

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 629.

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 31
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 31 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 31
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 23rd day of December, 2020.

19
20 /s/ Andrew E. Carmichael
21 ANDREW E. CARMICHAEL
22 Senior Trial Counsel
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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, September 29, 2020, and October 28, 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 dated July 13, 2015, to June 30, 2016, that are listed on the DoD privilege log as withheld from production pursuant to the deliberative process privilege.

5. Based on my review of the relevant documents, I have determined that the documents submitted with this Declaration, described below, were created as part of DoD’s decision-making processes. These documents reflect the deliberative process undertaken by senior DoD officials as they developed DoD’s 2016 policy on military service by transgender individuals (“Carter Policy”). They consist of an email and read-ahead memorandum with

handwritten notes from the Secretary of Defense, Mr. Ashton Carter, that he prepared after a meeting he attended on the progress of a working group tasked with evaluating the issue of transgender military service; versions of a draft information memorandum from the Office of the Under Secretary of Defense for Personnel and Readiness (“OUSD (P&R)”) to Secretary Carter regarding the proposed new transgender service policy; an email containing deliberations specifically attributable to several senior military officers regarding the Army’s concerns with the Carter Policy; and an email containing deliberations attributable to the Deputy Secretary of Defense, Mr. Robert Work, and the Department of Health and Human Services (“HHS”) Deputy Secretary, Ms. Mary Wakefield, regarding the Carter Policy. Further, as discussed in detail below, release of these documents protected by the deliberative process privilege would have a substantial and immediate chilling effect on policy deliberation and development within DoD writ large. Accordingly, DoD formally invokes the deliberative process privilege over each of these documents.

Documents Subject to the Deliberative Process Privilege

6. The first category of documents contains updates to Secretary Carter on the progress of the transgender working group during the development of the Carter Policy. DoD00004190 is an email with the subject line “Meeting with SD on TSRWG AAR” and is dated October 19, 2015. This email was sent by the then-Deputy Assistant Secretary of Defense for Military Personnel Policy, Mr. Anthony Kurta, to several senior DoD officials about a meeting that he attended with Secretary of Defense Carter, Deputy Secretary of Defense Work, the Acting Under Secretary of Defense for Personnel and Readiness, Mr. Brad Carson, and other senior DoD officials. In that email, Mr. Kurta outlines the deliberations that occurred during the meeting, specific comments and requests for additional information made by Secretary Carter,

and tasks that needed to be completed by the staff as a result of the meeting. DoD00004188 is a scanned PDF of a document prepared for Secretary Carter in advance of the October 15, 2015 meeting, titled “Read Ahead for Secretary Carter: Status Update on DoD Senior Leader Working Group on Policy Options re: Military Service of Transgender Service Members.” This document provides information to Secretary Carter about the activities of the ongoing working group and includes the positions of the Acting Under Secretary of Defense for Personnel and Readiness and the Services on the issue of military service by transgender individuals. This document includes Secretary Carter’s handwritten notes. The email (DoD00004190) and the scanned PDF document (DoD00004188) are pre-decisional because they were created during the development of the Carter Policy and sent before that policy was finalized and announced. They are also deliberative. These documents show the inner workings of Secretary-level meetings and the specific thought processes of many senior DoD officials, including the Secretary of Defense himself. They depict the status of the Carter Policy at the time, deliberations and positions by various groups tasked to review aspects of the policy, and recommendations and proposals from senior DoD officials on how the policy could be issued to the force.

7. These documents involve deliberations of the most senior officials at DoD, including the Secretary of Defense himself. Senior officials at DoD must be able to converse freely and candidly among themselves and with their staffs to make well-informed decisions concerning the composition of the fighting force. The release of these documents would deter senior officials—often possessing the most experience and greatest subject matter expertise—from participating in open discussions concerning sensitive issues, especially when these candid thoughts are specifically attributable to them. Any inhibition on the ability of senior officials to speak candidly with each other concerning the composition of the fighting force would directly

affect national security. And any reluctance by senior officials to speak candidly with one another concerning politically charged topics, like military service by transgender individuals, could result in less involvement in policy development and, ultimately, worse policy. Moreover, if senior DoD officials knew that their candid deliberations could be used against them professionally or could become the subject of examination and cross-examination in civil proceedings against DoD, they would be less likely to participate in the policy development process, depriving DoD of the recommendations and opinions of its senior officials and subject matter experts.

8. The next category of documents concerns an information memorandum for Secretary Carter regarding the proposed policy on transgender service embodied in a proposed Department of Defense Instruction and Directive Type Memorandum. DoD00138584 and DoD00138592 are titled “Transgender Policy Update.” These documents were prepared by then-Deputy Assistant Secretary of Defense for Military Personnel Policy Anthony Kurta—a senior member of the Carter transgender working group and later chair of the Panel of Experts—for the then-Acting Under Secretary of Defense for Personnel and Readiness, Mr. Peter Levine. Mr. Kurta drafted this information memorandum in mid-June 2016 for Mr. Levine to provide to Secretary Carter. DoD00138592 includes comments and red-line edits from several DoD officials including Mr. Kurta and the then-Acting Assistant Secretary of Defense for Manpower and Reserve Affairs, Ms. Stephanie Barna. These documents are both pre-decisional and deliberative. They are pre-decisional because they predate Secretary Carter’s final decision regarding military service by transgender individuals and issuance of the Carter Policy. They are also deliberative because they capture the deliberations and various positions and recommendations of these senior officials (as well as other senior officials from DoD and the

Military Services) regarding how to best address questions and concerns raised by the Military Services. Partial redactions have been taken on DoD00138584 and DoD00138592 under the attorney-client privilege.

9. If these information memoranda are released, senior DoD personnel would be less willing to provide input concerning future policies because they would know that their deliberations and unapproved draft policy language are subject to external scrutiny and could be the subject of examination and cross-examination in civil proceedings. DoD needs such input to improve its policies and processes and to achieve its mission; for the same reasons, senior officials and subject matter experts must be able to provide unvarnished input to the Secretary of Defense. Reluctance of its personnel to communicate freely and openly would degrade policy development within DoD.

10. The next category of documents concerns drafts of another information memorandum for Secretary Carter on the status and development of the transgender policy and discussions among the Military Services on this topic. DoD00110273 and DoD00110288 are copies of this memorandum drafted by Special Assistant to the Secretary of Defense, Ms. Katherine Carroll, for Secretary Carter. The documents are titled “Key Open Issues on Proposed Transgender Policy” and consist of a decision memorandum detailing several open issues regarding DoD’s transgender military service policy that the Secretary of Defense had to decide along with the positions and recommendations of various senior officials from both DoD and the Military Services. DoD00110273 and DoD00110288 state that the document is a “draft” dated June 24, 2016. These documents are both pre-decisional and deliberative. They are pre-decisional because they predate Secretary Carter’s final decision regarding military service by transgender individuals and issuance of the Carter Policy. They are also deliberative because

they capture the deliberations and various positions and recommendations of these senior officials (as well as other senior officials from DoD and the Military Services) regarding how to best address questions and concerns raised by the Military Services.

11. Release of these non-final draft memoranda circulated specifically among senior members of the Secretary of Defense's staff and other senior officials in the Office of the Secretary of Defense ("OSD") would deter senior DoD officials from seeking full and frank assessments of their staffs due to fear that early drafts of their non-final work product would be released and used against them or the Department in civil proceedings, or used against them professionally due to their close association with a controversial DoD policy. Moreover, it is in connection with such issues that DoD most relies on the candid assessments of staff, and senior DoD personnel would be less willing to provide input if their deliberative, editorial processes and unapproved draft policy language were subject to external scrutiny and could be the subject of examination and cross-examination in civil proceedings. DoD needs such input to improve its policies and processes and to achieve its mission; for the same reasons, senior officials and subject matter experts must be able to provide unvarnished input to the Secretary of Defense. Reluctance of its personnel to communicate freely and openly would degrade policy development within DoD.

12. Another category of documents consists of an email chain containing specific recommendations and opinions from senior Army officers and DoD officials. DoD00110723, DoD00110809, DoD00110811, DoD00110815, DoD00110817, DoD00110819, DoD00138543, DoD00138544, and DoD00138545 consist of an email chain with the subject line containing "TG – Army concern and potential responses." The emails relate the thoughts and deliberations concerning issues about military service by transgender individuals identified during

development of the Carter Policy, including accessions and discharges, that are specifically attributable to then-Army Chief of Staff General Mark Milley, Army Vice Chief of Staff General Daniel Allyn, and Senior Military Assistant to the Secretary of Defense Brigadier General Eric Smith. Special Assistant to the Secretary of Defense Katherine Carroll relates details of this conversation to then-Acting Under Secretary of Defense for Personnel and Readiness Peter Levine, to another senior OUSD (P&R) official, and to a senior DoD official on the staff for Deputy Secretary of Defense Work, who then sent these concerns and recommendations directly to Mr. Work. These documents are both pre-decisional and deliberative. They are pre-decisional because they predate Secretary Carter's final decision regarding military service by transgender individuals and issuance of the Carter Policy. They are also deliberative. They reflect the candid concerns and recommendations from Army officials to DoD officials as DoD worked to develop and refine aspects of the Carter Policy, like the required stability period before accession and physical privacy concerns throughout the force as the policy changed. They further reflect a DoD official's proposed response to the Army's concerns that she sent to senior DoD officials for consideration.

13. Disclosure of this email chain would result in direct harm to DoD. If senior military and civilian officials from DoD and the Military Services knew that their candid deliberations could harm them professionally or could become the subject of examination and cross-examination, they would be less likely to participate in the policy development process, depriving DoD of the recommendations and opinions of some of its most valued experts. The release of these documents would further deter senior military officers like General Milley or General Allyn, or civilian officials like Deputy Secretary Work and Mr. Levine from participating in or documenting open discussions concerning sensitive issues, especially when

these candid thoughts and recommendations are specifically attributable to them. The most senior officials from the Military Services must be able to converse freely and candidly among themselves and with DoD to make well-informed decisions concerning Defense policy. Any inhibition on senior officials' ability to speak candidly to one another concerning accession and composition of the fighting force would directly affect national security.

14. DoD00110610, DoD00110612, DoD00110614, DoD00110616, DoD00110618, DoD00110620, DoD00110622, DoD00110626, DoD00110628, DoD00110630, DoD00110636, DoD00110645, DoD00138501, DoD00138502, DoD00138503, and DoD00138504 consist of a chain of emails sent on June 22, 2016, with the subject line that contains "DSD's call with HHS DepSec Wakefield." These emails provide a summary of a phone call between Deputy Secretary of Defense Work and HHS Deputy Secretary Wakefield in which these senior government officials discussed DoD's proposed, non-final policy on military service by transgender individuals. The emails reflect the deliberations of Deputy Secretary of Defense Work and HHS Deputy Secretary Wakefield, which are directly attributable to them, as well as Deputy Secretary Work's and Deputy Secretary Wakefield's requests for additional information. The emails also include comments and deliberations between senior DoD officials on the merits of various courses of action for DoD after the call, deliberations regarding the role of the DoD medical community, and additional deliberations on who within DoD should be consulted regarding these options. These documents are pre-decisional and deliberative. They are pre-decisional because they contain discussion on critical aspects of the Carter Policy before Secretary Carter made his decision and before the policy was officially announced. They are also deliberative. The email chain includes internal DoD discussions about whether and how to incorporate aspects of HHS policy into the Carter Policy. Further, the emails contain requests for additional information to

aid policy development by senior DoD and HHS officials, as well as recommendations from senior DoD officials on the best way forward given additional involvement from personnel outside DoD. Non-deliberative material within these documents will be released.

15. Release of these emails circulated specifically among senior members of the Deputy Secretary of Defense's staff would deter senior DoD officials from seeking full and frank assessments of other officials due to fear that non-final tentative positions would be released and become the subject of examination and cross-examination in civil proceedings against the Department or used against them publicly, possibly harming them professionally due to their close association with a controversial DoD policy. This risk is further heightened here because the emails are primarily attributed not only to the Deputy Secretary of Defense but also to another senior appointee from a Cabinet Department outside DoD who was trying to better understand the contours of a new policy and had not yet reached any conclusions. DoD needs to be able to consult confidentially with other Departments on policy issues, including policies that pertain to a medical condition, to have the best possible information with which to form its own policies. Any inhibition on the ability of senior government officials, both within and outside DoD, to speak candidly, share advice, or further coordinate the development of government policy would immediately degrade the policy-making process and result in worse agency decisions overall.

16. In addition to the specific harms articulated above, and 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.

17. 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 DoD 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.

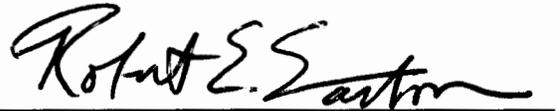
18. The forced release of these types of delicate and candid communications would directly and immediately impair open and frank conversations at both the operational and strategic levels. If DoD personnel know that their thoughts, impressions, and opinions, including those reflected in draft documents, 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.

19. Finally, 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.

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

EXECUTED this 23rd day of December 2020, at Arlington, Virginia.

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

Karnoski v. Trump
Privilege Log for In Camera Review
12/23/2020

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Privilege(s)	Privilege Description (See DoD Declaration)
DoD00004190	PrivWithhold00014142	PrivWithhold00014143	10/19/2015	Deliberative Process Privilege	Email with the subject line "Meeting with SD on TSRWG AAR" that contains updates to Secretary Carter on the progress of the transgender working group during the development of the Carter policy on military service by transgender individuals. This email was sent by then-Deputy Assistant Secretary of Defense for Military Personnel Policy Mr. Anthony Kurta to several senior DoD officials about the meeting that he attended with Secretary of Defense Carter, Deputy Secretary of Defense Work, Acting Under Secretary of Defense for Personnel and Readiness Mr. Brad Carson, and other senior DoD officials. In that email, Mr. Kurta outlines the deliberations that occurred during the meeting, specific comments and requests for additional information made by Secretary Carter, and tasks that needed to be completed by the staff as result of the meeting. The email is pre-decisional because it was created during the development of the Carter policy and sent before that policy was finalized and announced. The email is deliberative because it shows the inner workings of Secretary-level meetings and the specific thought processes of many senior DoD officials, including the Secretary of Defense himself. It depicts the status of the Carter policy at the time, deliberations and positions by various groups tasked to review aspects of the policy, and recommendations and proposals from senior DoD officials on how the policy could be issued to the force. See Easton Decl. ¶¶ 6-7.
DoD00004188	PrivWithhold00014138	PrivWithhold00014141	10/15/2015	Deliberative Process Privilege	A scanned PDF of a document prepared for Secretary Carter in advance of his October 15, 2015 meeting with senior DoD officials, titled "Read Ahead for Secretary Carter: Status Update on DoD Senior Leader Working Group on Policy Options re: Military Service of Transgender Service Members." This document provides information to Secretary Carter about the activities of the ongoing working group and includes the positions of the Acting Under Secretary of Defense for Personnel and Readiness and the Services on the issue of military service by transgender individuals. This document includes Secretary Carter's handwritten notes. The document is pre-decisional because it was created during the development of the Carter policy and sent before that policy was finalized and announced. The document is deliberative because it shows the inner workings of Secretary-level meetings and the specific thought processes of many senior DoD officials, including the Secretary of Defense himself. It depicts the status of the Carter policy at the time, deliberations and positions by various groups tasked to review aspects of the policy, and recommendations and proposals from senior DoD officials on how the policy could be issued to the force. See Easton Decl. ¶¶ 6-7.
DoD00138584	PrivWithhold00014227	PrivWithhold00014229	6/16/2016	Deliberative Process Privilege; Attorney-Client Privilege	Information memorandum titled "Transgender Policy Update" for Secretary Carter concerning the proposed policy on transgender service embodied in a proposed Department of Defense Instruction and Directive Type Memorandum. The document was prepared by Deputy Assistant Secretary of Defense for Military Personnel Policy Mr. Anthony Kurta—a senior member of the Carter transgender working group working group and later chair of the Panel of Experts—for the then-Acting Under Secretary of Defense for Personnel and Readiness, Mr. Peter Levine. Mr. Kurta drafted this information memorandum in mid-June 2016 for Mr. Levine to provide to Secretary Carter. The document is pre-decisional because it predates Secretary Carter's final decision regarding military service by transgender individuals and the issuance of the Carter policy. The document is deliberative because it captures the deliberations and various positions and recommendations of these senior officials (as well as other senior officials from DoD and the Military Services) regarding how to best address questions and concerns raised by the Military Services. See Easton Decl. ¶¶ 8-9. A description of legal advice provided by the DoD Office of General Counsel has been redacted.

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DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Privilege(s)	Privilege Description (See DoD Declaration)
DoD00138592	PrivWithhold00014230	PrivWithhold00014233	6/16/2016	Deliberative Process Privilege; Attorney-Client Privilege	Information memorandum titled "Transgender Policy Update" for Secretary Carter concerning the proposed policy on transgender service embodied in a proposed Department of Defense Instruction and Directive Type Memorandum. The document was prepared by Deputy Assistant Secretary of Defense for Military Personnel Policy Mr. Anthony Kurta—a senior member of the Carter transgender working group working group and later chair of the Panel of Experts—for the then-Acting Under Secretary of Defense for Personnel and Readiness, Mr. Peter Levine. Mr. Kurta drafted this information memorandum in mid-June 2016 for Mr. Levine to provide to Secretary Carter. The document includes comments and red-line edits from several DoD officials including Mr. Kurta and then-Acting Assistant Secretary of Defense for Manpower and Reserve Affairs Ms. Stephanie Barna. The document is pre-decisional because it predates Secretary Carter's final decision regarding military service by transgender individuals and the issuance of the Carter policy. The document is deliberative because it captures the deliberations and various positions and recommendations of these senior officials (as well as other senior officials from DoD and the Military Services) regarding how to best address questions and concerns raised by the Military Services. See Easton Decl. ¶¶ 8-9. A description of legal advice provided by the DoD Office of General Counsel has been redacted.
DoD00110273	PrivWithhold00014144	PrivWithhold00014159	6/24/2016	Deliberative Process Privilege	Draft of an information memorandum for Secretary Carter on the status and development of the transgender policy and discussions among the Military Services on this topic. Drafted by Special Assistant to the Secretary of Defense, Ms. Katherine Carroll, for Secretary Carter. The memorandum is titled "Key Open Issues on Proposed Transgender Policy" and consists of a decision memorandum detailing several open issues regarding DoD's transgender military service policy that the Secretary of Defense had to decide along with the positions and recommendations of various senior officials from both DoD and the Military Services. The document states it is a "draft." The memorandum is pre-decisional because it predates Secretary Carter's final decision regarding military service by transgender individuals and the issuance of the Carter policy. The document is deliberative because it captures the deliberations and various positions and recommendations of these senior officials (as well as other senior officials from DoD and the Military Services) regarding how to best address questions and concerns raised by the Military Services. See Easton Decl. ¶¶ 10-11.
DoD00110288	PrivWithhold00014160	PrivWithhold00014175	6/24/2016	Deliberative Process Privilege	Draft of an information memorandum for Secretary Carter on the status and development of the transgender policy and discussions among the Military Services on this topic. Drafted by Special Assistant to the Secretary of Defense, Ms. Katherine Carroll, for Secretary Carter. The memorandum is titled "Key Open Issues on Proposed Transgender Policy" and consists of a decision memorandum detailing several open issues regarding DoD's transgender military service policy that the Secretary of Defense had to decide along with the positions and recommendations of various senior officials from both DoD and the Military Services. The document states it is a "draft." The memorandum is pre-decisional because it predates Secretary Carter's final decision regarding military service by transgender individuals and the issuance of the Carter policy. The document is deliberative because it captures the deliberations and various positions and recommendations of these senior officials (as well as other senior officials from DoD and the Military Services) regarding how to best address questions and concerns raised by the Military Services. See Easton Decl. ¶¶ 10-11.

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DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Privilege(s)	Privilege Description (See DoD Declaration)
DoD00110723	PrivWithhold00014201	PrivWithhold00014202	6/21/2016	Deliberative Process Privilege	Email chain with the subject line containing "TG – Army concern and potential responses," that contains specific recommendations and opinions from senior Army officers and DoD officials. The emails relate the thoughts and deliberations concerning issues about military service by transgender individuals identified during development of the Carter policy, including accessions and discharges, that are specifically attributable to the then Army Chief of Staff General Mark Milley, the Army Vice Chief of Staff General Daniel Allyn, and the Senior Military Assistant to the Secretary of Defense Brigadier General Eric Smith. Special Assistant to the Secretary of Defense, Ms. Katherine Carroll relates details of the Army officials' deliberations to senior DoD officials including staff for Deputy Secretary of Defense Work, personnel from OSD, and personnel from OUSD (P&R). Ms. Carroll also proposes potential responses to the concerns raised by these senior Army leaders for consideration by senior DoD officials. The email chain is pre-decisional because it predates Secretary Carter's final decision regarding military service by transgender individuals and the issuance of the Carter policy. The email chain is deliberative because it reflects the candid concerns and recommendations from Army officials to DoD officials as the DoD worked to develop and refine aspects of the Carter policy, like the required stability period before accession and physical privacy concerns throughout the force as the policy changed. They further reflect a DoD official's proposed response to the Army's concerns that she sent to senior DoD officials for consideration. See Easton Decl. ¶¶ 12-13.
DoD00110809	PrivWithhold00014203	PrivWithhold00014204	6/20/2016	Deliberative Process Privilege	Email chain with the subject line containing "TG – Army concern and potential responses," that contains specific recommendations and opinions from senior Army officers and DoD officials. The emails relate the thoughts and deliberations concerning issues about military service by transgender individuals identified during development of the Carter policy, including accessions and discharges, that are specifically attributable to the then Army Chief of Staff General Mark Milley, the Army Vice Chief of Staff General Daniel Allyn, and the Senior Military Assistant to the Secretary of Defense Brigadier General Eric Smith. Special Assistant to the Secretary of Defense, Ms. Katherine Carroll relates details of the Army officials' deliberations to senior DoD officials including staff for Deputy Secretary of Defense Work, personnel from OSD, and personnel from OUSD (P&R). Ms. Carroll also proposes potential responses to the concerns raised by these senior Army leaders for consideration by senior DoD officials. The email chain is pre-decisional because it predates Secretary Carter's final decision regarding military service by transgender individuals and the issuance of the Carter policy. The email chain is deliberative because it reflects the candid concerns and recommendations from Army officials to DoD officials as the DoD worked to develop and refine aspects of the Carter policy, like the required stability period before accession and physical privacy concerns throughout the force as the policy changed. They further reflect a DoD official's proposed response to the Army's concerns that she sent to senior DoD officials for consideration. See Easton Decl. ¶¶ 12-13.
DoD00110811	PrivWithhold00014205	PrivWithhold00014206	6/20/2016	Deliberative Process Privilege	Email chain with the subject line containing "TG – Army concern and potential responses," that contains specific recommendations and opinions from senior Army officers and DoD officials. The emails relate the thoughts and deliberations concerning issues about military service by transgender individuals identified during development of the Carter policy, including accessions and discharges, that are specifically attributable to the then Army Chief of Staff General Mark Milley, the Army Vice Chief of Staff General Daniel Allyn, and the Senior Military Assistant to the Secretary of Defense Brigadier General Eric Smith. Special Assistant to the Secretary of Defense, Ms. Katherine Carroll relates details of the Army officials' deliberations to senior DoD officials including staff for Deputy Secretary of Defense Work, personnel from OSD, and personnel from OUSD (P&R). Ms. Carroll also proposes potential responses to the concerns raised by these senior Army leaders for consideration by senior DoD officials. The email chain is pre-decisional because it predates Secretary Carter's final decision regarding military service by transgender individuals and the issuance of the Carter policy. The email chain is deliberative because it reflects the candid concerns and recommendations from Army officials to DoD officials as the DoD worked to develop and refine aspects of the Carter policy, like the required stability period before accession and physical privacy concerns throughout the force as the policy changed. They further reflect a DoD official's proposed response to the Army's concerns that she sent to senior DoD officials for consideration. See Easton Decl. ¶¶ 12-13.

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DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Privilege(s)	Privilege Description (See DoD Declaration)
DoD00110815	PrivWithhold00014207	PrivWithhold00014208	6/20/2016	Deliberative Process Privilege	Email chain with the subject line containing "TG – Army concern and potential responses," that contains specific recommendations and opinions from senior Army officers and DoD officials. The emails relate the thoughts and deliberations concerning issues about military service by transgender individuals identified during development of the Carter policy, including accessions and discharges, that are specifically attributable to the then Army Chief of Staff General Mark Milley, the Army Vice Chief of Staff General Daniel Allyn, and the Senior Military Assistant to the Secretary of Defense Brigadier General Eric Smith. Special Assistant to the Secretary of Defense, Ms. Katherine Carroll relates details of the Army officials' deliberations to senior DoD officials including staff for Deputy Secretary of Defense Work, personnel from OSD, and personnel from OUSD (P&R). Ms. Carroll also proposes potential responses to the concerns raised by these senior Army leaders for consideration by senior DoD officials. The email chain is pre-decisional because it predates Secretary Carter's final decision regarding military service by transgender individuals and the issuance of the Carter policy. The email chain is deliberative because it reflects the candid concerns and recommendations from Army officials to DoD officials as the DoD worked to develop and refine aspects of the Carter policy, like the required stability period before accession and physical privacy concerns throughout the force as the policy changed. They further reflect a DoD official's proposed response to the Army's concerns that she sent to senior DoD officials for consideration. See Easton Decl. ¶¶ 12-13.
DoD00110817	PrivWithhold00014209	PrivWithhold00014210	6/20/2016	Deliberative Process Privilege	Email chain with the subject line containing "TG – Army concern and potential responses," that contains specific recommendations and opinions from senior Army officers and DoD officials. The emails relate the thoughts and deliberations concerning issues about military service by transgender individuals identified during development of the Carter policy, including accessions and discharges, that are specifically attributable to the then Army Chief of Staff General Mark Milley, the Army Vice Chief of Staff General Daniel Allyn, and the Senior Military Assistant to the Secretary of Defense Brigadier General Eric Smith. Special Assistant to the Secretary of Defense, Ms. Katherine Carroll relates details of the Army officials' deliberations to senior DoD officials including staff for Deputy Secretary of Defense Work, personnel from OSD, and personnel from OUSD (P&R). Ms. Carroll also proposes potential responses to the concerns raised by these senior Army leaders for consideration by senior DoD officials. The email chain is pre-decisional because it predates Secretary Carter's final decision regarding military service by transgender individuals and the issuance of the Carter policy. The email chain is deliberative because it reflects the candid concerns and recommendations from Army officials to DoD officials as the DoD worked to develop and refine aspects of the Carter policy, like the required stability period before accession and physical privacy concerns throughout the force as the policy changed. They further reflect a DoD official's proposed response to the Army's concerns that she sent to senior DoD officials for consideration. See Easton Decl. ¶¶ 12-13.
DoD00110819	PrivWithhold00014211	PrivWithhold00014212	6/20/2016	Deliberative Process Privilege	Email chain with the subject line containing "TG – Army concern and potential responses," that contains specific recommendations and opinions from senior Army officers and DoD officials. The emails relate the thoughts and deliberations concerning issues about military service by transgender individuals identified during development of the Carter policy, including accessions and discharges, that are specifically attributable to the then Army Chief of Staff General Mark Milley, the Army Vice Chief of Staff General Daniel Allyn, and the Senior Military Assistant to the Secretary of Defense Brigadier General Eric Smith. Special Assistant to the Secretary of Defense, Ms. Katherine Carroll relates details of the Army officials' deliberations to senior DoD officials including staff for Deputy Secretary of Defense Work, personnel from OSD, and personnel from OUSD (P&R). Ms. Carroll also proposes potential responses to the concerns raised by these senior Army leaders for consideration by senior DoD officials. The email chain is pre-decisional because it predates Secretary Carter's final decision regarding military service by transgender individuals and the issuance of the Carter policy. The email chain is deliberative because it reflects the candid concerns and recommendations from Army officials to DoD officials as the DoD worked to develop and refine aspects of the Carter policy, like the required stability period before accession and physical privacy concerns throughout the force as the policy changed. They further reflect a DoD official's proposed response to the Army's concerns that she sent to senior DoD officials for consideration. See Easton Decl. ¶¶ 12-13.

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DoD00138543	PrivWithhold00014221	PrivWithhold00014222	6/20/2016	Deliberative Process Privilege	Email chain with the subject line containing "TG – Army concern and potential responses," that contains specific recommendations and opinions from senior Army officers and DoD officials. The emails relate the thoughts and deliberations concerning issues about military service by transgender individuals identified during development of the Carter policy, including accessions and discharges, that are specifically attributable to the then Army Chief of Staff General Mark Milley, the Army Vice Chief of Staff General Daniel Allyn, and the Senior Military Assistant to the Secretary of Defense Brigadier General Eric Smith. Special Assistant to the Secretary of Defense, Ms. Katherine Carroll relates details of the Army officials' deliberations to senior DoD officials including staff for Deputy Secretary of Defense Work, personnel from OSD, and personnel from OUSD (P&R). Ms. Carroll also proposes potential responses to the concerns raised by these senior Army leaders for consideration by senior DoD officials. The email chain is pre-decisional because it predates Secretary Carter's final decision regarding military service by transgender individuals and the issuance of the Carter policy. The email chain is deliberative because it reflects the candid concerns and recommendations from Army officials to DoD officials as the DoD worked to develop and refine aspects of the Carter policy, like the required stability period before accession and physical privacy concerns throughout the force as the policy changed. They further reflect a DoD official's proposed response to the Army's concerns that she sent to senior DoD officials for consideration. See Easton Decl. ¶¶ 12-13.
DoD00138544	PrivWithhold00014223	PrivWithhold00014224	6/20/2016	Deliberative Process Privilege	Email chain with the subject line containing "TG – Army concern and potential responses," that contains specific recommendations and opinions from senior Army officers and DoD officials. The emails relate the thoughts and deliberations concerning issues about military service by transgender individuals identified during development of the Carter policy, including accessions and discharges, that are specifically attributable to the then Army Chief of Staff General Mark Milley, the Army Vice Chief of Staff General Daniel Allyn, and the Senior Military Assistant to the Secretary of Defense Brigadier General Eric Smith. Special Assistant to the Secretary of Defense, Ms. Katherine Carroll relates details of the Army officials' deliberations to senior DoD officials including staff for Deputy Secretary of Defense Work, personnel from OSD, and personnel from OUSD (P&R). Ms. Carroll also proposes potential responses to the concerns raised by these senior Army leaders for consideration by senior DoD officials. The email chain is pre-decisional because it predates Secretary Carter's final decision regarding military service by transgender individuals and the issuance of the Carter policy. The email chain is deliberative because it reflects the candid concerns and recommendations from Army officials to DoD officials as the DoD worked to develop and refine aspects of the Carter policy, like the required stability period before accession and physical privacy concerns throughout the force as the policy changed. They further reflect a DoD official's proposed response to the Army's concerns that she sent to senior DoD officials for consideration. See Easton Decl. ¶¶ 12-13.
DoD00138545	PrivWithhold00014225	PrivWithhold00014226	6/20/2016	Deliberative Process Privilege	Email chain with the subject line containing "TG – Army concern and potential responses," that contains specific recommendations and opinions from senior Army officers and DoD officials. The emails relate the thoughts and deliberations concerning issues about military service by transgender individuals identified during development of the Carter policy, including accessions and discharges, that are specifically attributable to the then Army Chief of Staff General Mark Milley, the Army Vice Chief of Staff General Daniel Allyn, and the Senior Military Assistant to the Secretary of Defense Brigadier General Eric Smith. Special Assistant to the Secretary of Defense, Ms. Katherine Carroll relates details of the Army officials' deliberations to senior DoD officials including staff for Deputy Secretary of Defense Work, personnel from OSD, and personnel from OUSD (P&R). Ms. Carroll also proposes potential responses to the concerns raised by these senior Army leaders for consideration by senior DoD officials. The email chain is pre-decisional because it predates Secretary Carter's final decision regarding military service by transgender individuals and the issuance of the Carter policy. The email chain is deliberative because it reflects the candid concerns and recommendations from Army officials to DoD officials as the DoD worked to develop and refine aspects of the Carter policy, like the required stability period before accession and physical privacy concerns throughout the force as the policy changed. They further reflect a DoD official's proposed response to the Army's concerns that she sent to senior DoD officials for consideration. See Easton Decl. ¶¶ 12-13.

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DoD00110610	PrivWithhold00014176	PrivWithhold00014178	6/22/2016	Deliberative Process Privilege	Email chain with the subject line that contains "DSD's call with HHS DepSec Wakefield." These emails provide a summary of a phone call between Deputy Secretary of Defense Work and Department of Health and Human Services Deputy Secretary Wakefield, in which these senior government officials discussed DoD's proposed, non-final policy on military service by transgender individuals. The emails reflect the deliberations of Deputy Secretary of Defense Work and HHS Deputy Secretary Wakefield, which are directly attributable to them, as well as Deputy Secretary Work's and Deputy Secretary Wakefield's requests for additional information. The emails also include comments and deliberations between senior DoD officials on the merits of various courses of action for the DoD after the call, deliberations regarding the role of the DoD medical community, and additional deliberations on who within the DoD should be consulted regarding these options. The email chain is pre-decisional because it contains discussion on critical aspects of the Carter policy before Secretary Carter made his decision and before the policy was officially announced. The email chain is deliberative because it includes internal DoD discussions about whether and how to incorporate aspects of HHS policy into the Carter policy. Further, the emails contain requests for additional information to aid policy development by senior DoD and DHS officials, as well as recommendations from senior DoD officials on the best way forward given additional involvement from personnel outside the DoD. See Easton Decl. ¶¶ 14-15.
DoD00110612	PrivWithhold00014179	PrivWithhold00014180	6/22/2016	Deliberative Process Privilege	Email chain with the subject line that contains "DSD's call with HHS DepSec Wakefield." These emails provide a summary of a phone call between Deputy Secretary of Defense Work and Department of Health and Human Services Deputy Secretary Wakefield, in which these senior government officials discussed DoD's proposed, non-final policy on military service by transgender individuals. The emails reflect the deliberations of Deputy Secretary of Defense Work and HHS Deputy Secretary Wakefield, which are directly attributable to them, as well as Deputy Secretary Work's and Deputy Secretary Wakefield's requests for additional information. The emails also include comments and deliberations between senior DoD officials on the merits of various courses of action for the DoD after the call, deliberations regarding the role of the DoD medical community, and additional deliberations on who within the DoD should be consulted regarding these options. The email chain is pre-decisional because it contains discussion on critical aspects of the Carter policy before Secretary Carter made his decision and before the policy was officially announced. The email chain is deliberative because it includes internal DoD discussions about whether and how to incorporate aspects of HHS policy into the Carter policy. Further, the emails contain requests for additional information to aid policy development by senior DoD and DHS officials, as well as recommendations from senior DoD officials on the best way forward given additional involvement from personnel outside the DoD. See Easton Decl. ¶¶ 14-15.
DoD00110614	PrivWithhold00014181	PrivWithhold00014182	6/22/2016	Deliberative Process Privilege	Email chain with the subject line that contains "DSD's call with HHS DepSec Wakefield." These emails provide a summary of a phone call between Deputy Secretary of Defense Work and Department of Health and Human Services Deputy Secretary Wakefield, in which these senior government officials discussed DoD's proposed, non-final policy on military service by transgender individuals. The emails reflect the deliberations of Deputy Secretary of Defense Work and HHS Deputy Secretary Wakefield, which are directly attributable to them, as well as Deputy Secretary Work's and Deputy Secretary Wakefield's requests for additional information. The emails also include comments and deliberations between senior DoD officials on the merits of various courses of action for the DoD after the call, deliberations regarding the role of the DoD medical community, and additional deliberations on who within the DoD should be consulted regarding these options. The email chain is pre-decisional because it contains discussion on critical aspects of the Carter policy before Secretary Carter made his decision and before the policy was officially announced. The email chain is deliberative because it includes internal DoD discussions about whether and how to incorporate aspects of HHS policy into the Carter policy. Further, the emails contain requests for additional information to aid policy development by senior DoD and DHS officials, as well as recommendations from senior DoD officials on the best way forward given additional involvement from personnel outside the DoD. See Easton Decl. ¶¶ 14-15.

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DoD00110616	PrivWithhold00014183	PrivWithhold00014184	6/22/2016	Deliberative Process Privilege	Email chain with the subject line that contains "DSD's call with HHS DepSec Wakefield." These emails provide a summary of a phone call between Deputy Secretary of Defense Work and Department of Health and Human Services Deputy Secretary Wakefield, in which these senior government officials discussed DoD's proposed, non-final policy on military service by transgender individuals. The emails reflect the deliberations of Deputy Secretary of Defense Work and HHS Deputy Secretary Wakefield, which are directly attributable to them, as well as Deputy Secretary Work's and Deputy Secretary Wakefield's requests for additional information. The emails also include comments and deliberations between senior DoD officials on the merits of various courses of action for the DoD after the call, deliberations regarding the role of the DoD medical community, and additional deliberations on who within the DoD should be consulted regarding these options. The email chain is pre-decisional because it contains discussion on critical aspects of the Carter policy before Secretary Carter made his decision and before the policy was officially announced. The email chain is deliberative because it includes internal DoD discussions about whether and how to incorporate aspects of HHS policy into the Carter policy. Further, the emails contain requests for additional information to aid policy development by senior DoD and DHS officials, as well as recommendations from senior DoD officials on the best way forward given additional involvement from personnel outside the DoD. See Easton Decl. ¶¶ 14-15.
DoD00110618	PrivWithhold00014185	PrivWithhold00014186	6/22/2016	Deliberative Process Privilege	Email chain with the subject line that contains "DSD's call with HHS DepSec Wakefield." These emails provide a summary of a phone call between Deputy Secretary of Defense Work and Department of Health and Human Services Deputy Secretary Wakefield, in which these senior government officials discussed DoD's proposed, non-final policy on military service by transgender individuals. The emails reflect the deliberations of Deputy Secretary of Defense Work and HHS Deputy Secretary Wakefield, which are directly attributable to them, as well as Deputy Secretary Work's and Deputy Secretary Wakefield's requests for additional information. The emails also include comments and deliberations between senior DoD officials on the merits of various courses of action for the DoD after the call, deliberations regarding the role of the DoD medical community, and additional deliberations on who within the DoD should be consulted regarding these options. The email chain is pre-decisional because it contains discussion on critical aspects of the Carter policy before Secretary Carter made his decision and before the policy was officially announced. The email chain is deliberative because it includes internal DoD discussions about whether and how to incorporate aspects of HHS policy into the Carter policy. Further, the emails contain requests for additional information to aid policy development by senior DoD and DHS officials, as well as recommendations from senior DoD officials on the best way forward given additional involvement from personnel outside the DoD. See Easton Decl. ¶¶ 14-15.
DoD00110620	PrivWithhold00014187	PrivWithhold00014188	6/22/2016	Deliberative Process Privilege	Email chain with the subject line that contains "DSD's call with HHS DepSec Wakefield." These emails provide a summary of a phone call between Deputy Secretary of Defense Work and Department of Health and Human Services Deputy Secretary Wakefield, in which these senior government officials discussed DoD's proposed, non-final policy on military service by transgender individuals. The emails reflect the deliberations of Deputy Secretary of Defense Work and HHS Deputy Secretary Wakefield, which are directly attributable to them, as well as Deputy Secretary Work's and Deputy Secretary Wakefield's requests for additional information. The emails also include comments and deliberations between senior DoD officials on the merits of various courses of action for the DoD after the call, deliberations regarding the role of the DoD medical community, and additional deliberations on who within the DoD should be consulted regarding these options. The email chain is pre-decisional because it contains discussion on critical aspects of the Carter policy before Secretary Carter made his decision and before the policy was officially announced. The email chain is deliberative because it includes internal DoD discussions about whether and how to incorporate aspects of HHS policy into the Carter policy. Further, the emails contain requests for additional information to aid policy development by senior DoD and DHS officials, as well as recommendations from senior DoD officials on the best way forward given additional involvement from personnel outside the DoD. See Easton Decl. ¶¶ 14-15.

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DoD00110622	PrivWithhold00014189	PrivWithhold00014190	6/22/2016	Deliberative Process Privilege	Email chain with the subject line that contains "DSD's call with HHS DepSec Wakefield." These emails provide a summary of a phone call between Deputy Secretary of Defense Work and Department of Health and Human Services Deputy Secretary Wakefield, in which these senior government officials discussed DoD's proposed, non-final policy on military service by transgender individuals. The emails reflect the deliberations of Deputy Secretary of Defense Work and HHS Deputy Secretary Wakefield, which are directly attributable to them, as well as Deputy Secretary Work's and Deputy Secretary Wakefield's requests for additional information. The emails also include comments and deliberations between senior DoD officials on the merits of various courses of action for the DoD after the call, deliberations regarding the role of the DoD medical community, and additional deliberations on who within the DoD should be consulted regarding these options. The email chain is pre-decisional because it contains discussion on critical aspects of the Carter policy before Secretary Carter made his decision and before the policy was officially announced. The email chain is deliberative because it includes internal DoD discussions about whether and how to incorporate aspects of HHS policy into the Carter policy. Further, the emails contain requests for additional information to aid policy development by senior DoD and DHS officials, as well as recommendations from senior DoD officials on the best way forward given additional involvement from personnel outside the DoD. See Easton Decl. ¶¶ 14-15.
DoD00110626	PrivWithhold00014191	PrivWithhold00014192	6/22/2016	Deliberative Process Privilege	Email chain with the subject line that contains "DSD's call with HHS DepSec Wakefield." These emails provide a summary of a phone call between Deputy Secretary of Defense Work and Department of Health and Human Services Deputy Secretary Wakefield, in which these senior government officials discussed DoD's proposed, non-final policy on military service by transgender individuals. The emails reflect the deliberations of Deputy Secretary of Defense Work and HHS Deputy Secretary Wakefield, which are directly attributable to them, as well as Deputy Secretary Work's and Deputy Secretary Wakefield's requests for additional information. The emails also include comments and deliberations between senior DoD officials on the merits of various courses of action for the DoD after the call, deliberations regarding the role of the DoD medical community, and additional deliberations on who within the DoD should be consulted regarding these options. The email chain is pre-decisional because it contains discussion on critical aspects of the Carter policy before Secretary Carter made his decision and before the policy was officially announced. The email chain is deliberative because it includes internal DoD discussions about whether and how to incorporate aspects of HHS policy into the Carter policy. Further, the emails contain requests for additional information to aid policy development by senior DoD and DHS officials, as well as recommendations from senior DoD officials on the best way forward given additional involvement from personnel outside the DoD. See Easton Decl. ¶¶ 14-15.
DoD00110628	PrivWithhold00014193	PrivWithhold00014194	6/22/2016	Deliberative Process Privilege	Email chain with the subject line that contains "DSD's call with HHS DepSec Wakefield." These emails provide a summary of a phone call between Deputy Secretary of Defense Work and Department of Health and Human Services Deputy Secretary Wakefield, in which these senior government officials discussed DoD's proposed, non-final policy on military service by transgender individuals. The emails reflect the deliberations of Deputy Secretary of Defense Work and HHS Deputy Secretary Wakefield, which are directly attributable to them, as well as Deputy Secretary Work's and Deputy Secretary Wakefield's requests for additional information. The emails also include comments and deliberations between senior DoD officials on the merits of various courses of action for the DoD after the call, deliberations regarding the role of the DoD medical community, and additional deliberations on who within the DoD should be consulted regarding these options. The email chain is pre-decisional because it contains discussion on critical aspects of the Carter policy before Secretary Carter made his decision and before the policy was officially announced. The email chain is deliberative because it includes internal DoD discussions about whether and how to incorporate aspects of HHS policy into the Carter policy. Further, the emails contain requests for additional information to aid policy development by senior DoD and DHS officials, as well as recommendations from senior DoD officials on the best way forward given additional involvement from personnel outside the DoD. See Easton Decl. ¶¶ 14-15.

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DoD00110630	PrivWithhold00014195	PrivWithhold00014196	6/22/2016	Deliberative Process Privilege	Email chain with the subject line that contains "DSD's call with HHS DepSec Wakefield." These emails provide a summary of a phone call between Deputy Secretary of Defense Work and Department of Health and Human Services Deputy Secretary Wakefield, in which these senior government officials discussed DoD's proposed, non-final policy on military service by transgender individuals. The emails reflect the deliberations of Deputy Secretary of Defense Work and HHS Deputy Secretary Wakefield, which are directly attributable to them, as well as Deputy Secretary Work's and Deputy Secretary Wakefield's requests for additional information. The emails also include comments and deliberations between senior DoD officials on the merits of various courses of action for the DoD after the call, deliberations regarding the role of the DoD medical community, and additional deliberations on who within the DoD should be consulted regarding these options. The email chain is pre-decisional because it contains discussion on critical aspects of the Carter policy before Secretary Carter made his decision and before the policy was officially announced. The email chain is deliberative because it includes internal DoD discussions about whether and how to incorporate aspects of HHS policy into the Carter policy. Further, the emails contain requests for additional information to aid policy development by senior DoD and DHS officials, as well as recommendations from senior DoD officials on the best way forward given additional involvement from personnel outside the DoD. See Easton Decl. ¶¶ 14-15.
DoD00110636	PrivWithhold00014197	PrivWithhold00014198	6/22/2016	Deliberative Process Privilege	Email chain with the subject line that contains "DSD's call with HHS DepSec Wakefield." These emails provide a summary of a phone call between Deputy Secretary of Defense Work and Department of Health and Human Services Deputy Secretary Wakefield, in which these senior government officials discussed DoD's proposed, non-final policy on military service by transgender individuals. The emails reflect the deliberations of Deputy Secretary of Defense Work and HHS Deputy Secretary Wakefield, which are directly attributable to them, as well as Deputy Secretary Work's and Deputy Secretary Wakefield's requests for additional information. The emails also include comments and deliberations between senior DoD officials on the merits of various courses of action for the DoD after the call, deliberations regarding the role of the DoD medical community, and additional deliberations on who within the DoD should be consulted regarding these options. The email chain is pre-decisional because it contains discussion on critical aspects of the Carter policy before Secretary Carter made his decision and before the policy was officially announced. The email chain is deliberative because it includes internal DoD discussions about whether and how to incorporate aspects of HHS policy into the Carter policy. Further, the emails contain requests for additional information to aid policy development by senior DoD and DHS officials, as well as recommendations from senior DoD officials on the best way forward given additional involvement from personnel outside the DoD. See Easton Decl. ¶¶ 14-15.
DoD00110645	PrivWithhold00014199	PrivWithhold00014200	6/22/2016	Deliberative Process Privilege	Email chain with the subject line that contains "DSD's call with HHS DepSec Wakefield." These emails provide a summary of a phone call between Deputy Secretary of Defense Work and Department of Health and Human Services Deputy Secretary Wakefield, in which these senior government officials discussed DoD's proposed, non-final policy on military service by transgender individuals. The emails reflect the deliberations of Deputy Secretary of Defense Work and HHS Deputy Secretary Wakefield, which are directly attributable to them, as well as Deputy Secretary Work's and Deputy Secretary Wakefield's requests for additional information. The emails also include comments and deliberations between senior DoD officials on the merits of various courses of action for the DoD after the call, deliberations regarding the role of the DoD medical community, and additional deliberations on who within the DoD should be consulted regarding these options. The email chain is pre-decisional because it contains discussion on critical aspects of the Carter policy before Secretary Carter made his decision and before the policy was officially announced. The email chain is deliberative because it includes internal DoD discussions about whether and how to incorporate aspects of HHS policy into the Carter policy. Further, the emails contain requests for additional information to aid policy development by senior DoD and DHS officials, as well as recommendations from senior DoD officials on the best way forward given additional involvement from personnel outside the DoD. See Easton Decl. ¶¶ 14-15.

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DoD00138501	PrivWithhold00014213	PrivWithhold00014214	6/22/2016	Deliberative Process Privilege	Email chain with the subject line that contains "DSD's call with HHS DepSec Wakefield." These emails provide a summary of a phone call between Deputy Secretary of Defense Work and Department of Health and Human Services Deputy Secretary Wakefield, in which these senior government officials discussed DoD's proposed, non-final policy on military service by transgender individuals. The emails reflect the deliberations of Deputy Secretary of Defense Work and HHS Deputy Secretary Wakefield, which are directly attributable to them, as well as Deputy Secretary Work's and Deputy Secretary Wakefield's requests for additional information. The emails also include comments and deliberations between senior DoD officials on the merits of various courses of action for the DoD after the call, deliberations regarding the role of the DoD medical community, and additional deliberations on who within the DoD should be consulted regarding these options. The email chain is pre-decisional because it contains discussion on critical aspects of the Carter policy before Secretary Carter made his decision and before the policy was officially announced. The email chain is deliberative because it includes internal DoD discussions about whether and how to incorporate aspects of HHS policy into the Carter policy. Further, the emails contain requests for additional information to aid policy development by senior DoD and DHS officials, as well as recommendations from senior DoD officials on the best way forward given additional involvement from personnel outside the DoD. See Easton Decl. ¶¶ 14-15.
DoD00138502	PrivWithhold00014215	PrivWithhold00014216	6/22/2016	Deliberative Process Privilege	Email chain with the subject line that contains "DSD's call with HHS DepSec Wakefield." These emails provide a summary of a phone call between Deputy Secretary of Defense Work and Department of Health and Human Services Deputy Secretary Wakefield, in which these senior government officials discussed DoD's proposed, non-final policy on military service by transgender individuals. The emails reflect the deliberations of Deputy Secretary of Defense Work and HHS Deputy Secretary Wakefield, which are directly attributable to them, as well as Deputy Secretary Work's and Deputy Secretary Wakefield's requests for additional information. The emails also include comments and deliberations between senior DoD officials on the merits of various courses of action for the DoD after the call, deliberations regarding the role of the DoD medical community, and additional deliberations on who within the DoD should be consulted regarding these options. The email chain is pre-decisional because it contains discussion on critical aspects of the Carter policy before Secretary Carter made his decision and before the policy was officially announced. The email chain is deliberative because it includes internal DoD discussions about whether and how to incorporate aspects of HHS policy into the Carter policy. Further, the emails contain requests for additional information to aid policy development by senior DoD and DHS officials, as well as recommendations from senior DoD officials on the best way forward given additional involvement from personnel outside the DoD. See Easton Decl. ¶¶ 14-15.
DoD00138503	PrivWithhold00014217	PrivWithhold00014218	6/22/2016	Deliberative Process Privilege	Email chain with the subject line that contains "DSD's call with HHS DepSec Wakefield." These emails provide a summary of a phone call between Deputy Secretary of Defense Work and Department of Health and Human Services Deputy Secretary Wakefield, in which these senior government officials discussed DoD's proposed, non-final policy on military service by transgender individuals. The emails reflect the deliberations of Deputy Secretary of Defense Work and HHS Deputy Secretary Wakefield, which are directly attributable to them, as well as Deputy Secretary Work's and Deputy Secretary Wakefield's requests for additional information. The emails also include comments and deliberations between senior DoD officials on the merits of various courses of action for the DoD after the call, deliberations regarding the role of the DoD medical community, and additional deliberations on who within the DoD should be consulted regarding these options. The email chain is pre-decisional because it contains discussion on critical aspects of the Carter policy before Secretary Carter made his decision and before the policy was officially announced. The email chain is deliberative because it includes internal DoD discussions about whether and how to incorporate aspects of HHS policy into the Carter policy. Further, the emails contain requests for additional information to aid policy development by senior DoD and DHS officials, as well as recommendations from senior DoD officials on the best way forward given additional involvement from personnel outside the DoD. See Easton Decl. ¶¶ 14-15.

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DoD00138504	PrivWithhold00014219	PrivWithhold00014220	6/22/2016	Deliberative Process Privilege	Email chain with the subject line that contains "DSD's call with HHS DepSec Wakefield." These emails provide a summary of a phone call between Deputy Secretary of Defense Work and Department of Health and Human Services Deputy Secretary Wakefield, in which these senior government officials discussed DoD's proposed, non-final policy on military service by transgender individuals. The emails reflect the deliberations of Deputy Secretary of Defense Work and HHS Deputy Secretary Wakefield, which are directly attributable to them, as well as Deputy Secretary Work's and Deputy Secretary Wakefield's requests for additional information. The emails also include comments and deliberations between senior DoD officials on the merits of various courses of action for the DoD after the call, deliberations regarding the role of the DoD medical community, and additional deliberations on who within the DoD should be consulted regarding these options. The email chain is pre-decisional because it contains discussion on critical aspects of the Carter policy before Secretary Carter made his decision and before the policy was officially announced. The email chain is deliberative because it includes internal DoD discussions about whether and how to incorporate aspects of HHS policy into the Carter policy. Further, the emails contain requests for additional information to aid policy development by senior DoD and DHS officials, as well as recommendations from senior DoD officials on the best way forward given additional involvement from personnel outside the DoD. See Easton Decl. ¶¶ 14-15.