certain ethnic or racial groups. But DoD did not presumptively or categorically exclude members of any of those groups on that basis. Rather, it relies on standards to separate out and exclude individual members of these groups who cannot satisfy the military’s requirements for fitness and deployability from those that can.

Thus, DoD’s regulation on disability evaluation provides that service members will be referred for medical evaluation and may be separated if they have a medical condition that prevents them “from reasonably performing the duties of their office, grade, rank, or rating . . . for more than 1 year after diagnosis,” or that “represents an obvious medical risk to the health of the member or . . . of other members,” or that “imposes unreasonable requirements on the military to

maintain or protect the service member.” DoD Instruction 1332.18, Disability Evaluation System (Aug. 5, 2014). More recently, DoD announced a stricter enforcement of this policy with respect to deployability. Any service member who has “been non-deployable for more than 12 consecutive months for any reason” will be separated. The Report does not even purport to explain why these standards, which apply to all service members, would not address its concerns that some forms of treatment for transgender members suffering from gender dysphoria might, in some cases, prevent the member from being deployable for extended periods. See Report at 22-24, 32-34. Rather, it relies on the risk that this will occur to some transgender service members as a justification for excluding all transgender individuals as a group.

The Report also fails to address DoD’s prior professional judgment that gender transition can be planned so that it does not interfere with deployment or unit readiness. Indeed, the Carter open service policy requires commander approval of major steps in an individual’s transition and authorizes commanders to schedule gender transition so that it does not interfere with deployment. DoD, “Transgender Service in the U.S. Military, An Implementation Handbook” (Sept. 30, 2016) at 25-27, 44-46.

Finally, there is also another, more fundamental reason why the Report’s assumption that transgender people are unfit to serve does not represent a judgment by the military, or a view that would survive its normal decision-making process: It is directly at odds with a core military value that in my experience is widely shared and deeply held at all ranks in the military, viz., that all who satisfy the military’s fitness and other requirements, and are ready, willing, and able to serve, should be permitted to do so.

Fourth, while the report asserts that it is focused on a medical condition, gender dysphoria, there is no indication that its drafter(s) consulted senior medical professionals within the

military, such as current and former Surgeons General, or leading medical organizations, such as the American Medical Association, the American Psychiatric Association, or the American Psychological Association, or any of the leading experts on gender dysphoria. Indeed, each of these individuals and groups have subsequently criticized the Report as being contrary to medical science and consensus. This includes six former U.S. Surgeons General who issued a statement that “transgender troops are as medically fit as their non-transgender peers and there is no medically valid reason—including a diagnosis of gender dysphoria—to exclude them from military service or to limit their access to medically necessary care.” See <https://www.palmcenter.org/six-former-surgeons-general-%E2%80%8B rebut-pentagon-assertions-about-medical-fitness-of-transgender-troops> (April 25, 2018). As discussed previously, it also includes the American Medical Association, the American Psychiatric Association, or the American Psychological Association, all of which criticized the Report as being contrary to settled medical science and consensus. The issuance of a DoD report, asserting conclusions concerning medical issues that are publicly refuted by multiple former Surgeons General and leading medical organizations, is unprecedented to my knowledge. The Report’s focus on a medical condition, and broad assumptions that transgender individuals are medically unfit to serve and bald assertions that the effectiveness of medically-recognized treatments for gender dysphoria are “uncertain”—without any evidence that the drafter(s) consulted with the experts and organizations with expertise in this area—is a further indication that the Report was not drafted by the DoD personnel who typically draft such reports or subject to the DoD’s typical process for preparing and approving such reports.

Fifth, the Report is also unprecedented in that the military’s service chiefs have publicly contradicted (in sworn congressional testimony no less) one of the Report’s key conclusions—that open service by transgender individuals undermines unit cohesion. Thus, shortly

after the Report was released, the service chiefs of the Army, Navy and Air Force and the commandants of the Marine Corps and of the Coast Guard each stated in testimony before Congress that they were not aware of, and have not received reports of, any issues or problems with respect to unit cohesion, discipline or morale resulting from the Carter policy of open service by transgender individuals. For example, Army Chief of Staff General Mark Milley testified that he has “monitored” open service “very closely” and has “received precisely zero reports . . . of issues of cohesion, discipline, morale, and all those sorts of things.” His experience was echoed by the Chief of Naval Operations Admiral John Richardson, who testified he was “not aware of any issues” with respect to unit cohesion, disciplinary problems, or morale resulting from open transgender service: “I respect their desire to serve [a]nd all of them, to the best of my knowledge, were ready and prepared to deploy.” “[M]aintaining the level playing field of a standards-based approach seems to be the key to—a key to success—and that’s the approach we’re taking.”

This public rebuke of the Report by the military’s service chiefs and other senior leadership underscores the irregularity of the Report’s process and content. It demonstrates that the Report does not represent the judgment of the military and is not the result of the usual military decision-making process.

D. The Unusual and Unprecedented Nature of the Ban is Further Demonstrated by Its Reversal of a Policy That Was Adopted by the Military, After Extensive Review and Analysis, Less Than Two Years Ago.

What makes the Ban even more unusual and unprecedented is that it represents an abrupt, 180-degree reversal of a policy of open service that was adopted, after extensive review and analysis, less than two years prior. I am not aware of any prior situation where a policy of this importance, and that has received this amount of study and attention, was reversed, particularly so soon after it was adopted. Compounding this abrupt and unprecedented reversal is the absence of

any evidence demonstrating problems with the Carter policy. If an organization is reversing a policy, particularly one that was only recently adopted after extensive study, based on claims that it had an adverse effect and/or caused problems, you would expect it to provide evidence demonstrating and documenting those adverse effects and problems. The Report recognizes this. See Report, 18. But while it asserts that its “analysis was informed by the Department’s own data and experience obtained since the Carter policy took effect” (id.), in point of fact, it relies almost exclusively on speculation as to problems that “can” or “could” occur from open service in the future. See, e.g., Report at 23, 32-33, 34, 35, 38 (discussing various “risks” that “could” occur, with respect to deployability privacy, and unit cohesion, while citing virtually no concrete examples from the military’s experience with open service, and none indicating that open service is a detriment to the military).

This is true for each of the justifications the Report provides for the Trump ban. For example, with respect to deployability, the Report speculates as to what “could” happen that might “render Service members with gender dysphoria non-deployable for a significant period of time - perhaps even a year” or longer. (Report, 33). The Report omits the data provided to the Panel of Experts concerning the deployment of transgender troops, which appear to contradict the Report’s speculation. They show that out of 994 service members diagnosed with gender dysphoria in FY 2016 and the first half of 2017, 393 (or 40%) deployed in support of combat operations (Operation New Dawn, Operation Iraqi Freedom, and Operation Enduring Freedom). During the 18 months since the Carter policy first took effect, only three of those soldiers were unable to complete their deployment for medical reasons. DoD, Health Data on Active Duty Service Members with Gender Dysphoria, Dec. 13, 2017 at 12.

As to unit cohesion, the Report cites no data. The only evidentiary support it relies on is a single anecdote of “dueling equal opportunity complaints” in which a female service member

claimed that the presence of a transgender female service member in shower facilities invaded her privacy, the transgender service member claimed that her commander had not been supportive of her rights, and both filed EEO claims. Report at 37. The report does not provide further information concerning the incident, including how it was resolved. Nor does it note that DoD guidance provides commanders specific tools to resolve such disputes. Indeed, this situation closely matches scenarios 11 and 15 in the Commander's Handbook, which discusses the kinds of reasonable accommodations commanders can make to address privacy concerns:

“If concerns are raised by Service members about their privacy in showers, bathrooms, or other shared spaces, you may employ reasonable accommodations, such as installing shower curtains and placing towel and clothing hooks inside individual shower stalls, to respect the privacy interests of Service members. In cases where accommodations one not practicable, you may authorize alternative measures to respect personal privacy, such as adjustments to timing of the use of showers or changing facilities.”

Commander's Handbook at 37.

Despite almost two years of open service by transgender troops, the Report also does not cite any evidence that allowing transgender individuals to serve openly has reduced any aspect of military readiness, including, in addition to unit cohesion, medical fitness and good order and discipline. Once again, it relies principally on speculation as to adverse effects that “could” occur. See, e.g., Report at 32-35.

Finally, the Report does not report the cost of providing transition-related care to transgender service members, even though that data is readily available and was collected by the Panel of Experts. In fact, DoD's total expenditures for transition-related care in FY 17 were only \$2.2 million. Not only is this below RAND's estimate of \$3.3 to \$7.4 million per year, it is less than one-tenth of one percent (0.1 percent or 0.001) of DoD's annual health care budget for active service members.

In my professional opinion, such an abrupt and unsupported reversal of policy, particularly where it is not based on evidence of problems with the Carter policy, threatens real and lasting institutional harm to the military. Such a reversal undermines confidence in leadership and its decision-making. If policies are reversed abruptly or without prior review and analysis and absent evidence-based reasons, that undermines confidence in the chain of command and its decision-making. This is particularly true where such changes appear to be due to politics or outside interference.

These institutional concerns are at or near their zenith when it comes to decisions as to who may serve in the military. Such decisions determine who is available for purposes of staffing our all-volunteer military force and create important reliance interests, both in the military and in the service members and potential service members they affect. Once a particular group is deemed eligible to serve, the military develops a reliance on the ability to fill its ranks and benefit from the skills and talent of people in that group. Additionally, once the military has invested in accessing and including a particular group, there are significant institutional costs in changing that policy, and unwinding the institutional reliance on and inclusion of that group of service members.

Similar reliance interests exist with respect to the members of the excluded group. They have invested their lives and careers in the military and its commitment to include them and encourage their enlistment and service. They have forgone other career choices and opportunities, which in many, if not most, cases are no longer available to them. The same thing is true, albeit to a lesser extent, of individuals who hope to access into the military and are preparing to do so and making educational and other decisions based on that career objective.

E. The Concerns Cited in the Report Support Maintaining, Rather Than Banning, Open Service By Transgender People.

Each of the Report's justifications for the ban on military service by openly

transgender service members is unfounded and refuted by the comprehensive investigation and review performed by the Carter Working Group, and the Report does not produce any evidence or new information to contradict the Working Group's findings. Moreover, not only are the Report's purported justifications for the Ban unsupported, in each case those considerations support continuing, rather than reversing, the Carter open service policy.

1. Adherence to Military Standards and Readiness.

As the Report recognizes, the vast majority of military standards do not distinguish based on sex. Where they do, the implementing guidance for the open service policy makes clear that commanders are afforded extensive flexibility to ensure that a service member's transition does not impede readiness, good order, or discipline in the ranks. Relatedly, the Carter policy includes a tightly controlled process that requires a service member to obtain approval at each stage of transition, helping to ensure that the transition does not impede a unit's capabilities or functioning. The Report's concerns about adherence to sex-based standards rest largely on speculation that gender transition is difficult to manage, ignoring the extensive authority vested in commanders to approve each stage of transition while ensuring the highest standards of operational readiness for their units. Despite almost two years of experience with open service, the Report offers no evidence that it has reduced military readiness.

In my opinion, the exact opposite is true. The Carter open service policy has improved, and going forward will continue to improve, military readiness. It ensures that transgender service members receive the medical care that they need and, therefore, can serve to their full potential. Similarly, it ensures that transgender service members can serve openly and without fear and distraction that they will be "outed" and discharged. And it ensures that the military will have access to the skills and talents of, and receive the benefits of service by, transgender people who meet

its rigorous fitness and other requirements. As I learned during my work with the Carter Working Group, many military units include transgender service members who are highly trained and skilled and who perform outstanding work. Separating these service members will deprive our military and our country of their skills and talents, and barring accessions of such transgender recruits eliminates the pipeline for such talent in the future.

2. *Fitness and Deployability.*

As discussed above, the Working Group extensively considered the potential impact of open service on fitness and deployability and concluded that neither would be reduced or otherwise adversely affected by open service. The Report does not provide any evidence suggesting that the Working Group's conclusions were incorrect. Transgender people—like other service members who receive prescription medication on deployment—have been deploying across the globe for decades, and have been able to do so openly while receiving medical treatment for the past two years. The Report does not identify any instances in which the Military Health System was unable to provide transgender service members with access to cross-sex hormones the same way it provides medication to other service members.

In addition, the Working Group determined that while some transgender service members might not be deployable for limited periods of time due to surgical and other transition related treatment, temporary periods of non-deployability are not unusual. It is common for service members to be non-deployable for limited periods due to all kinds of medical conditions. The Report does not provide any indication that the temporary non-deployability of some transgender service members raises any different or unique issues with respect to deployability.

Once again, in my opinion, continuing the Carter open service policy will improve fitness and deployability. Among other things, it will ensure that transgender service members

receive the medical care they need and that, to the extent they suffer from gender dysphoria, it is treated. At the same time, the Carter policy, and in particular, the extensive guidance that accompanied it, ensure that transition-related care is provided in a way that does not interfere with deployability.

3. *Costs.*

The Report does not provide any new information to contradict the Working Group's predictions regarding the minimal costs of providing for the health care needs of transgender service members. And, it omits information provided to the Panel of Experts that the total cost of all medical treatment of the entire DoD transgender population was only \$2.2 million in 2017. As discussed above, this is consistent with RAND's estimate of costs of \$2.4-8.4 million per year, and tiny fraction of the military's total annual medical costs. Nothing in the Report calls into question the Working Group's conclusions about the actual amount and magnitude of the costs of providing transition-related care to transgender troops, and how negligible they are in comparison to the military's overall expenditures on health care.

At the same time, the Report does not take into account the substantial costs that would be incurred by reversing the open service policy and reinstating the ban. In my opinion, these costs substantially outweigh any savings from not providing transition-related care to transgender service members. Among other things, and as discussed previously, the Report ignores the significant contributions of transgender service members, and the service level impacts and costs that will result from the departure of transgender service members who fail to reenlist or are discharged because of the Ban. Relatedly, the Report does not consider the benefits of retaining qualified service members and avoiding the need to recruit and retrain replacements. A study authored in August 2017 by the Palm Center and professors associated with the Naval Postgraduate School estimated

that separating all transgender service members currently serving in the military would cost \$960 million, based on the costs of recruiting and training replacements. While the Report creates a limited “grandfather” exception that permits transgender service members currently serving to continue serving, the Report also makes clear that even this limited exception is severable and subject to change. Additionally, the Report’s treatment of transgender people as presumptively unfit for military service imposes harm even on those service members allowed to continue serving by marking them as inferior to their colleagues. This is likely to discourage them from re-enlisting or making military service a life-long career, when they otherwise would have done so. Nor does the Report account for the impact a reversal of policy would have on non-transgender service members who may question whether other historically disadvantaged groups could be targeted for similar discriminatory treatment.

4. *Unit Cohesion and Privacy.*

Although the Report states that its “analysis makes no assumptions” regarding transgender service members’ ability to serve, a substantial portion of the Report consists of assumptions regarding transgender service members’ adverse impact on good order, discipline, and privacy. Notably, these assumptions do not derive from any evidence cited in the Report, and instead rest largely on speculation—a characteristic that is all the more striking given the military’s experience with open service by transgender people. Were there significant issues with unit cohesion, one would expect the Report to cite concrete evidence. As discussed above, the only non-hypothetical support the Report offers for its conclusions about unit cohesion is a couple of Equal Opportunity complaints relating to a transgender woman’s use of shower facilities. In contrast to the Report’s reliance almost exclusively on speculation, the Carter Working Group reviewed the real-world experience of 18 foreign militaries which have allowed open service, in some cases for

decades. That review confirmed what the U.S. service chiefs recently testified to Congress: allowing transgender people to serve under the same standards applicable to others does not adversely affect unit cohesion.

Privacy issues also were discussed and considered extensively by the Working Group. As discussed above, the Working Group afforded commanders discretion in dealing with such issues and making accommodations where needed with respect to showers and other shared facilities. The need for such flexibility is not unusual on military deployments, nor is it limited to transgender service members. For example, during my military service in Iraq, it was necessary to provide for the privacy needs of Iraqi women, and commanders were able to accommodate these needs without disruption.

Similar concerns about unit cohesion and privacy were raised in connection with policy changes permitting open service by gay and lesbian personnel and allowing women to serve in ground combat positions. In both cases, those concerns proved to be unfounded. The Report offers no evidence that such concerns are any more justified in the case of military service by transgender individuals.

In my opinion, reversing the open service policy, not maintaining it, would likely have a negative impact on readiness, morale, and unit cohesion. Among other things, such an abrupt change in policy would undermine the consistency and predictability on which morale and good order rely, increasing uncertainty and anxiety among current service members. Such a sudden and arbitrary reversal will also cause significant disruption and thereby undermine military readiness and lethality. Such a bait-and-switch, after many service members disclosed their transgender status in reliance on statements from the highest levels of the chain of command, conveys to service members that the military cannot be relied upon to follow its own rules or maintain consistent standards. In

addition to the breach of transgender service members' trust, the Ban will likely cause other historically disadvantaged groups in the military, including women and gay men and lesbians, to question whether their careers and ability to serve as equal members of the military may also be lost. Finally, those serving in our Armed Forces are expected to perform difficult and dangerous work under extremely stressful conditions. The Ban's policy reversal would increase that existing stress by putting puts tremendous additional and unnecessary stress on transgender service members, their command leaders, and those with whom they serve.

In sum, in my opinion, it is the President's reversal of the policy permitting military service by openly transgender individuals that will have a deleterious effect on military readiness, force morale, and unit cohesion.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed this 10th day of September, 2018.

A handwritten signature in black ink, appearing to read "Brad R. Carson", written over a horizontal line.

Brad R. Carson

Exhibit A

BRAD R. CARSON

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Having built a distinguished career in public service, law, and education, Brad Carson is a professor at the University of Virginia and a Senior Advisor at Boston Consulting Group. He was appointed by President Barack Obama in 2015 as the acting Under Secretary of Defense for Personnel & Readiness at the Department of Defense. Mr. Carson oversaw the human resources, military readiness, education and training, and health care of the nearly 5 million servicemembers, civilian employees, and their dependents within the Department of Defense and managed an internal organization of 30,000 employees. For his work, the military historian Richard Kohn hailed Carson as the most consequential person to ever hold the job. Mr. Carson earlier served as the Under Secretary of the U.S. Army, where he managed the daily operations of the largest military service, and as General Counsel of the U.S. Army, where he managed the world-wide legal operations of the largest military service. A Rhodes Scholar, he is widely published and a noted authority on national security, energy policy, and American politics. From 2001-2005, he served two terms as the U.S. Congressman. Later, he was appointed to the faculty of the business and law schools at the University of Tulsa, where he directed the National Energy Policy Institute and taught academic courses on energy policy, property law, negotiation and game theory, globalization, and law and literature. Mr. Carson deployed as an intelligence officer during Operation Iraqi Freedom and was awarded the Bronze Star for his service.

PROFESSIONAL EXPERIENCE

- PROFESSOR, UNIVERSITY OF VIRGINIA, AUGUST 2018 – PRESENT. Professor at the Batten School of Public Policy, specializing in defense and intelligence issues.
- SENIOR ADVISOR, BOSTON CONSULTING GROUP, JULY 2016-PRESENT. Advises aerospace and defense commercial clients and public sector clients, including various ministries of defense, of international consulting firm. Areas of expertise include legal reform, change management, human capital and talent management development, and executive leadership. Works in aerospace and defense practice area, as well as people operations and public sector. Involved extensively with Industry 4.0, a change in business driven by robotics, distributed manufacturing, and artificial intelligence.
- UNDER SECRETARY OF DEFENSE (PERSONNEL & READINESS) (ACTING), 2015–APRIL 2016. Spearheaded the Department of Defense’s “Force of the Future” reforms, the largest personnel changes to the military and civilian workforce in nearly 50 years. Oversaw the introduction of women into all combat positions in the military and personally initiated the effort to allow the open military service of transgender persons. Managed all areas of military readiness, total force

management, military and civilian personnel requirements and training, and military and civilian family matters. Led modernization of one of the largest retail systems in the United States - the Defense Exchanges and Commissaries - and revamped the world's largest health care system, comprising 50 hospitals and 200 clinics, with an annual budget of more than \$40 billion.

- UNDER SECRETARY, UNITED STATES ARMY, 2014–2016. As Chief Operating Officer of the Department of the Army, led day-to-day-business operations of the global U.S. Army business enterprise, with over 490,000 active duty soldiers, 335,000 National Guard soldiers, 200,000 Army Reserve soldiers, and over 330,000 civilians. Supervised the development and submission of the Army's \$168 billion budget. Responsibilities included, but were not limited to, budget, diversity, business transformation, and energy efficiency initiatives. Directed reorganization of the Army's strategic planning process and reengineered Army headquarters, reducing the staff of nearly 13,000 persons by 20 percent. Appointed by President Barack Obama and unanimously confirmed by the United States Senate.
- GENERAL COUNSEL, UNITED STATES ARMY, 2012-2014. Steered the Army legal enterprise with, including military officers, 5,000 personnel in 600 offices across 20 countries. Responsible for all legal issues facing the U.S. Army, including acquisition, ethics, fiscal, personnel, and operational matters. Launched Army-wide ethics training, pioneered the use of innovative contracting mechanisms, and spearheaded military-wide responses to various crises, such as that involving mental health misdiagnoses. Expertise gained in cyberlaw, military justice law, and sexual assault prevention and response. Appointed by President Barack Obama and unanimously confirmed by the United States Senate.
- ASSOCIATE PROFESSOR OF LAW & ASSOCIATE PROFESSOR OF BUSINESS, UNIVERSITY OF TULSA, 2010-2012. Joint appointment in University of Tulsa College of Law and the Collins College of Business at the University of Tulsa. Courses taught include: Property Law, Energy Law, Energy Policy, Negotiations and Game Theory, Seminar on Globalization, and Law & Literature.
- DIRECTOR, NATIONAL ENERGY POLICY INSTITUTE, UNIVERSITY OF TULSA, 2010–2012. Directed research institute devoted to better understanding American energy policy options. Working with Board of Directors, oversaw \$8 million program budget. Completed multi-million dollar study, buttressed by more than twenty technical papers, entitled "Toward a New National Energy Policy: Assessing the Options." Organized semiannual conferences and numerous symposia on energy issues.
- PRESIDENT & CHIEF EXECUTIVE OFFICER, CHEROKEE NATION BUSINESSES (CNB), L.L.C., Catoosa, OK. 2005–2008. Turned around corporation with annual revenues of more than \$400 million. Oversaw 4,000 employees, a capital budget of more than \$100 million per year, and an active acquisition program. During tenure, increased net income from \$67.1 million in 2005 to \$109.4 million in 2008, with growth in revenues from \$275.3 million to \$459.1 million over the same period. Sharpened corporate strategy and corporate governance, instilled new capital budget and operating budget processes, personally negotiated \$200 million credit facility with bank syndicate, turned around acquisition efforts, upgraded internal audit and compliance, and led legal affairs department.
- OFFICER-IN-CHARGE, WEAPONS INTELLIGENCE TEAMS, 84TH EXPLOSIVE ORDNANCE DISPOSAL

BATTALION, MULTI-NATIONAL DIVISION SOUTH, IRAQ. 2008-2009. Awarded Bronze Star and Army Achievement Medal. Led detachment covering seven forwarding operating bases during Operation Iraqi Freedom

- FELLOW, INSTITUTE OF POLITICS, HARVARD UNIVERSITY, Cambridge, MA. 2005. Conducted seminar at Harvard University on contemporary American politics.
- UNITED STATES HOUSE OF REPRESENTATIVES, Washington, D.C. Member of Congress, 2nd District of Oklahoma. 2001-2005 (107th and 108th Congresses). Focused on environmental, transportation, and education issues. Campaigns cited as among most successful and well-run in nation.
- DEPARTMENT OF DEFENSE, Pentagon, Arlington, VA. Special Assistant to the Secretary of Defense for Special Projects & White House Fellow. 1997-1998.
- CROWE & DUNLEVY, P.C., Tulsa, OK. Antitrust Attorney. 1994-1997, 1999.

DEGREES COMPLETED

- UNIVERSITY OF OKLAHOMA COLLEGE OF LAW, Norman, Oklahoma. J.D., with Highest Honors. Attended 1991-1994.
- TRINITY COLLEGE, OXFORD UNIVERSITY, Oxford, United Kingdom. M.A., Politics, Philosophy, and Economics. Attended 1989-1991.
- BAYLOR UNIVERSITY, Waco, Texas. B.A., *magna cum laude* with highest honors. Attended 1985-1989.

SELECTED ACTIVITIES AND HONORS

- ADJUNCT SCHOLAR, RAND CORPORATION. 2017 -.
- BRONZE STAR. 2010.
- DISTINGUISHED CIVILIAN SERVICE AWARD, UNITED STATES DEPARTMENT OF DEFENSE. 2014, 2015, 2016 (3 times).
- BOARD OF DIRECTORS, NATIONAL JOB CORPS ASSOCIATION. 2005-2009.
- U.S. JUNIOR CHAMBER OF COMMERCE TEN OUTSTANDING YOUNG AMERICANS. 2002.
- RHODES SCHOLAR. 1989 - 1991.
- WHITE HOUSE FELLOW. 1997 - 1998.

- EXCEPTIONAL CONTRIBUTION TO LEGAL SERVICES FOR OKLAHOMA. 1996.
- BLEDSOE AWARD FOR OUTSTANDING LAW SCHOOL GRADUATE FROM THE UNIVERSITY OF OKLAHOMA. 1994.
- LEGAL SERVICES OF EASTERN OKLAHOMA BOARD OF DIRECTORS. 1997.

SELECTED PUBLICATIONS

- *The Historical Roots And Future Directions For Military Law And Policies On Rape And Sexual Assault* (forthcoming), MILITARY PSYCHOLOGY (2018).
- *Zeroing Out Preventable Disability: Daring To Dream The Impossible Dream For Dementia Care: Recommendations For A National Plan To Advance Dementia Care And Maximize Functioning*, ALZHEIMER'S & DEMENTIA, 13 (2017) (co-written with 5 others).
- "The Liberal Moment: What Happened?", Symposium Issue of DEMOCRACY: A JOURNAL OF IDEAS (invited article, along with Michael Sandel, Michael Walzer, Danielle Allen, William Galston, Martha Nussbaum, Robert Reich, Katha Pollit, and Joe Klein) (Spring 2010).
- *The Claremore Diarist*, THE NEW REPUBLIC (November 22, 2004).
- *The Economics Of Renewable Energy*, in THE HANDBOOK OF ENERGY FINANCE (Wiley: 2012) (ed. Simkins).
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- *The Fall Of The House Of Representatives*, DEMOCRACY: A JOURNAL OF IDEAS (September 2006) (review of THE HOUSE: A HISTORY OF THE HOUSE OF REPRESENTATIVES by Remini).
- *Smart Development Subsidies*, DEMOCRACY: A JOURNAL OF IDEAS (part of "20 Ideas for the Next President") (Spring 2008).
- *Tate v. Browning-Ferris Industries: Oklahoma Adopts A Common Law Action For Employment Discrimination*, 46 OKLA. L. REV. 557 (1993).
- *Legal Issues Facing Small Businesses And Their Owners* (with Michael Troilo), in HUMAN RESOURCE MANAGEMENT IN SMALL BUSINESS (New Horizons In Management) (eds. Cooper and Burke) (2012)
- *Federal Appellate Practice* (with the Honorable Robert E. Bacharach (Tenth United States Circuit Court of Appeals), in APPELLATE MANUAL FOR OKLAHOMA LAWYERS (eds. Muchmore

& Ellis) (3 vols.) (1997).

- *Defense Reform In The Next Administration: What To Do* (with Morgan Plummer), www.warontherocks.com (September 12, 2016).
- *The Pentagon's Fig Tree: Reforming The Military Health System* (with Morgan Plummer), www.warontherocks.com (September 26, 2016).
- *The Chickens Are Ready To Eat: The Fatal Ambiguity Of "Readiness"* (with Morgan Plummer), www.warontherocks.com (November 7, 2016).
- *A Modest Proposal On Military Suicide And Military Sexual Assault* (with Morgan Plummer), www.warontherocks.com (December 14, 2016).

MISCELLANEOUS & PERSONAL

- Married to Julie Kruse Carson (Department of Defense attorney specializing in military sexual assault prevention and response).
- One child, Jack David, twelve years old.

Exhibit B

Bibliography

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Presidential Memorandum for the Secretary of Defense and the Secretary of Homeland Security Regarding Military Service by Transgender Individuals (March 23, 2018).

Memoranda issued by Secretary Mattis entitled “Military Service by Transgender Individuals—Interim Guidance,” and “Terms of Reference—Implementation of Presidential Memorandum on Military Service by Transgender Individuals” (Sept. 14, 2017).

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While serving in the government, I reviewed materials considered by the Working Group in formulating its recommendations, including a careful review of all available scholarly evidence and

consultations with medical experts, personnel experts, readiness experts, health insurance companies, civilian employers, and commanders whose units included transgender service members.

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DoD 5110.4-M, “Manual for Written Material,” available at <http://www.esd.whs.mil/CMD/MFWM/>.

Exhibit C

Wylie C Hembree, M. D.

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Internal Medicine
Medical Andrology and Infertility
Reproductive Endocrinology

October 25, 2015

To Whom It May Concern:

I am the lead author of the 2009 Clinical Practice Guideline, "Endocrine Treatment of Transsexual Persons" that recommended "regular clinical and laboratory monitoring every 3 months during the first year" after commencing hormone replacement therapy. I would like to clarify several points of context about this recommendation that should be taken into account when developing military policy for transgender troops.

- (1) This recommendation for clinical monitoring was intended to cover a diverse, civilian population, including older, unreliable and/or unhealthy individuals who are not characteristic of the population of service members;
- (2) An initial monitoring at the 2-3 month mark is important to determine whether the initial prescribed hormone dose is appropriate for bringing an individual's hormone levels into the desired range. The initial dose will be accurate for approximately 80% of young, healthy individuals. Of the remaining 20% whose hormone levels will be discovered to be slightly too high or too low at the initial monitoring, adjusting the dose to bring levels into the desired clinical range is a simple matter;
- (3) Of the approximately 20% whose hormone levels will be discovered to be slightly too high or too low at the initial monitoring, the health consequences of being slightly out of range are not significant;
- (4) The monitoring and, if necessary, re-adjustment of prescribed doses do not need to be performed by endocrinologists or specialists. Any physicians or nurses who have received a modest amount of training can perform these tasks;
- (5) Research is quite clear that hormone replacement therapy, especially for young, healthy individuals, is safe, with complications rates of less than 5%.
- (6) There is no reason to designate individuals as non-deployable after the commencement of hormone replacement therapy. While individuals might be placed on limited duty (office work) until the initial monitoring at the 2-3 month mark, they can perform their jobs overseas in a wide range of deployed settings both before and after the initial monitoring.

Thank you for your consideration.



Wylie Hembree, M.D., FACP
Special Lecturer, Columbia University

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of September, 2018, copies of the foregoing were served on the following counsel via electronic mail.

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