

1 I, Andrew E. Carmichael, swear under penalty of perjury under the laws of the United
2 States to the following:

3 1. I am a Senior Trial Counsel at the United States Department of Justice and
4 counsel of record for Defendants in this action. I submit this declaration in support of
5 Defendants' Third Notice of Compliance Regarding ECF No 617.

6 2. Attached to this declaration as Exhibit A is a true and correct copy of the
7 declaration of Robert Easton, Director of the Office of Litigation Counsel. Exhibit A formally
8 asserts the deliberative process privilege on behalf of the Department of Defense over the 24
9 documents submitted for *in camera* review.

10 3. Also attached to this declaration as Exhibit B is a privilege log that identifies the
11 document, date, DoD number, and PrivWithhold number of the 24 documents listed in the
12 declaration of Robert Easton submitted for *in camera* review.

13 4. Attorneys of record in this litigation have reviewed Exhibits A and B and the 24
14 documents over which the Department of Defense formally asserts the deliberative process
15 privilege, which are being submitted for *in camera* review.

16 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is
17 true and correct.

18 EXECUTED this 13th day of November, 2020.

19
20 /s/ Andrew E. Carmichael
21 ANDREW E. CARMICHAEL
22 Senior Trial Counsel
23 United States Department of Justice
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Counsel for Defendants

EXHIBIT A

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

RYAN KARNOSKI, *et al.*,

Plaintiffs,

v.

No. 2:17-cv-1297-MJP

**DECLARATION OF
ROBERT E. EASTON IN
SUPPORT OF
DEFENDANTS'
SUBMISSION FOR *IN*
CAMERA REVIEW OF
DOCUMENTS WITHHELD
UNDER THE
DELIBERATIVE PROCESS
PRIVILEGE**

DONALD J. TRUMP, *et al.*,

Defendants.

DECLARATION OF ROBERT E. EASTON

I, Robert E. Easton, do hereby declare as follows:

1. I currently serve as Director, Office of Litigation Counsel, in the Department of Defense (“DoD”) Office of General Counsel. I have held this position since 2006. In this capacity, I supervise the conduct and oversight of litigation of Departmental significance, including matters involving senior DoD leaders, and coordinate litigation among the Military Departments, Defense Agencies, and Field Activities.

2. In the exercise of my official duties, I have been made aware of this lawsuit and the three other cases involving the March 12, 2019 DoD Policy on Military Service by Transgender Persons and Persons with Gender Dysphoria (“DoD Transgender Service Policy”).

3. I submit this declaration in response to the Court’s July 15, 2020 and September 29, 2020 orders directing the government to provide documents to the Court for *in camera* review, and to formally assert the deliberative process privilege on behalf of DoD over the documents and information described below. I base this declaration on my personal knowledge and information made available to me in the performance of my official duties.

4. The Court directed DoD to submit for *in camera* review certain documents from July 1, 2016, to January 20, 2017, that are listed on the DoD privilege log as withheld from production pursuant to the deliberative process privilege. The Court also directed DoD to submit for *in camera* review certain documents from February 23, 2018, to the present that likewise are listed on the DoD privilege log as withheld pursuant to the deliberative process privilege.

5. Based on my review of the relevant documents, I have determined that the following documents submitted with this Declaration were created as part of DoD’s decision-making processes. These documents reflect the deliberative process undertaken by DoD senior officials as they anticipated and prepared for the President’s response to the submission of the

Department of Defense's Report and Recommendation on military service by transgender individuals before the issuance of the President's Memorandum on March 23, 2018. Accordingly, DoD formally invokes the deliberative process privilege over each of these documents.

6. This declaration describes three categories of documents subject to the deliberative process privilege. Numbered paragraphs seven to nine below each address a specific category of such documents.

Documents Subject To The Deliberative Process Privilege

7. The first category of documents consists of drafts of a notional schedule and plan titled "Notional Timeline: Transgender Policy Implementation & Litigation" that was prepared in anticipation of a decision from the President in response to the submission of the Department of Defense's Report and Recommendation on military service by transgender individuals.

DoD00130329, DoD00130333, DoD00130341, DoD00130344, DoD00133206, DoD00140344, DoD00141951, and DoD00141956 are draft versions of this "Notional Timeline" circulated among senior DoD officials on or before February 23, 2018. These documents were prepared, sent, and reviewed by senior DoD officials such as Secretary of Defense Senior Advisor William Bushman, DoD Chief Spokesperson Dana White, and Deputy Chief of Staff to the Secretary of Defense Peter Verga. The documents contain the heading "PRIVILEGED & CONFIDENTIAL" at the top of each page followed by the date and time of the version of each draft. The documents also contain proposed courses of action (or "COAs") for the Department of Defense to take depending on whether or not the President concurred with the Department's proposed policy. The documents are both pre-decisional and deliberative. They are pre-decisional because the drafts describing possible courses of action were created before the President accepted DoD's proposed policy recommendation on March 23, 2018. Further, the documents are deliberative because they are non-final drafts, and they propose various potential courses of action in anticipation of possible actions

by the President and reflect the views and thought processes of senior advisors to the Secretary of Defense regarding anticipated actions.

8. The second category concerns an information paper titled “Talking Points re. DoD Transgender Policy Review and Recommendations” prepared on February 23, 2018, in anticipation of a decision from the President in response to the submission of the Department of Defense’s Report and Recommendation on military service by transgender individuals. The information paper was drafted to assist senior DoD decision-makers in answering potential questions both internal and external to DoD in the event of (i) an unexpected leak of the Secretary’s recommendation to the President prior to a decision by the President, and (ii) a decision by the President regarding the Department’s recommended policy. DoD00130330, DoD00130340, DoD00140345, and DoD00141955 are versions of this document. These documents are pre-decisional. The discussions and deliberations reflected in them occurred prior to the President’s decision to accept the Department’s recommended policy and the release of the President’s Memorandum on March 23, 2018. They are also deliberative. For senior DoD officials including Mr. Bushman, Mr. Verga, and Acting General Counsel Paul Koffsky, they reflect internal concerns, opinions, and recommendations as to how to respond to a potential leak of DoD’s recommendation to the President if it were to occur prior to the President’s decision, as well as how DoD should discuss the review by the Panel of Experts and the Report and Recommendation prepared by the Department following the President’s decision.

9. The third category consists of an information memo prepared in anticipation of a decision by the President in response to submission of the Department of Defense’s Report and Recommendation on military service by transgender individuals, titled “Transgender Talking Points for Internal Discussion.” DoD00130208, DoD00130211, DoD00130216, DoD00130219, DoD00130240, DoD00130902, DoD00133119, DoD00133135, DoD00139341, DoD00130943,

DoD00139521, and DoD00143295 are drafts of this document. Each document is labeled “DRAFT/PRE-DECISIONAL-FOUO” at the top, and DoD00130943 and DoD00139521 contain proposed edits. These documents were drafted by senior DoD officials such as Ms. White and were subsequently reviewed and considered by senior DoD officials such as Mr. Bushman, Deputy General Counsel Mr. Ryan Newman, Under Secretary of Defense Mr. Robert Wilkie, and Principal Deputy Assistant Secretary of Defense for Manpower and Reserve Affairs Ms. Stephanie Barna. The documents were drafted to assist senior DoD decision-makers in answering potential questions both internal and external to DoD following any decision by the President regarding the Department’s recommended policy. These documents are pre-decisional because the discussions and deliberations reflected in them occurred prior to the President’s decision to accept the Department’s recommended policy and the release of the President’s Memorandum on March 23, 2018. These documents are also deliberative. They reflect opinions, deliberations, and recommendations from senior DoD officials on how to prepare for the announcement; discuss the process for arriving at the decision; and outline next steps towards implementing the President’s not yet final decision. Moreover, two of the documents (DoD00130943 and DoD00139521) contain visible edits and comments from DoD officials who proposed changes to the document.

10. As discussed in my prior declarations, release of DoD information protected by the deliberative process privilege in this case, including the materials described above, would have a substantial and immediate chilling effect on policy deliberation and development within DoD writ large. The DoD decision-making apparatus relies on open and candid conversations among leadership, advisors, and policy analysts to advise and inform DoD policy-makers across the Military Services on various courses of action for any decision. Matters of national security frequently present multiple courses of action that require careful and delicate balancing of equities and priorities against the need to serve national defense interests, and leaders within the Department encourage

open and candid discussions about the merits of such actions. Opinions identifying risks or areas of concern are critical to the integrity and viability of the military decision-making process.

11. In addition, the geographically dispersed nature of DoD activities and the high operational tempo with which many of the Department's activities are conducted mean that deliberative and pre-decisional conversations frequently occur via email. Leaders across the Department routinely solicit feedback, thoughts, and opinions on highly sensitive topics, including those with national-security implications, using email so that those who need to review and weigh-in on a decision can do so in real time regardless of their physical location.

12. The forced release of these types of delicate and candid communications would directly and immediately impair open and frank conversations at both the operational and strategic levels. If DoD personnel knew that their thoughts, impressions, and opinions, including those reflected in draft documents, whether related to DoD transgender policy or otherwise, would be open to scrutiny, they may hesitate to provide their genuine positions on potential courses of action, not only as to military personnel decisions but regarding any politically sensitive decision that DoD faces in the future, for fear that these discussions could be revealed to wider audiences. The lack of essential input would degrade DoD's decision-making process and could expose the nation to greater overall risk.

13. The disclosure of deliberative, pre-decisional input, analysis, and opinions from these individuals would breach DoD's commitment to maintain the confidentiality of participants' honest deliberations regarding the sensitive and complex topic of transgender service. This would irreparably harm DoD's ability to obtain candid and open input on any similarly sensitive subject in the future, not just regarding military service by transgender individuals.

14. Finally, releasing early deliberations and early drafts of policy documents and deliberations on how to respond to potential courses of action increases the likelihood of public

confusion over the purpose and reasoning behind government policies. Here, releasing deliberations regarding how to respond to a potential leak that never occurred or how to respond if the President did not accept a DoD recommendation that was in fact accepted, risks confusing the public as to the ultimate decision by the President regarding the Department's policy on military service by transgender individuals and individuals with gender dysphoria.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this 13th day of November 2020, Arlington, VA.

A handwritten signature in black ink, appearing to read "Robert E. Easton", written over a horizontal line.

ROBERT E. EASTON
Director, Office of Litigation Counsel

EXHIBIT B

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Privilege Log for In Camera Review
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DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Privilege(s)	Privilege Description (See DoD Declaration)
DoD00130329	PrivWithhold00013961	PrivWithhold00013962	2/23/2018	Deliberative process privilege	Draft of a notional schedule and plan titled "Notional Timeline: Transgender Policy Implementation & Litigation" that was prepared in anticipation of a decision from the President in response to the submission of the Department of Defense's Report and Recommendation on military service by transgender individuals. Contains the heading "PRIVILEGED & CONFIDENTIAL" at the top of each page followed by the date and time of the version of the draft. Prepared, sent, and reviewed by senior DoD officials, such as Secretary of Defense Senior Advisor William Bushman, DoD Chief Spokesperson Dana White, and Deputy Chief of Staff to the Secretary of Defense Peter Verga. The document is pre-decisional because it is a draft that was created before the President accepted DoD's proposed policy recommendation on March 23, 2018. The document is deliberative because it is a draft that proposes various potential courses of action in anticipation of potential actions by the President and reflect the views and thought processes of senior advisors to the Secretary of Defense regarding anticipated actions. See Declaration of Robert Easton ¶ 7.
DoD00130333	PrivWithhold00013965	PrivWithhold00013966	2/23/2018	Deliberative process privilege	Draft of a notional schedule and plan titled "Notional Timeline: Transgender Policy Implementation & Litigation" that was prepared in anticipation of a decision from the President in response to the submission of the Department of Defense's Report and Recommendation on military service by transgender individuals. Contains the heading "PRIVILEGED & CONFIDENTIAL" at the top of each page followed by the date and time of the version of the draft. Prepared, sent, and reviewed by senior DoD officials, such as Secretary of Defense Senior Advisor William Bushman, DoD Chief Spokesperson Dana White, and Deputy Chief of Staff to the Secretary of Defense Peter Verga. The document is pre-decisional because it is a draft that was created before the President accepted DoD's proposed policy recommendation on March 23, 2018. The document is deliberative because it is a draft that proposes various potential courses of action in anticipation of potential actions by the President and reflect the views and thought processes of senior advisors to the Secretary of Defense regarding anticipated actions. See Declaration of Robert Easton ¶ 7.
DoD00130341	PrivWithhold00013969	PrivWithhold00013969	2/23/2018	Deliberative process privilege	Draft of a notional schedule and plan titled "Notional Timeline: Transgender Policy Implementation & Litigation" that was prepared in anticipation of a decision from the President in response to the submission of the Department of Defense's Report and Recommendation on military service by transgender individuals. Contains the heading "PRIVILEGED & CONFIDENTIAL" at the top of each page followed by the date and time of the version of the draft. Prepared, sent, and reviewed by senior DoD officials, such as Secretary of Defense Senior Advisor William Bushman, DoD Chief Spokesperson Dana White, and Deputy Chief of Staff to the Secretary of Defense Peter Verga. The document is pre-decisional because it is a draft that was created before the President accepted DoD's proposed policy recommendation on March 23, 2018. The document is deliberative because it is a draft that proposes various potential courses of action in anticipation of potential actions by the President and reflect the views and thought processes of senior advisors to the Secretary of Defense regarding anticipated actions. See Declaration of Robert Easton ¶ 7.
DoD00130344	PrivWithhold00013970	PrivWithhold00013970	2/23/2018	Deliberative process privilege	Draft of a notional schedule and plan titled "Notional Timeline: Transgender Policy Implementation & Litigation" that was prepared in anticipation of a decision from the President in response to the submission of the Department of Defense's Report and Recommendation on military service by transgender individuals. Contains the heading "PRIVILEGED & CONFIDENTIAL" at the top of each page followed by the date and time of the version of the draft. Prepared, sent, and reviewed by senior DoD officials, such as Secretary of Defense Senior Advisor William Bushman, DoD Chief Spokesperson Dana White, and Deputy Chief of Staff to the Secretary of Defense Peter Verga. The document is pre-decisional because it is a draft that was created before the President accepted DoD's proposed policy recommendation on March 23, 2018. The document is deliberative because it is a draft that proposes various potential courses of action in anticipation of potential actions by the President and reflect the views and thought processes of senior advisors to the Secretary of Defense regarding anticipated actions. See Declaration of Robert Easton ¶ 7.

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DoD00133206	PrivWithhold00013988	PrivWithhold00013988	2/23/2018	Deliberative process privilege	Draft of a notional schedule and plan titled "Notional Timeline: Transgender Policy Implementation & Litigation" that was prepared in anticipation of a decision from the President in response to the submission of the Department of Defense's Report and Recommendation on military service by transgender individuals. Contains the heading "PRIVILEGED & CONFIDENTIAL" at the top of each page followed by the date and time of the version of the draft. Prepared, sent, and reviewed by senior DoD officials, such as Secretary of Defense Senior Advisor William Bushman, DoD Chief Spokesperson Dana White, and Deputy Chief of Staff to the Secretary of Defense Peter Verra. The document is pre-decisional because it is a draft that was created before the President accepted DoD's proposed policy recommendation on March 23, 2018. The document is deliberative because it is a draft that proposes various potential courses of action in anticipation of potential actions by the President and reflect the views and thought processes of senior advisors to the Secretary of Defense regarding anticipated actions. See Declaration of Robert Easton ¶ 7.
DoD00140344	PrivWithhold00013998	PrivWithhold00013999	2/23/2018	Deliberative process privilege	Draft of a notional schedule and plan titled "Notional Timeline: Transgender Policy Implementation & Litigation" that was prepared in anticipation of a decision from the President in response to the submission of the Department of Defense's Report and Recommendation on military service by transgender individuals. Contains the heading "PRIVILEGED & CONFIDENTIAL" at the top of each page followed by the date and time of the version of the draft. Prepared, sent, and reviewed by senior DoD officials, such as Secretary of Defense Senior Advisor William Bushman, DoD Chief Spokesperson Dana White, and Deputy Chief of Staff to the Secretary of Defense Peter Verra. The document is pre-decisional because it is a draft that was created before the President accepted DoD's proposed policy recommendation on March 23, 2018. The document is deliberative because it is a draft that proposes various potential courses of action in anticipation of potential actions by the President and reflect the views and thought processes of senior advisors to the Secretary of Defense regarding anticipated actions. See Declaration of Robert Easton ¶ 7.
DoD00141951	PrivWithhold00014002	PrivWithhold00014003	2/23/2018	Deliberative process privilege	Draft of a notional schedule and plan titled "Notional Timeline: Transgender Policy Implementation & Litigation" that was prepared in anticipation of a decision from the President in response to the submission of the Department of Defense's Report and Recommendation on military service by transgender individuals. Contains the heading "PRIVILEGED & CONFIDENTIAL" at the top of each page followed by the date and time of the version of the draft. Prepared, sent, and reviewed by senior DoD officials, such as Secretary of Defense Senior Advisor William Bushman, DoD Chief Spokesperson Dana White, and Deputy Chief of Staff to the Secretary of Defense Peter Verra. The document is pre-decisional because it is a draft that was created before the President accepted DoD's proposed policy recommendation on March 23, 2018. The document is deliberative because it is a draft that proposes various potential courses of action in anticipation of potential actions by the President and reflect the views and thought processes of senior advisors to the Secretary of Defense regarding anticipated actions. See Declaration of Robert Easton ¶ 7.
DoD00141956	PrivWithhold00014006	PrivWithhold00014006	2/23/2018	Deliberative process privilege	Draft of a notional schedule and plan titled "Notional Timeline: Transgender Policy Implementation & Litigation" that was prepared in anticipation of a decision from the President in response to the submission of the Department of Defense's Report and Recommendation on military service by transgender individuals. Contains the heading "PRIVILEGED & CONFIDENTIAL" at the top of each page followed by the date and time of the version of the draft. Prepared, sent, and reviewed by senior DoD officials, such as Secretary of Defense Senior Advisor William Bushman, DoD Chief Spokesperson Dana White, and Deputy Chief of Staff to the Secretary of Defense Peter Verra. The document is pre-decisional because it is a draft that was created before the President accepted DoD's proposed policy recommendation on March 23, 2018. The document is deliberative because it is a draft that proposes various potential courses of action in anticipation of potential actions by the President and reflect the views and thought processes of senior advisors to the Secretary of Defense regarding anticipated actions. See Declaration of Robert Easton ¶ 7.

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DoD00130330	PrivWithhold00013963	PrivWithhold00013964	2/23/2018	Deliberative process privilege	Information paper titled "Talking Points re DoD Transgender Policy Review and Recommendations" that was prepared on February 23, 2018, in anticipation of a decision from the President in response to the submission of the Department of Defense's Report and Recommendation on military service by transgender individuals. The information paper was drafted to assist senior DoD decision-makers in potentially answering questions both internal and external to DoD in case there was an unexpected leak of the Secretary of Defense's recommendation to the President prior to a decision by the President and upon any decision by the President regarding the Department's recommended policy. The information paper is pre-decisional because the discussions and deliberations reflected in this document occurred prior to the President's decision to accept the Department's recommended policy and the release of the President's Memorandum on March 23, 2018. The information paper is deliberative because it shows senior DoD officials, such as Mr. Bushman's, Mr. Verga's, and Acting General Counsel Paul Koffsky's internal concerns, opinions, and recommendations concerning how to respond to a potential leak of DoD's recommendation to the President if it were to occur prior to the President's decision, as well as how DoD should discuss the review by the Panel of Experts and the Report and Recommendation prepared by the Department following the President's decision. See Declaration of Robert Easton ¶ 8.
DoD00130340	PrivWithhold00013967	PrivWithhold00013968	2/23/2018	Deliberative process privilege	Information paper titled "Talking Points re DoD Transgender Policy Review and Recommendations" that was prepared on February 23, 2018, in anticipation of a decision from the President in response to the submission of the Department of Defense's Report and Recommendation on military service by transgender individuals. The information paper was drafted to assist senior DoD decision-makers in potentially answering questions both internal and external to DoD in case there was an unexpected leak of the Secretary of Defense's recommendation to the President prior to a decision by the President and upon any decision by the President regarding the Department's recommended policy. The information paper is pre-decisional because the discussions and deliberations reflected in this document occurred prior to the President's decision to accept the Department's recommended policy and the release of the President's Memorandum on March 23, 2018. The information paper is deliberative because it shows senior DoD officials, such as Mr. Bushman's, Mr. Verga's, and Acting General Counsel Paul Koffsky's internal concerns, opinions, and recommendations concerning how to respond to a potential leak of DoD's recommendation to the President if it were to occur prior to the President's decision, as well as how DoD should discuss the review by the Panel of Experts and the Report and Recommendation prepared by the Department following the President's decision. See Declaration of Robert Easton ¶ 8.
DoD00140345	PrivWithhold00014000	PrivWithhold00014001	2/23/2018	Deliberative process privilege	Information paper titled "Talking Points re DoD Transgender Policy Review and Recommendations" that was prepared on February 23, 2018, in anticipation of a decision from the President in response to the submission of the Department of Defense's Report and Recommendation on military service by transgender individuals. The information paper was drafted to assist senior DoD decision-makers in potentially answering questions both internal and external to DoD in case there was an unexpected leak of the Secretary of Defense's recommendation to the President prior to a decision by the President and upon any decision by the President regarding the Department's recommended policy. The information paper is pre-decisional because the discussions and deliberations reflected in this document occurred prior to the President's decision to accept the Department's recommended policy and the release of the President's Memorandum on March 23, 2018. The information paper is deliberative because it shows senior DoD officials, such as Mr. Bushman's, Mr. Verga's, and Acting General Counsel Paul Koffsky's internal concerns, opinions, and recommendations concerning how to respond to a potential leak of DoD's recommendation to the President if it were to occur prior to the President's decision, as well as how DoD should discuss the review by the Panel of Experts and the Report and Recommendation prepared by the Department following the President's decision. See Declaration of Robert Easton ¶ 8.

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DoD00141955	PrivWithhold00014004	PrivWithhold00014005	2/23/2018	Deliberative process privilege	Information paper titled "Talking Points re DoD Transgender Policy Review and Recommendations" that was prepared on February 23, 2018, in anticipation of a decision from the President in response to the submission of the Department of Defense's Report and Recommendation on military service by transgender individuals. The information paper was drafted to assist senior DoD decision-makers in potentially answering questions both internal and external to DoD in case there was an unexpected leak of the Secretary of Defense's recommendation to the President prior to a decision by the President and upon any decision by the President regarding the Department's recommended policy. The information paper is pre-decisional because the discussions and deliberations reflected in this document occurred prior to the President's decision to accept the Department's recommended policy and the release of the President's Memorandum on March 23, 2018. The information paper is deliberative because it shows senior DoD officials, such as Mr. Bushman's, Mr. Verga's, and Acting General Counsel Paul Koffsky's internal concerns, opinions, and recommendations concerning how to respond to a potential leak of DoD's recommendation to the President if it were to occur prior to the President's decision, as well as how DoD should discuss the review by the Panel of Experts and the Report and Recommendation prepared by the Department following the President's decision. See Declaration of Robert Easton ¶ 8.
DoD00130208	PrivWithhold00013941	PrivWithhold00013944	3/22/2018	Deliberative process privilege	Draft of an information memo that was prepared in anticipation of a decision from the President in response to the submission of the Department of Defense's Report and Recommendation on military service by transgender individuals, titled "Transgender Talking Points for Internal Discussion." The document is labeled "DRAFT/PRE-DECISIONAL-FOUO." The information memo was drafted to assist senior DoD decision-makers in potentially answering questions both internal and external to DoD following any decision by the President regarding the Department's recommended policy. The draft information paper is pre-decisional because the discussions and deliberations reflected in it occurred prior to the President's decision to accept the Department's recommended policy and the release of the President's Memorandum on March 23, 2018. The information memo is deliberative because it reflects opinions, deliberations, and recommendations from senior DoD officials on how to prepare for the announcement, discuss the process for arriving at the decision, and on next steps towards implementing the President's not yet final decision. See Declaration of Robert Easton ¶ 9.
DoD00130211	PrivWithhold00013945	PrivWithhold00013948	3/22/2018	Deliberative process privilege	Draft of an information memo that was prepared in anticipation of a decision from the President in response to the submission of the Department of Defense's Report and Recommendation on military service by transgender individuals, titled "Transgender Talking Points for Internal Discussion." The document is labeled "DRAFT/PRE-DECISIONAL-FOUO." The information memo was drafted to assist senior DoD decision-makers in potentially answering questions both internal and external to DoD following any decision by the President regarding the Department's recommended policy. The draft information paper is pre-decisional because the discussions and deliberations reflected in it occurred prior to the President's decision to accept the Department's recommended policy and the release of the President's Memorandum on March 23, 2018. The information memo is deliberative because it reflects opinions, deliberations, and recommendations from senior DoD officials on how to prepare for the announcement, discuss the process for arriving at the decision, and on next steps towards implementing the President's not yet final decision. See Declaration of Robert Easton ¶ 9.
DoD00130216	PrivWithhold00013949	PrivWithhold00013952	3/22/2018	Deliberative process privilege	Draft of an information memo that was prepared in anticipation of a decision from the President in response to the submission of the Department of Defense's Report and Recommendation on military service by transgender individuals, titled "Transgender Talking Points for Internal Discussion." The document is labeled "DRAFT/PRE-DECISIONAL-FOUO." The information memo was drafted to assist senior DoD decision-makers in potentially answering questions both internal and external to DoD following any decision by the President regarding the Department's recommended policy. The draft information paper is pre-decisional because the discussions and deliberations reflected in it occurred prior to the President's decision to accept the Department's recommended policy and the release of the President's Memorandum on March 23, 2018. The information memo is deliberative because it reflects opinions, deliberations, and recommendations from senior DoD officials on how to prepare for the announcement, discuss the process for arriving at the decision, and on next steps towards implementing the President's not yet final decision. See Declaration of Robert Easton ¶ 9.

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DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Privilege(s)	Privilege Description (See DoD Declaration)
DoD00130219	PrivWithhold00013953	PrivWithhold00013956	3/21/2018	Deliberative process privilege	Draft of an information memo that was prepared in anticipation of a decision from the President in response to the submission of the Department of Defense's Report and Recommendation on military service by transgender individuals, titled "Transgender Talking Points for Internal Discussion " The document is labeled "DRAFT/PRE-DECISIONAL-FOUO " The information memo was drafted to assist senior DoD decision-makers in potentially answering questions both internal and external to DoD following any decision by the President regarding the Department's recommended policy The draft information paper is pre-decisional because the discussions and deliberations reflected in it occurred prior to the President's decision to accept the Department's recommended policy and the release of the President's Memorandum on March 23, 2018 The information memo is deliberative because it reflects opinions, deliberations, and recommendations from senior DoD officials on how to prepare for the announcement, discuss the process for arriving at the decision, and on next steps towards implementing the President's not yet final decision See Declaration of Robert Easton ¶ 9
DoD00130240	PrivWithhold00013957	PrivWithhold00013960	3/20/2018	Deliberative process privilege	Draft of an information memo that was prepared in anticipation of a decision from the President in response to the submission of the Department of Defense's Report and Recommendation on military service by transgender individuals, titled "Transgender Talking Points for Internal Discussion " The document is labeled "DRAFT/PRE-DECISIONAL-FOUO " The information memo was drafted to assist senior DoD decision-makers in potentially answering questions both internal and external to DoD following any decision by the President regarding the Department's recommended policy The draft information paper is pre-decisional because the discussions and deliberations reflected in it occurred prior to the President's decision to accept the Department's recommended policy and the release of the President's Memorandum on March 23, 2018 The information memo is deliberative because it reflects opinions, deliberations, and recommendations from senior DoD officials on how to prepare for the announcement, discuss the process for arriving at the decision, and on next steps towards implementing the President's not yet final decision See Declaration of Robert Easton ¶ 9
DoD00130902	PrivWithhold00013971	PrivWithhold00013975	3/21/2018	Deliberative process privilege	Draft of an information memo that was prepared in anticipation of a decision from the President in response to the submission of the Department of Defense's Report and Recommendation on military service by transgender individuals, titled "Transgender Talking Points for Internal Discussion " The document is labeled "DRAFT/PRE-DECISIONAL-FOUO " The information memo was drafted to assist senior DoD decision-makers in potentially answering questions both internal and external to DoD following any decision by the President regarding the Department's recommended policy The draft information paper is pre-decisional because the discussions and deliberations reflected in it occurred prior to the President's decision to accept the Department's recommended policy and the release of the President's Memorandum on March 23, 2018 The information memo is deliberative because it reflects opinions, deliberations, and recommendations from senior DoD officials on how to prepare for the announcement, discuss the process for arriving at the decision, and on next steps towards implementing the President's not yet final decision See Declaration of Robert Easton ¶ 9
DoD00133119	PrivWithhold00013980	PrivWithhold00013983	3/22/2018	Deliberative process privilege	Draft of an information memo that was prepared in anticipation of a decision from the President in response to the submission of the Department of Defense's Report and Recommendation on military service by transgender individuals, titled "Transgender Talking Points for Internal Discussion " The document is labeled "DRAFT/PRE-DECISIONAL-FOUO " The information memo was drafted to assist senior DoD decision-makers in potentially answering questions both internal and external to DoD following any decision by the President regarding the Department's recommended policy The draft information paper is pre-decisional because the discussions and deliberations reflected in it occurred prior to the President's decision to accept the Department's recommended policy and the release of the President's Memorandum on March 23, 2018 The information memo is deliberative because it reflects opinions, deliberations, and recommendations from senior DoD officials on how to prepare for the announcement, discuss the process for arriving at the decision, and on next steps towards implementing the President's not yet final decision See Declaration of Robert Easton ¶ 9

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DoD00133135	PrivWithhold00013984	PrivWithhold00013987	3/21/2018	Deliberative process privilege	Draft of an information memo that was prepared in anticipation of a decision from the President in response to the submission of the Department of Defense's Report and Recommendation on military service by transgender individuals, titled "Transgender Talking Points for Internal Discussion." The document is labeled "DRAFT/PRE-DECISIONAL-FOUO." The information memo was drafted to assist senior DoD decision-makers in potentially answering questions both internal and external to DoD following any decision by the President regarding the Department's recommended policy. The draft information paper is pre-decisional because the discussions and deliberations reflected in it occurred prior to the President's decision to accept the Department's recommended policy and the release of the President's Memorandum on March 23, 2018. The information memo is deliberative because it reflects opinions, deliberations, and recommendations from senior DoD officials on how to prepare for the announcement, discuss the process for arriving at the decision, and on next steps towards implementing the President's not yet final decision. See Declaration of Robert Easton ¶ 9.
DoD00139341	PrivWithhold00013989	PrivWithhold00013992	3/20/2018	Deliberative process privilege	Draft of an information memo that was prepared in anticipation of a decision from the President in response to the submission of the Department of Defense's Report and Recommendation on military service by transgender individuals, titled "Transgender Talking Points for Internal Discussion." The document is labeled "DRAFT/PRE-DECISIONAL-FOUO." The information memo was drafted to assist senior DoD decision-makers in potentially answering questions both internal and external to DoD following any decision by the President regarding the Department's recommended policy. The draft information paper is pre-decisional because the discussions and deliberations reflected in it occurred prior to the President's decision to accept the Department's recommended policy and the release of the President's Memorandum on March 23, 2018. The information memo is deliberative because it reflects opinions, deliberations, and recommendations from senior DoD officials on how to prepare for the announcement, discuss the process for arriving at the decision, and on next steps towards implementing the President's not yet final decision. See Declaration of Robert Easton ¶ 9.
DoD00130943	PrivWithhold00013976	PrivWithhold00013979	3/3/2018	Deliberative process privilege	Draft of an information memo that was prepared in anticipation of a decision from the President in response to the submission of the Department of Defense's Report and Recommendation on military service by transgender individuals, titled "Transgender Talking Points for Internal Discussion." The document is labeled "DRAFT/PRE-DECISIONAL-FOUO." The information memo was drafted to assist senior DoD decision-makers in potentially answering questions both internal and external to DoD following any decision by the President regarding the Department's recommended policy. The draft information paper is pre-decisional because the discussions and deliberations reflected in it occurred prior to the President's decision to accept the Department's recommended policy and the release of the President's Memorandum on March 23, 2018. The information memo is deliberative because it reflects opinions, deliberations, and recommendations from senior DoD officials on how to prepare for the announcement, discuss the process for arriving at the decision, and on next steps towards implementing the President's not yet final decision. The document also contains visible edits and comments from DoD officials who proposed changes to the document. See Declaration of Robert Easton ¶ 9.
DoD00139521	PrivWithhold00013993	PrivWithhold00013997	3/21/2018	Deliberative process privilege	Draft of an information memo that was prepared in anticipation of a decision from the President in response to the submission of the Department of Defense's Report and Recommendation on military service by transgender individuals, titled "Transgender Talking Points for Internal Discussion." The document is labeled "DRAFT/PRE-DECISIONAL-FOUO." The information memo was drafted to assist senior DoD decision-makers in potentially answering questions both internal and external to DoD following any decision by the President regarding the Department's recommended policy. The draft information paper is pre-decisional because the discussions and deliberations reflected in it occurred prior to the President's decision to accept the Department's recommended policy and the release of the President's Memorandum on March 23, 2018. The information memo is deliberative because it reflects opinions, deliberations, and recommendations from senior DoD officials on how to prepare for the announcement, discuss the process for arriving at the decision, and on next steps towards implementing the President's not yet final decision. The document also contains visible edits and comments from DoD officials who proposed changes to the document. See Declaration of Robert Easton ¶ 9.

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DoD00143295	PrivWithhold00014007	PrivWithhold00014010	3/22/2018	Deliberative process privilege	Draft of an information memo that was prepared in anticipation of a decision from the President in response to the submission of the Department of Defense's Report and Recommendation on military service by transgender individuals, titled "Transgender Talking Points for Internal Discussion." The document is labeled "DRAFT/PRE-DECISIONAL-FOUO." The information memo was drafted to assist senior DoD decision-makers in potentially answering questions both internal and external to DoD following any decision by the President regarding the Department's recommended policy. The draft information paper is pre-decisional because the discussions and deliberations reflected in it occurred prior to the President's decision to accept the Department's recommended policy and the release of the President's Memorandum on March 23, 2018. The information memo is deliberative because it reflects opinions, deliberations, and recommendations from senior DoD officials on how to prepare for the announcement, discuss the process for arriving at the decision, and on next steps towards implementing the President's not yet final decision. See Declaration of Robert Easton ¶ 9.