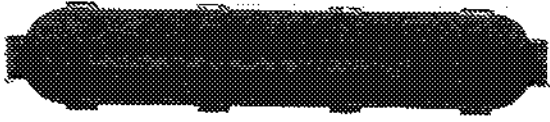


FEDERAL BUREAU OF INVESTIGATION
 FOI/PA
 DELETED PAGE INFORMATION SHEET
 1st Interim Release
 Civil Action# 18-cv-1833, FOIA 1404359-0

Total Withheld Page(s) = 453

Bates Page Reference	Reason for Withholding (i.e., exemptions with coded rationale, duplicate, sealed by order of court, etc.)
18-cv-1833 - 4	(b)(6)-4, (b)(7)(C)-4
43-48	Duplicates of 17-22
49	(b)(5)-1
51	Duplicate of 19
56	Duplicate of 29
65	Duplicate of 3
66	Duplicate of 5
67	Duplicate of 7
68	Duplicate of 9
69	(b)(5)-1, (b)(6)-1, (b)(7)(C)-1
70	(b)(5)-1
70-507	(b)(6)-1,2,3,4,5, (b)(7)(C)-1,2,3,4,5, (b)(7)(E)-1,2,3,4,5,6

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Neutral appointment
7/1/2015 - 6/30/2016
Resigned 2/7/2017

See

BY RICHMAN, DANIEL
6/2015 - 2/2017

See-Occ

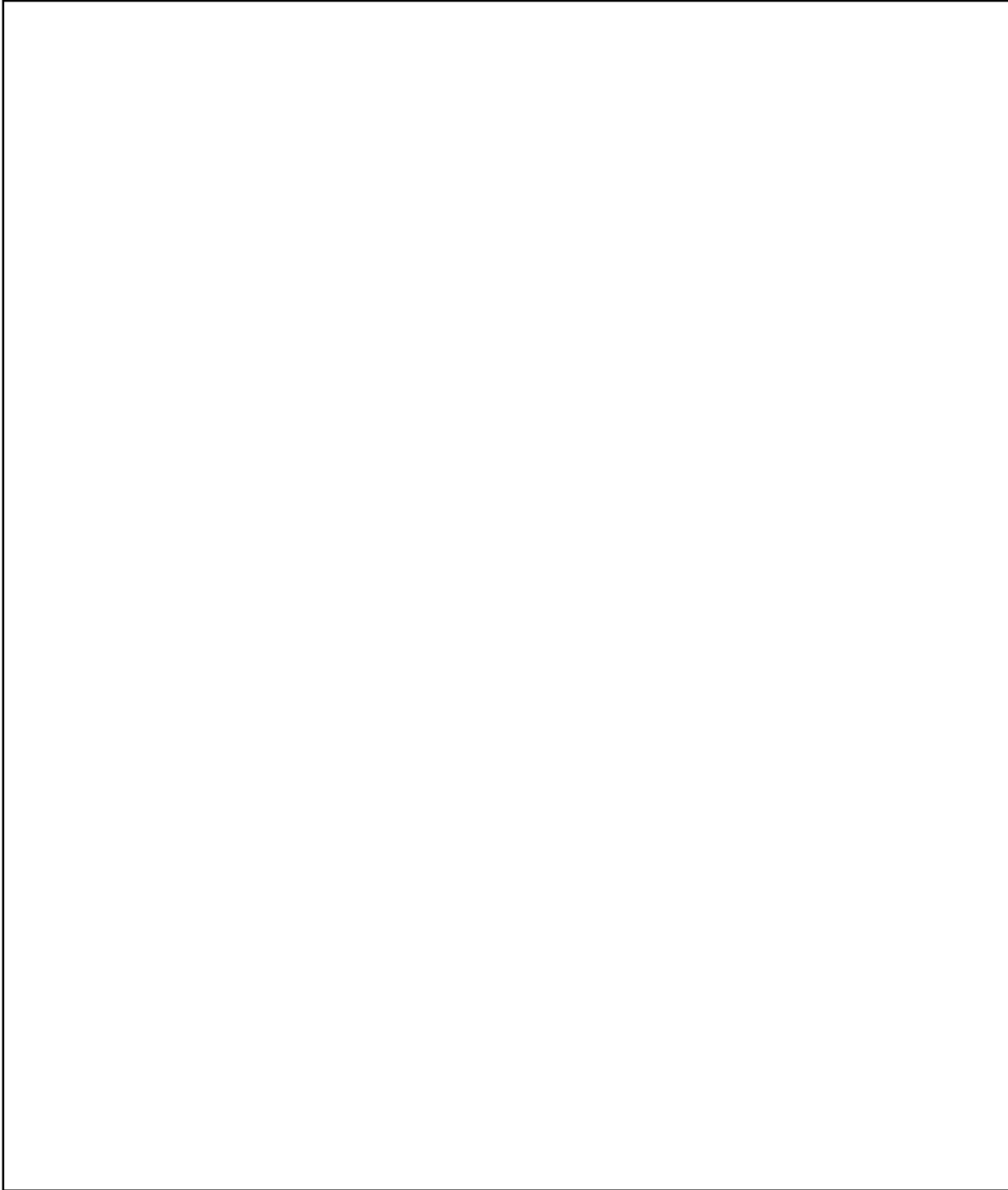
DECEMBER
J/C REAPPOINTMENT

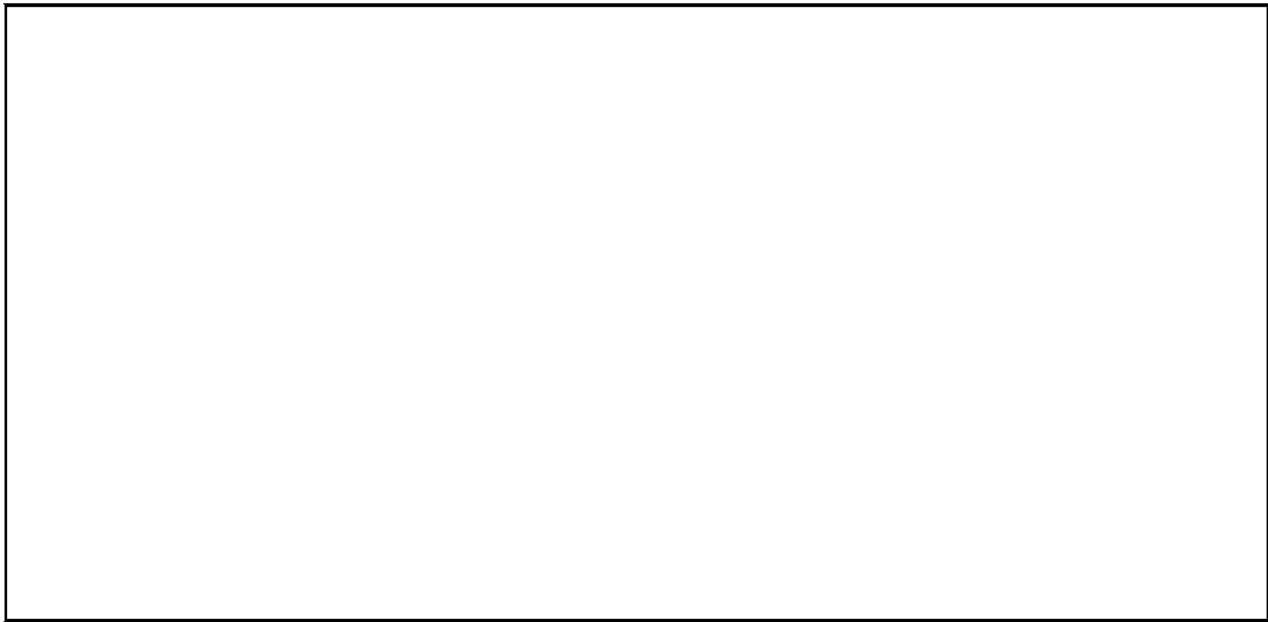
Doc drawn up & sent to OGC
for Richman signature. Never
signed. Never officially
~~reappointed~~ reappointed after June 2016
term expiration. Resigned Feb 2017
SS

RESUME

DANIEL CHARLES RICHMAN

b6 4
b7C 4





PUBLICATIONS

A Quarter Century of Supreme Court Criminal Procedure Work: Three Constitutional Brushes, Symposium on Neo- or Retroconstitutionalism, French ANR (forthcoming)

Corporate Headhunting, 8 **Harvard Law & Policy Review** 901 (2014).

Framing the Prosecution, 87 **University of Southern California Law Review** 673 (2014).

Defining Federal Crimes (with Kate Stith & William J. Stuntz) (2014) (Aspen Casebook Series)

Entries for SCOTUSblog on *Descamps v. United States* (2013):

preview: <http://www.scotusblog.com/?p=157139>

argument recap: <http://www.scotusblog.com/2013/01/argument-recap-court-struggles-with-classifying-prior-burglary-convictions-across-states-and-courtrooms/>

opinion: <http://www.scotusblog.com/2013/06/opinion-analysis-when-is-a-burglary-not-a-burglary/>

Federal White Collar Sentencing in the United States – A Work in Progress, 76 **Law & Contemporary Problems** 53 (2013)

Overcriminalization for Lack of Better Options: A Celebration of Bill Stuntz, in **The Political Heart of Criminal Procedure: Essays on Themes of William J. Stuntz** (Michael Klarman, David Skeel & Carol Steiker, eds. 2012).

Tribute to William Stuntz, 124 **Harvard Law Review** 1849 (2011).

Political Control of Federal Prosecutions -- Looking Back and Looking Forward, 58 **Duke Law Journal** 2087 (2009) (Administrative Law symposium).

Federal Sentencing in 2007: The Supreme Court Holds – The Center Doesn't, 117 **Yale Law Journal** 1374 (2008).

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Judging Untried Cases, 156 U. Pa. L. Rev. PENNUmbra 219, 222 (2007),
<http://pennumbra.com/responses/11-2007/Richman.pdf>

Institutional Competence and Organization Prosecutions,” 93 **Virginia Law Review In Brief** (2007),
<http://www.virginialawreview.org/inbrief/2007/06/18/richman.pdf>.

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The Past, Present, and Future of Violent Crime Federalism, in 34 **Crime and Justice: A Review of Research** 377 (2006).

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Al Capone's Revenge: An Essay on the Political Economy of Pretextual Prosecution (with William J. Stuntz), 105 **Columbia Law Review** 583 (2005).

Future of American Sentencing: A National Roundtable on Blakely, 17 **Federal Sentencing Reporter** 115-133 (Dec. 2004) (panel comments).

The Right Fight: Local Police and National Security, **Boston Review** (Dec. 2004/ Jan. 2005)
(with response to commentators).

“Rybicki”: The Intangible Rights Theory of Criminal Fraud. **New York Law Journal**, Jan 12, 2004, p. 4 (with Alan Vinegrad).

Professional Identity: Comments on Simon, 40 **American Criminal Law Review** 1609 (2003)
(symposium on Problem Solving Courts).

Prosecutors and Their Agents. Agents and Their Prosecutors, 103 **Columbia Law Review** 749 (2003).

Review of Sitcom “A.U.S.A.,” **New York Law Journal**, Jan 30, 2003 (with Otto G. Obermaier).

Comments, Federal Criminal Justice System: A Roundtable on Expanding Research Opportunities, Law and Courts Newsletter (Am. Pol. Sci. Assn.), Winter, 2003.

"Project Exile" and the Allocation of Federal Law Enforcement Authority, in *Guns, Crime, and Punishment* (B. Harcourt, ed.), NYU Press, 2003.

"Project Exile" and the Allocation of Federal Law Enforcement Authority, 43 **Arizona Law Review** 369 (2001) (symposium issue, "Guns, Crime, and Punishment in America")

The Changing Boundaries Between Federal and Local Enforcement, in *Boundary Changes in Criminal Justice Organizations*, vol. 2 of **Criminal Justice 2000** (National Institute of Justice, NCJ 182409, July 2000).

Of Prosecutors and Special Prosecutors: An Organizational Perspective, 5 **Widener Law Symposium Journal** 79 (2000) (with H. Geoffrey Moulton).

Federal Criminal Law Enforcement, Cross-Examination, and Obstruction of Justice, in **Encyclopedia of Crime and Justice** (rev. ed. 2001)

Plugging Prosecutorial Leaks, **Legal Times**, Sept. 20, 1999, at S32-33.

Grand Jury Secrecy: Leaks from an Empty Bucket, 36 **American Criminal Law Review** 339 (1999).

Foreword to Symposium on the Changing Role of the Federal Prosecutor, 26 **Fordham Urban Law Journal** vii (1999).

Criminal Law, Congressional Delegation, and Enforcement Discretion, 46 **UCLA Law Review** 757 (1999).

The Challenges of Investigating Section 5K1.1 in Practice, 11 **Federal Sentencing Reporter**, No. 2, at 75 (Sept./Oct. 1998)

The Process of Terry-Lawmaking, 72 **St. John's University Law Review** 1043 (1998).

Fraud Loss Under the Sentencing Guidelines, chapter in Otto G. Obermaier & Robert G. Morvillo, eds., **White Collar Crime: Business and Regulatory Offenses** (1998)

Old Chief v. United States: Stipulating Away Prosecutorial Accountability, 83 **Virginia Law Review** 939 (1997)

Bargaining About Future Jeopardy, 49 **Vanderbilt Law Review** 1181 (1996)

Cooperating Clients (adaptation), 3 **Criminal Practice Law Reporter** 57 (1995).

Cooperating Defendants: The Costs and Benefits of Purchasing Information from Scoundrels, 8 **Federal Sentencing Reporter** 292 (1996)

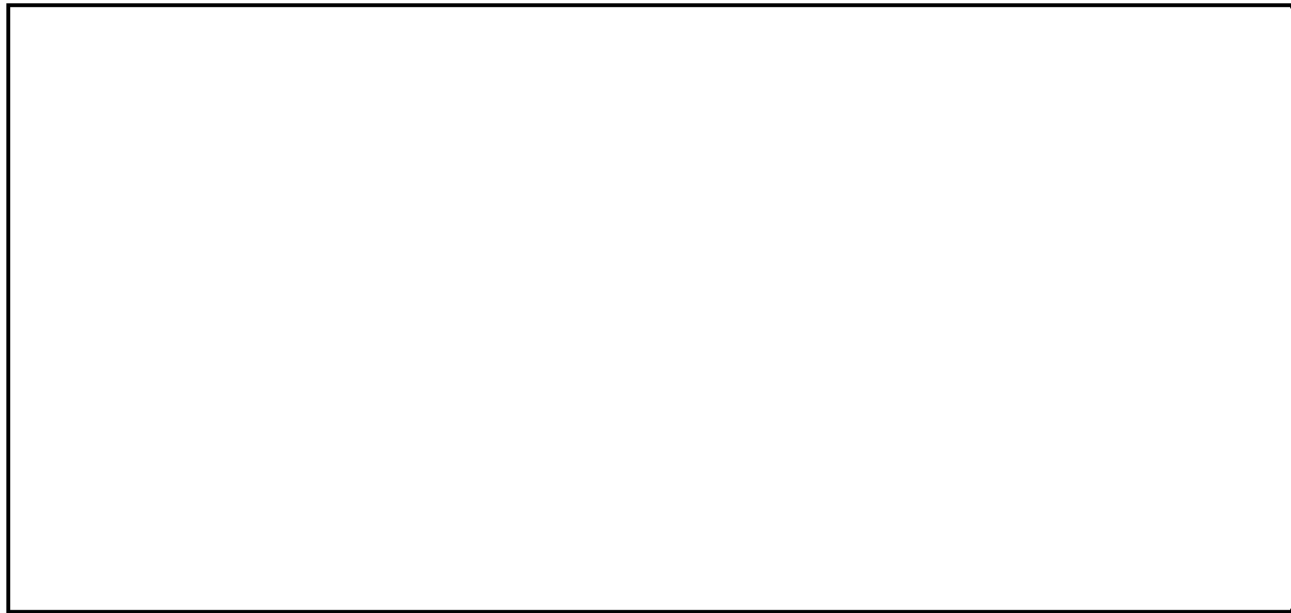
Cooperating Clients, 56 **Ohio State Law Journal** 69 (1995).

Book Review of Andrew Ashworth, The Criminal Process: An Evaluative Study, 6 **Criminal Law Forum** 353 (1995).

Book Review of George P. Fletcher, With Justice for Some: Victims' Rights in Criminal Trials, **New York Law Journal**, Feb. 13, 1995.

Book Review of Gerald Gunther, Learned Hand: The Man and the Judge, **New York Law Journal**, Aug. 30, 1994.

Of Laws and Men: An Essay on Justice Marshall's View of Criminal Procedure, 26 **Arizona State Law Journal** 369 (1994) (with Bruce Green).



b6 4
b7C 4

OTHER WRITINGS

Testimony before the Senate Subcommittee on Criminal Justice Oversight of the Judiciary Committee, May 13, 1999: Miranda and 18 U.S.C. § 3501.

Brief of Griffin B. Bell, and other former or present law enforcement officials, as *Amici Curiae* in Support of Petitioner in *Dickerson v. United States* (Miranda case), U.S. Sup. Ct. 2000 (co-author).

Testimony before the Senate Judiciary Committee, September 18, 2007: Justice Department policies relating to the corporate attorney-client privilege.

Written Statement on Validity of Fifth Amendment Privilege Assertion by Lois Lerner, submitted to the House Committee on Oversight and Government Reform, June 27, 2013.

Official Start Date

[Redacted]

(HRD) (FBI)

b6 1
b7C 1

From: [Redacted] (OGC) (FBI)
Sent: Tuesday, April 24, 2018 10:52 AM
To: [Redacted] (HRD) (FBI)
Cc: [Redacted] (OGC) (FBI)
Subject: RE: Dan Richman --- UNCLASSIFIED

SentinelCaseId: NON-RECORD

Classification: UNCLASSIFIED

Hi [Redacted]

b6 1
b7C 1
b7E 3

Unfortunately, I was not involved in his onboarding process and do not have any documentation to confirm his official EOD date. The individuals who would have that information (AGC [Redacted] former Chief of Staff Jim Rybicki) no longer work at the FBI.

I'm sorry I cannot be of more assistance.

Thanks,

[Redacted]
Management and Program Analyst
Office of the General Counsel
935 Pennsylvania Ave., N.W.
Washington, DC 20535
Office: [Redacted]
Mobile [Redacted]
Fax: [Redacted]

From: [Redacted] (HRD) (FBI)
Sent: Tuesday, April 24, 2018 10:21 AM
To: [Redacted] (OGC) (FBI) <[Redacted]>
Cc: [Redacted] (OGC) (FBI) <[Redacted]>
Subject: FW: Dan Richman --- UNCLASSIFIED

b6 1
b7C 1
b7E 3

Classification: UNCLASSIFIED

[Redacted]

Can you provide the official EOD date for Dan? His appointment acknowledgement was signed on 6/15/2015, but I know that sometimes they don't actually start until a later date, after background, etc.

Thanks,
[Redacted]

[redacted]
Staffing Unit I -- HRD
AORs - IOD/Legat Professional Staff/TSC/SGE Program
FBI Headquarters - Room 10975

b6 1
b7C 1
b7E 3

UNE [redacted]

From: [redacted] (OGC) (FBI)
Sent: Tuesday, April 24, 2018 10:10 AM
To: [redacted] (HRD) (FBI) [redacted]
Cc: [redacted] (OGC) (FBI) [redacted]
Subject: Dan Richman --- UNCLASSIFIED

b6 1
b7C 1
b7E 3

Classification: UNCLASSIFIED
=====

H [redacted]

b6 1
b7C 1

Can you please confirm for me Prof. Dan Richman's official EOD as an SGE?

Thank you,

[redacted]

[redacted]
Assistant General Counsel
Federal Bureau of Investigation
Office of the General Counsel - Employment Law Unit I
Room: 10140 Office: A-19
Desk: [redacted]
Mobile: [redacted]

Confidentiality Statement:

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=====
Classification: UNCLASSIFIED

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Classification: UNCLASSIFIED

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Classification: UNCLASSIFIED

Correspondence re: appointment + reappointment document delay; acknowledgement not signed

[Redacted] (HRD) (FBI) signed

From: [Redacted] (HRD) (FBI)
Sent: Wednesday, April 25, 2018 7:51 AM
To: [Redacted] (HRD) (FBI)
Cc: [Redacted] (HRD) (FBI); [Redacted] (HRD) (FBI)
Subject: RE: Dan Richman --- UNCLASSIFIED//~~FOUO~~

b6 1
b7C 1

SentinelCaseId: NON-RECORD

Classification: UNCLASSIFIED//~~FOUO~~
=====

Good morning [Redacted]

It should be in the file if we ever got his signed acknowledgement.
I checked our share drive and didn't see anything for him beside the documents that I prepared.

Thanks.

[Redacted]

From: [Redacted] (HRD) (FBI)
Sent: Tuesday, April 24, 2018 3:59 PM
To: [Redacted] (HRD) (FBI) <[Redacted]>
Cc: [Redacted] (HRD) (FBI) <[Redacted]> [Redacted] (HRD) (FBI)
Subject: RE: Dan Richman --- UNCLASSIFIED//~~FOUO~~

b6 1
b7C 1
b7E 3

Classification: UNCLASSIFIED//~~FOUO~~
=====

Great, thank you. Did you ever get a signed acknowledgement back from him for the 2016-2017 term? I don't see one in the file and OGC states that he resigned 2/7/17.

[Redacted]
Staffing Unit I - HRD
AORs - IOD/Legat Professional Staff/TSC/SGE Program
FBI Headquarters - Room 10975

b6 1
b7C 1
b7E 3

[Redacted]
UNET [Redacted]

From: [Redacted] (HRD) (FBI)
Sent: Tuesday, April 24, 2018 3:39 PM
To: [Redacted] (HRD) (FBI) [Redacted]
Cc: [Redacted] (HRD) (FBI) [Redacted] (HRD) (FBI)

[redacted] (HRD) (FBI) <[redacted]>

Subject: FW: Dan Richman --- UNCLASSIFIED//~~FOUO~~

Classification: UNCLASSIFIED//~~FOUO~~

=====

H: [redacted]

b6 1
b7C 1
b7E 3

Here is the email chains for Dan Richman's 1st term renewal status.
Please let me know if you need further information.

Thanks.

[redacted]

[redacted]

Senior Executive Service Unit (SESU)
Human Resources Division
FBIHQ, Room 10184
Phone: [redacted]
Fax: [redacted]

From: [redacted] (OGC) (FBI)
Sent: Thursday, October 27, 2016 1:55 PM
To: [redacted] (HRD) (FBI) <[redacted]> (OGC) (FBI)
[redacted]
Cc: [redacted] (SD) (FBI) <[redacted]>
Subject: RE: Dan Richman --- UNCLASSIFIED//~~FOUO~~

b6 1
b7C 1
b7E 3

Classification: UNCLASSIFIED//~~FOUO~~

=====

H: [redacted]

Thank you very much for the reminder. The EC has been pending in Sentinel as the Director's Chief of Staff and GC Baker are still discussing the details of his reappointment. I will make sure to ping them.

Best,

[redacted]

Management and Program Analyst
Office of the General Counsel
935 Pennsylvania Ave., N.W.
Washington, DC 20535
Desk Phone: [redacted]
Blackberry: [redacted]
Fax: [redacted]

From: [redacted] (HRD) (FBI)
Sent: Thursday, October 27, 2016 1:45 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (SD) (FBI)
Subject: RE: Dan Richman --- UNCLASSIFIED//~~FOUO~~

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b7C 1

Classification: UNCLASSIFIED//~~FOUO~~
=====

[redacted]

Good afternoon. Just a friendly reminder that please provide the file and serial numbers to reappoint 2nd term for Mr. Richman. His 1st term has expired on 6/30/2016.

Please advise if you have any questions.

[redacted]

From: [redacted] (OGC) (FBI)
Sent: Wednesday, September 14, 2016 4:16 PM
To: [redacted] (HRD) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (SD) (FBI)
Subject: RE: Dan Richman --- UNCLASSIFIED//~~FOUO~~

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b7E 3

Classification: UNCLASSIFIED//~~FOUO~~
=====

H [redacted]

Thank you very much for following up. OGC would like to reappoint him for another year. Per the guidance provided below and the original EC for Mr. Richman's appointment, I submitted a new EC for approval and distribution. After it is approved by GC Baker, AD Kelley, and OSO CSO [redacted], it will be distributed to SESU and other recipients.

Please let me know if I can provide any additional information or assistance.

Best,

[redacted]
Management and Program Analyst
Office of the General Counsel
935 Pennsylvania Ave., N.W.
Washington, DC 20535
Desk Phone [redacted]
Blackberry: [redacted]
Fax [redacted]

From: [redacted] (HRD) (FBI)

Sent: Wednesday, September 14, 2016 8:50 AM

To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)

Cc: [redacted] (SD) (FBI); [redacted] (HRD) (FBI)

Subject: RE: Dan Richman --- UNCLASSIFIED//~~FOUO~~

b6 1
b7C 1

Classification: UNCLASSIFIED//~~FOUO~~
=====

Good morning,

I would like to follow up the status of Special Government Employee (SGE) Dan Richman. His 1st term had expired on 6/30/2016.

Please advise if your unit will reappoint him for another year. I am forwarding a link to Corporate Policy Directive 0514D regarding SGEs for your review. This CPD outlines the requirements as well as the sponsoring division's responsibilities

[redacted]

b6 1
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I've also included a model for the (re)appointment letter draft which will need to be included with the EC.

<< File: SGE Requesting EC Outline.docx >>

<< File: Model Appointment Letter - Draft in CPD 0514D.docx >>

>>

Please let me know if you have any questions.

[redacted]

Senior Executive Service Unit (SESU)

Human Resources Division

FBIHQ, Room 10915

Phone [redacted]

Fax [redacted]

From: [redacted] (OGC) (FBI)

Sent: Wednesday, July 06, 2016 1:59 PM

To: [redacted] (HRD) (FBI)

Cc: [redacted] (SD) (FBI)

Subject: RE: Dan Richman --- UNCLASSIFIED//~~FOUO~~

b6 1
b7C 1

Classification: UNCLASSIFIED//~~FOUO~~
=====

Hi [redacted]

I hope you had a wonderful holiday weekend. I apologize for the delayed response -- my AD was out of the office Friday and I was out yesterday so I did not have a chance to connect with him until today. [redacted] will be the new POC for Mr. Richman. [redacted] is on leave for most of the week, so I can handle any administrative tasks that need to be taken care of prior to his return.

Thank you very much,

[Redacted]

Management and Program Analyst
Office of the General Counsel
935 Pennsylvania Ave., N.W.
Washington, DC 20535

Desk Phone: [Redacted]
Blackberry: [Redacted]
Fax: [Redacted]

b6 1
b7C 1
b7E 3

From: [Redacted] (HRD) (FBI)
Sent: Thursday, June 30, 2016 1:11 PM
To: [Redacted] (OGC) (FBI)
Cc: [Redacted] (SD) (FBI); [Redacted] (HRD) (FBI)
Subject: FW: Dan Richman --- UNCLASSIFIED//~~FOUO~~

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b7C 1

Classification: UNCLASSIFIED//~~FOUO~~
=====

Hi [Redacted]

Thank you for returning my call.
Please provide a POC for Special Government Employee (SGE) Dan Richman so I can reach out for assistance with this matter.

Have a good day!

[Redacted]

From: [Redacted] (HRD) (FBI)
Sent: Thursday, June 30, 2016 9:43 AM
To: [Redacted] (OGC)(FBI)
Cc: [Redacted] (FD) (FBI); [Redacted] (SD) (FBI); [Redacted] (HRD) (FBI)
Subject: Dan Richman --- UNCLASSIFIED//~~FOUO~~

b6 1
b7C 1

Classification: UNCLASSIFIED//~~FOUO~~
=====

Good morning [Redacted]

Just a friendly reminder that Mr. Richman's 1st term has expired today.
Please send in the EC request for reappointment. The procedure for reappointment should be the same as initial, only change is "appointment" to "reappointment" in the EC.

If you have any questions, please advise.

[Redacted]

From: [redacted] (OGC)(FBI)
Sent: Wednesday, July 01, 2015 1:49 PM
To: [redacted] (HRD)(FBI)
Cc: [redacted] (FD) (FBI)
Subject: RE: Dan Richman --- UNCLASSIFIED//~~FOUO~~

Classification: UNCLASSIFIED//~~FOUO~~
=====

[redacted]

b6 1
b7C 1

Attached is Richman's fully-executed appointment letter with acknowledgement. Also, NY was able to fit him in today and Security approved, so his report date is today up in NY.

Thank you.

[redacted]

<< File: Richman.pdf >>

(U) [redacted]
Associate General Counsel
FBI OGC
direct: [redacted]

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From: [redacted] (OGC)(FBI)
Sent: Tuesday, June 30, 2015 9:16 AM
To: [redacted] (HRD)(FBI)
Subject: RE: Dan Richman --- UNCLASSIFIED//~~FOUO~~

b6 1
b7C 1

Classification: UNCLASSIFIED//~~FOUO~~
=====

No problem. Thank you!

(U) [redacted]
Associate General Counsel
FBI OGC
direct: [redacted]

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b6 1
b7C 1

From: [redacted] HRD)(FBI)
Sent: Tuesday, June 30, 2015 8:35 AM
To: [redacted] (OGC)(FBI)
Subject: RE: Dan Richman --- UNCLASSIFIED//~~FOUO~~

Classification: UNCLASSIFIED//~~FOUO~~
=====

<< File: Appointment Letter - Richman.pdf >>
Good morning,

Attached is the revised letter.
Thank you for notifying me the oversight.

Have a good day!

[redacted]

From: [redacted] (OGC)(FBI)
Sent: Monday, June 29, 2015 4:48 PM
To: [redacted] HRD)(FBI)
Subject: RE: Dan Richman --- UNCLASSIFIED//~~FOUO~~

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b7C 1

Classification: UNCLASSIFIED//~~FOUO~~
=====

I just noticed that the acknowledgement form after the letter says that Richman will be a member of the Executive Advisory Board of the NDCAC. I don't think this is right. He is just going to be a consultant for OGC. Can you send me a new version?

Thank you!

(U) [redacted]
Associate General Counsel
FBI OGC
direct: [redacted]

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From: [redacted] (HRD)(FBI)
Sent: Monday, June 29, 2015 1:09 PM
To: [redacted] (OGC)(FBI)
Subject: RE: Dan Richman --- UNCLASSIFIED//~~FOUO~~

b6 1
b7C 1

Classification: UNCLASSIFIED//~~FOUO~~
=====

Hello [redacted]

I have sent you an email last Thursday but the system is unable to deliver.
Here is the information that I sent on Thursday.

From: [redacted] (HRD)(FBI)
Sent: Thursday, June 25, 2015 9:41 AM
To: [redacted] (FLSD) (FBI)
Cc: [redacted] (FD) (FBI)
Subject: SGE - Daniel Charles Richman --- UNCLASSIFIED

b6 1
b7C 1

Classification: UNCLASSIFIED
=====

<< File: To Serve With Honor - Ethics Rules for SGEs.pdf >> << File: Appointment Letter - Richman, Daniel C..pdf >>

Good morning Mr. [redacted]

The DAD of HRD has approved the SGE request for Mr. Richman. Attached are the approved EC via Sentinel and the signed appointment letter for Mr. Richman.

Please be sure provide a copy of "To Serve With Honor" the Ethical Guidelines for SGEs to Mr. Richman with the appointment letter and ensure that he signs the acknowledgment form. Once the form has been signed, please forward to me such that I may include this in his file. As soon as the background investigation has been successfully adjudicated, please notify me and provide Mr. Richman's official report date.

Please note, after approval from DAD, HRD, the SGEs can not officially report until they are cleared through your Security office.

I am forwarding a link to Corporate Policy Directive 0514D regarding SGEs for your review -

[redacted]

This CPD outlines the requirements as well as the sponsoring division's responsibilities.

b6 1
b7C 1
b7E 3

Have a good day!

[redacted]

SESU

[redacted]

From: [redacted] (OGC)(FBI)
Sent: Monday, June 29, 2015 12:30 PM
To: [redacted] (HRD)(FBI)
Subject: RE: Dan Richman --- UNCLASSIFIED//~~FOUO~~

Classification: UNCLASSIFIED//~~FOUO~~
=====

Hi [redacted]

Any update on this one? Also, do you all secure Unet and FBI Net accounts or does Security (or somebody else)? Thank you!

b6 1
b7C 1

[redacted]

(U) [redacted]
Associate General Counsel
FBI OGC
direct [redacted]

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From: [redacted] (HRD) (FBI)
Sent: Monday, June 29, 2015 12:26 PM
To: [redacted] (OGC)(FBI)
Cc: [redacted] (HRD)(FBI)
Subject: RE: Dan Richman --- UNCLASSIFIED//~~FOUO~~

b6 1
b7C 1

Classification: UNCLASSIFIED//~~FOUO~~
=====

[redacted] handles the SGE program. Please reach out to her.

From: [redacted] (OGC)(FBI)
Sent: Monday, June 29, 2015 12:03 PM
To: [redacted] (HRD) (FBI)
Subject: Dan Richman --- UNCLASSIFIED//~~FOUO~~

Classification: UNCLASSIFIED//~~FOUO~~

Hi [redacted]

Have you all been able to get Dan Richman all signed up on his consultant SGE appointment? I ask for two reasons: 1) OIC asked me for a copy of the signed/countersigned appointment letter (since Richman will be a SGE and they like to keep tabs on them), and 2) Richman will be in town next week on personal business but could be available to work if he is signed up.

b6 1
b7C 1

Thank you!

[redacted]

(U) [redacted]
Associate General Counsel
FBI OGC
direct [redacted]

(U) Confidentiality Statement:

(U) This message is transmitted to you by the Office of the General Counsel of the Federal Bureau of Investigation. The message, along with any attachments, may be confidential and legally privileged. If you are not the intended recipient of this message, please destroy it promptly without further retention or dissemination (unless otherwise required by law). Please notify the sender of the error by a separate e-mail or by calling [redacted]

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Classification: UNCLASSIFIED//~~FOUO~~

[redacted] (HRD) (FBI)

From: [redacted] (OGC) (FBI)
Sent: Friday, January 12, 2018 10:31 AM
To: [redacted] (HRD) (FBI); [redacted] (DO) (FBI)
Subject: RE: URGENT: SGE FOIA REQUEST --- UNCLASSIFIED

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b7C 1

SentinelCaseId: NON-RECORD

Classification: UNCLASSIFIED

H: [redacted]

Although OGC may have sponsored Mr. Richman, he was an SGE for Director Comey and did not report to or support OGC. We do not have any SGEs at this time.

Mr. Richman resigned on February 7, 2017. I attached our email correspondence back in June 2017 for reference.



Thanks!

[redacted]
Management and Program Analyst
Office of the General Counsel
935 Pennsylvania Ave., N.W.
Washington, DC 20535
Office: [redacted]
Mobile: [redacted]
Fax: [redacted]

b6 1
b7C 1
b7E 3

From: [redacted] (HRD) (FBI)
Sent: Friday, January 12, 2018 10:29 AM
To: [redacted] (OGC) (FBI) <[redacted]> [redacted] (DO) (FBI)

Subject: URGENT: SGE FOIA REQUEST --- UNCLASSIFIED
Importance: High

Classification: UNCLASSIFIED

Good morning,

I am handling the SGE program now and have been issued a FOIA request for SGE information dating back to 2015 through present. Other than Daniel Richmond, did OGC have any other SGE's during this time?

With regard to Mr. Richmond, I see reappointment documents were sent to your office for the 6/2016-6/2017 term, did he renew for that year? If not, when was his last date of service to us?

Regards,

[Redacted]

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b7C 1
b7E 3

[Redacted]

Staffing Unit I -- HRD
AORs - IOD/Legat Professional Staff/SGE Program
FBI Headquarters - Room 10975

[Redacted]

UNET [Redacted]

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Classification: UNCLASSIFIED

Good afternoon all-

In addition to the FOIA request for SGE's, I have been contacted by the Office of Integrity and Compliance and they are requesting the names of all SGE's that were active in 2017 and the date of OGE-450 filing for each. This is also a time-sensitive request, so please provide the information by COB tomorrow, January 10, 2018.

Feel free to contact me with any questions.

Regards,

[Redacted]

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b7C 1
b7E 3

[Redacted]

Staffing Unit I - HRD
AORs - IOD/Legat Professional Staff/SGE Program
FBI Headquarters - Room 10975

[Redacted]

UNET

[Redacted]

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Classification: UNCLASSIFIED

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Classification: UNCLASSIFIED

[redacted] (HRD) (FBI)

b6 1
b7C 1

From: [redacted] (HRD) (FBI)
Sent: Wednesday, December 14, 2016 2:07 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (SD) (FBI); [redacted] (HRD) (FBI)
Subject: RE: Dan Richman --- UNCLASSIFIED//~~FOUO~~

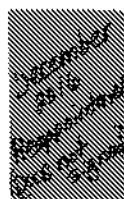
SentinelCaseId: NON-RECORD

Classification: UNCLASSIFIED//~~FOUO~~



To Serve With Honor - Ethics R...
Sentinel Appointment EC - |
Reappointment Letter - Richman...

filed OGE



Hi [redacted]

The AD of HRD has approved the SGE request for Dan Richman. I have prepared an EC via Sentinel which contained the signed appointment letter as attachment.

Please be sure provide a copy of "To Serve With Honor" the Ethical Guidelines for SGEs to Mr. Richman with the appointment letter and ensure that he signs the acknowledgment form. Once the form has been signed, please forward to me such that I may include this in his file. As soon as the background investigation has been successfully adjudicated, please notify me and provide Mr. Richman's official report date.

Please note, after approval from AD, HRD, the SGE can not officially report until he is cleared through the Security office.

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b7E 3

I am forwarding a link to Corporate Policy Directive 0514D regarding SGEs for your review -

[redacted]

This CPD outlines the requirements as well as the sponsoring division's responsibilities.

Have a good day!

[redacted]
Senior Executive Service Unit (SESU)
Human Resources Division
FBIHQ, Room 10915
Phone [redacted]
Fax [redacted]

From: [redacted] (OGC) (FBI)
Sent: Tuesday, November 15, 2016 8:41 AM
To: [redacted] (HRD) (FBI); [redacted] (OGC) (FBI)



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

Reappointment Letter as a Special Government Employee

Dear Professor Richman,

This confirms your reappointment as a consultant of the Office of the General Counsel (OGC). You will advise FBI senior leadership related to the "Going Dark" issue and provide your insight into possible solutions. You will serve without compensation on a part-time and/or intermittent basis; however, you will be provided reimbursement for payment of travel expenses and per diem allowance.

Because you are expected to perform duties as an OGC consultant for no more than 130 days in any 365-day period, you will be classified as a Special Government Employee (SGE). SGEs are government employees subject to some of the laws governing employees of the United States, including the Standards of Ethical Conduct for the Executive Branch and the conflict-of-interests statutes. If, after beginning to serve, it appears that you will perform your duties for more than 130 days during any 365 day period, please alert your FBI sponsor/point-of-contact so that appropriate action may be taken. Enclosed with this letter is a general guide on the ethics rules that apply to SGEs; please review it. Contact the Office of Integrity and Compliance if you have any questions.

You serve at the pleasure of the Director. Your initial term is one year from the date of this letter. You may be reappointed for additional one year terms. By virtue of this reappointment, you are required to file a confidential financial disclosure (OGE-450) report with your sponsoring division within 30 calendar days of receipt of this letter, but before any advice or other services are rendered. Please keep in mind that you may not serve as a federally registered lobbyist while serving as an advisor or consultant to the FBI, or engage in conduct that would require you to so register.

If you have any questions regarding the capacity in which you will serve, or any related questions, please contact [REDACTED] I look forward to your participation as a member of OGC and obtaining your guidance and advice on the issues related to existing and emerging communication services and technologies and the overlapping challenges they pose to law enforcement.

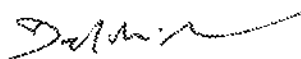
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b7c 1

Please see the attached general terms of your reappointment. Please sign and acknowledge these terms as a condition of your reappointment and return to

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b7C 1

Thank you for your service to the FBI and the Nation.

Sincerely,



David W. Schlendorf
Assistant Director
FBI Human Resources Division

I understand that under the conditions of my reappointment as a consultant with the Federal Bureau of Investigation:

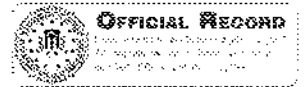
1. I do not acquire competitive status as a career Federal employee.
2. I will not receive any special consideration for a career position with the Federal Government based on this reappointment.
3. I serve at the pleasure of the Director. My initial appointment may not exceed one year, but if required, I may be reappointed for successive one-year terms.
4. I have received and reviewed the Office of Government Ethics (OGE) guide: "To Serve With Honor" A Guide on the Ethics Rules that Apply to Advisory Committee Members Serving as Special Government Employees.
5. I agree to take the OGE training course "Ethics Training for Special Government Employees" available on the internet no later than 30 days after my initial reappointment, but before any advice or services are rendered.
6. The terms and conditions regarding remuneration for my services or expenses are set forth in my reappointment letter. If I am serving without pay I agree to waive any claims for compensation for my services.
7. I, Daniel Charles Richman, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God.

FILE COPY

Signature

Date

UNCLASSIFIED

**FEDERAL BUREAU OF INVESTIGATION****Electronic Communication**

Title: (U) Reappointment of Special Government
Employee (SGE)

Date: 12/14/2016

CC: [REDACTED]
RYBICKI JAMES E

b6 1
b7C 1

From: HUMAN RESOURCES
D3-SESU

Contact: [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 319X-HQ-A1487711-HRD (U) HUMAN RESOURCES DIVISION
Serial 118

Synopsis: (U) To notify the Office of the General Counsel (OGC) of the approval reappointment in the SGE program of Daniel Charles Richman.

Reference: 319X-HQ-A1487709-OGC Serial 13

Enclosure(s): Enclosed are the following items:

1. (U) Reappointment Letter - Richman

Details:

This electronic communication is to advise the OGC that the Assistant Director, Human Resources Division has approved the reappointment of Professor Daniel Charles Richman in the Special Government Employee.

Please ensure the OGC meets all the required responsibilities and deadlines set forth in Corporate Policy Directive 05i4D.

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FEDERAL BUREAU OF INVESTIGATION

Electronic Communication

Title: (U) Reappointment of Special Government Employee (SGE)

Date: 12/08/2016

CC: [Redacted]
RYBICKI JAMES E

b6 1
b7C 1

From: HUMAN RESOURCES
D3-SESU

Contact: [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]

Case ID #: 319X-HQ-A1487711-HRD (U) HUMAN RESOURCES DIVISION

Synopsis: (U) To notify the Office of the General Counsel (OGC) of the approval reappointment in the SGE program of Daniel Charles Richman.

Reference: 319X-HQ-A1487709-OGC Serial 13

Enclosure(s): Enclosed are the following items:

- 1. (U) Reappointment Letter - Richman

Details:

This electronic communication is to advise the OGC that the Assistant Director, Human Resources Division has approved the reappointment of Professor Daniel Charles Richman in the Special Government Employee.

Please ensure the OGC meets all the required responsibilities and deadlines set forth in Corporate Policy Directive 0514D.

◆◆

UNCLASSIFIED

ACTION ITEM

November 21, 2016

TO: AD DAVID W. SCHLENDORF
THROUGH: A/SC [REDACTED]
UC [REDACTED]
FROM: SSA [REDACTED]
SUBJECT: REQUEST TO REAPPOINT SPECIAL GOVERNMENT EMPLOYEE

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b7C 1

Synopsis: The Office of the General Counsel (OGC) has requested the reappointment of Daniel Charles Richman as a Special Government Employee to serve as a consultant.

Background: Pursuant to Corporate Policy Directive 0514D, the Human Resources Division, Senior Executive Service Unit was notified by electronic communication, dated 11/14/2016, requesting the reappointment of Professor Daniel Charles Richman as a Special Government Employee to serve as a consultant to OGC.

As the Director highlighted in an October 2014 speech at the Brookings Institution regarding the "Going Dark" problem:

"Unfortunately, the law hasn't kept pace with technology, and this disconnect has created a significant public safety problem. We call it 'Going Dark,' and what it means is this: Those charged with protecting our people aren't always able to access the evidence we need to prosecute crime and prevent terrorism even with lawful authority. We have the legal authority to intercept and access communications and information pursuant to court order, but we often lack the technical ability to do so.

"We face two overlapping challenges. The first concerns real-time court-ordered interception of what we call 'data in motion,' such as phone calls, e-mail, and live chat sessions. The second challenge concerns court-ordered access to data stored on our devices, such as e-mail, text messages, photos, and videos—or what we call 'data at rest.' And both real-time communication and stored data are increasingly encrypted."

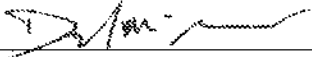
Mr. Richman is a tenured professor at Columbia University School of Law in New York. Mr. Richman has a B.A. from Harvard and a J.D. from Yale. He has served as a law clerk to a justice of the Supreme Court and practiced as an Assistant U.S. Attorney in the Southern District of New York and at a private law firm. He has been a law professor for more than 20 years and is author of more than 30 academic articles. Mr. Richman will assist OGC as OGC supports the Bureau's efforts to overcome the Going Dark challenges the Director and others have outlined. In particular, the General Counsel and other FBI leadership believe that Mr. Richman would provide a fresh perspective from somebody who, until this reappointment, has been outside the FBI. His deep experience in criminal law and procedure would prove especially helpful as the

FBI works to solve the problem within a procedural framework consistent with the Constitution and the FBI's Core Values. Mr. Richman's background and experience amply qualify him for this role. Mr. Richman will not receive any form of compensation beyond the receipt of reimbursement for payment of travel expenses and a per diem allowance.

Recommendation: The Senior Executive Service Unit recommends that the attached request for a Special Government Employee be approved.

Decision: The AD, HRD is requested to decide whether to approve the OGC's request to reappoint Professor Daniel Charles Richman as a Special Government Employee.

- Enclosures: 1. OGC's supporting documentation
2. Résumé
3. Reappointment Letter Draft

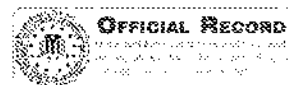
Approve  _____

Deny _____

Date 12/06/16 _____

Date _____

UNCLASSIFIED//~~FOUO~~



FEDERAL BUREAU OF INVESTIGATION

Electronic Communication

Title: (U) Request for Reappointment of Consultant

Date: 11/14/2016

CC: [Redacted]

D3-SESU

[Redacted]

From: GENERAL COUNSEL

D9-FO

Contact: [Redacted]

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b7C 1

Approved By: [Redacted]

BAKER JAMES A
KELLEY PATRICK W

[Redacted]

Drafted By: [Redacted]

Case ID #: 319X-HQ-A1487709-OGC (U) OFFICE OF GENERAL COUNSEL *Serial B*
319T-HQ-A1487667-OGC (U) OFFICE OF GENERAL COUNSEL
Serial 13

Synopsis: (U) To request that HRD SES Unit process the reappointment of Daniel Charles Richman as a consultant per 5 U.S.C. § 3109

Reference: 319X-HQ-A1487711-HRD Serial 73
319X-HQ-A1487709-OGC Serial 1

Enclosure(s): Enclosed are the following items:

1. (U) D. Richman Resume
2. (U) Draft Reappointment Letter

Details:

The Office of the General Counsel (OGC) requests, through the Human Resources Division (HRD) SES Unit, that the Assistant Director for HRD reappoint Daniel Charles Richman as a consultant per 5 U.S.C. § 3109. Mr. Richman would serve without compensation on a part-time and/or

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Title: (U) Request for Reappointment of Consultant
Re: 319X-HQ-A1487709-OGC, 11/14/2016

intermittent basis. Mr. Richman would assist OGC in support of the Bureau's ongoing efforts at overcoming the "Going Dark" problem. Mr. Richman's first term expired on June 30, 2016.

Please see below the information from his original appointment:

The Going Dark problem

As the Director highlighted in an October 2014 speech at the Brookings Institution:

"Unfortunately, the law hasn't kept pace with technology, and this disconnect has created a significant public safety problem. We call it 'Going Dark,' and what it means is this: Those charged with protecting our people aren't always able to access the evidence we need to prosecute crime and prevent terrorism even with lawful authority. We have the legal authority to intercept and access communications and information pursuant to court order, but we often lack the technical ability to do so.

"We face two overlapping challenges. The first concerns real-time court-ordered interception of what we call 'data in motion,' such as phone calls, e-mail, and live chat sessions. The second challenge concerns court-ordered access to data stored on our devices, such as e-mail, text messages, photos, and videos—or what we call 'data at rest.' And both real-time communication and stored data are increasingly encrypted."

Mr. Richman's background

As noted above, Mr. Richman will assist OGC as OGC supports the Bureau's efforts to overcome the Going Dark challenges the Director and others have outlined. In particular, the General Counsel and other FBI leadership believe that Mr. Richman would provide a fresh perspective from somebody who, until this appointment, has been outside the FBI. His deep experience in criminal law and procedure would prove especially helpful as the FBI works to solve the problem within a

Title: (U) Request for Reappointment of Consultant
Re: 319X-HQ-A1487709-OGC, 11/14/2016

procedural framework consistent with the Constitution and the FBI's Core Values.

Mr. Richman's background and experience amply qualify him for this role. Mr. Richman is a tenured professor at Columbia University School of Law in New York. Mr. Richman has a B.A. from Harvard and a J.D. from Yale. He has served as a law clerk to a justice of the Supreme Court and practiced as an Assistant U.S. Attorney in the Southern District of New York and at a private law firm. He has been a law professor for more than 20 years and is author of more than 30 academic articles. For more on Mr. Richman's background, please see his resume attached to this EC.

Additional details of the appointment

Mr. Richman's appointment should be for a year, with the possibility of renewal, or shall be terminated sooner if his expertise becomes no longer necessary to support this project. As noted above, Mr. Richman would serve without compensation on a part-time and/or intermittent basis. OGC is confident that his appointment as a consultant would not violate the appropriate use restrictions for experts and consultants as described in 5 CR 304.104(b).

Mr. Richman's duty station would be New York, New York, though his work on the project will likely require him to travel to Washington, D.C., and possibly elsewhere, on official business. Accordingly, he should be eligible for reimbursement for travel, transportation, and necessary incidental expenses pursuant to 5 U.S.C. § 5703 as approved as needed for official business by authorized FBI personnel.

Designation as a "Special Government Employee"

Due to the nature of the appointment, its limited duration, and because OGC does not anticipate that Mr. Richman will work on more than 130 days over the course of any 365-day period, OGC requests that the Assistant Director, or designee, of the Office of Integrity and Compliance (OIC) confirm via approval of this EC that Mr. Richman

Title: (U) Request for Reappointment of Consultant
Re: 319X-HQ-A1487709-OGC, 11/14/2016

should be designated a "Special Government Employee" per 18 U.S.C. § 202(a). Consistent with FBI Policy Directive 0514D (Special Government Employees), OGC notes that Mr. Richman confirmed in writing (via email) that has never been a registered lobbyist. Mr. Richman has not within 30 days prior to this requested appointment left a position that required the filing of a financial disclosure form (OGE-450 or OGE-278), so no such disclosure will be used in lieu of a new confidential financial disclosure (OGE-450) report. Mr. Richman has agreed to file an OGE-450 report, and will do so no later than 30 days after being appointed. OGC will track the number of days Mr. Richman works by tasking him with reporting on the number of days he worked via email on no less than a monthly basis. Finally, a draft appointment letter is attached to this EC.

Further information

HRD SES Unit, OIC, OSO, or SecD may contact Mr. Richman directly as necessary for any additional information or via OGC-Front Office

[redacted] Mr. Richman's email address is [redacted]
[redacted] His direct office phone is [redacted] and
his cell is [redacted] His office address is [redacted]
[redacted]

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Please contact OGC Chief of Staff [redacted] or GC James Baker with any questions regarding this request.

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[Redacted]

(HRD) (FBI)

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From: [Redacted] (HRD) (FBI)
Sent: Thursday, July 07, 2016 8:54 AM
To: [Redacted] (OGC) (FBI); [Redacted] (CTD) (FBI)
Cc: [Redacted] (SD) (FBI)
Subject: RE: Dan Richman --- UNCLASSIFIED//~~FOUO~~

SentinelCaseId: NON-RECORD

Classification: UNCLASSIFIED//~~FOUO~~

Good morning [Redacted]

I am forwarding a link to Corporate Policy Directive 0514D regarding SGEs for your review. This CPD outlines the requirements as well as the sponsoring division's responsibilities.

Also, in lieu of an EC template, I have included an outline for the justification EC which will be reappointed Mr. Richman as an SGE to serve for another one year term. In addition, I have included a model for the reappointment letter draft which will need to be included with the EC.

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b7E 3



SGE Requesting
EC Outline.docx...



Model
Reappointment Letter - [Redacted].doc

Please advise if you have any questions.

[Redacted]

[Redacted]

Senior Executive Service Unit (SESU)
Human Resources Division
FBIHQ, Room 10915
Phone: [Redacted]
Fax: [Redacted]

From: [Redacted] (OGC) (FBI)
Sent: Wednesday, July 06, 2016 1:59 PM
To: [Redacted] (HRD) (FBI)
Cc: [Redacted] (SD) (FBI)
Subject: RE: Dan Richman --- UNCLASSIFIED//~~FOUO~~

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b7C 1

Classification: UNCLASSIFIED//~~FOUO~~

Hi [redacted]

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b7E 3

I hope you had a wonderful holiday weekend. I apologize for the delayed response -- my AD was out of the office Friday and I was out yesterday so I did not have a chance to connect with him until today. [redacted] will be the new POC for Mr. Richman. [redacted] is on leave for most of the week, so I can handle any administrative tasks that need to be taken care of prior to his return.

Thank you very much,

[redacted]
Management and Program Analyst
Office of the General Counsel
935 Pennsylvania Ave., N.W.
Washington, DC 20535
Desk Phone [redacted]
Blackberry: [redacted]
Fax [redacted]

From: [redacted] (HRD) (FBI)
Sent: Thursday, June 30, 2016 1:11 PM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (SD) (FBI); [redacted] (HRD) (FBI)
Subject: FW: Dan Richman --- UNCLASSIFIED//~~FOUO~~

Classification: UNCLASSIFIED//~~FOUO~~

Hi [redacted]

b6 1
b7C 1

Thank you for returning my call.
Please provide a POC for Special Government Employee (SGE) Dan Richman so I can reach out for assistance with this matter.

Have a good day!

[redacted]

From: [redacted] (HRD) (FBI)
Sent: Thursday, June 30, 2016 9:43 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (FD) (FBI); [redacted] (SD) (FBI); [redacted] (HRD) (FBI)
Subject: Dan Richman --- UNCLASSIFIED//~~FOUO~~

Classification: UNCLASSIFIED//~~FOUO~~

Good morning [redacted]

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Just a friendly reminder that Mr. Richman's 1st term has expired today. Please send in the EC request for reappointment. The procedure for reappointment should be the same as initial, only change is "appointment" to "reappointment" in the EC.

If you have any questions, please advise.

[redacted]

From: [redacted] (OGC)(FBI)
Sent: Wednesday, July 01, 2015 1:49 PM
To: [redacted] (HRD)(FBI)
Cc: [redacted] (FD) (FBI)
Subject: RE: Dan Richman --- UNCLASSIFIED//~~FOUO~~

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Classification: UNCLASSIFIED//~~FOUO~~
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[redacted]

Attached is Richman's fully-executed appointment letter with acknowledgement. Also, NY was able to fit him in today and Security approved, so his report date is today up in NY.

Thank you.

[redacted]

<< File: Richman.pdf >>

(U) [redacted]
Associate General Counsel
FBI OGC
direct: [redacted]

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b7C 1

(U) Confidentiality Statement:
(U) This message is transmitted to you by the Office of the General Counsel of the Federal Bureau of Investigation. The message, along with any attachments, may be confidential and legally privileged. If you are not the intended recipient of this message, please destroy it promptly without further retention or dissemination (unless otherwise required by law). Please notify the sender of the error by a separate e-mail or by calling [redacted]

From: [redacted] (OGC)(FBI)
Sent: Tuesday, June 30, 2015 9:16 AM
To: [redacted] (HRD)(FBI)
Subject: RE: Dan Richman --- UNCLASSIFIED//~~FOUO~~

[redacted] (HRD)(FBI)

From: [redacted] (OGC)(FBI)
Sent: Wednesday, August 05, 2015 10:09 AM
To: [redacted] (DO) (FBI); [redacted] (OGC) (FBI); [redacted] (HRD)(FBI)
Subject: FW: Expansion of your remit at the FBI --- UNCLASSIFIED//~~FOUO~~
SentinelCaseId: TRANSITORY RECORD
SentToSentinel: 8/5/2015 1:37:00 PM

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Classification: UNCLASSIFIED//~~FOUO~~

=====
TRANSITORY RECORD

FYI...
I sent Dan Richman the email below and uploaded it to Sentinel. We should be good to go with respect to documenting this expansion, but I just wanted to keep you in the loop.

Thanks,

[redacted]

From: [redacted] (OGC)(FBI)
Sent: Wednesday, August 05, 2015 9:37 AM
To: RICHMAN, DANIEL C (DO)(OGA)
Subject: Expansion of your remit at the FBI --- UNCLASSIFIED//~~FOUO~~

Classification: UNCLASSIFIED//~~FOUO~~

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Sent for Approval for RECORD//Sentinel Case 319T-HQ-A1487667-OGC

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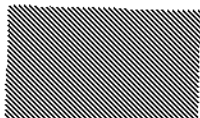
Dan,

Our folks would like to expand the projects you are working on to include an examination of the implications of federal investigations being brought to state and local prosecutors. This project will be in addition to the Going Dark work mentioned in your appointment documentation. While Going Dark is obviously an issue for state and local prosecutions and investigations, we believe this topic is distinct enough to warrant documenting that this has now become part of your official tasking. This email will serve as the documentation of the expansion of your role and will supplement the appointment letter (attached) and related correspondence concerning your initial appointment. Everything else in that initial documentation remains the same, including your status as an unpaid SGE.

I am going to upload this to the relevant OGC file on Sentinel so it can be found with the other documentation.

Thanks,

[redacted]





Richman_Appoint
ment_letter.pdf...

(U) [redacted]
Associate General Counsel
FBI OGC
direct: [redacted]

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(U) Confidentiality Statement:

(U) This message is transmitted to you by the Office of the General Counsel of the Federal Bureau of Investigation. The message, along with any attachments, may be confidential and legally privileged. If you are not the intended recipient of this message, please destroy it promptly without further retention or dissemination (unless otherwise required by law). Please notify the sender of the error by a separate e-mail or by calling [redacted]

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Classification: UNCLASSIFIED//~~FOUO~~

I understand that under the conditions of my appointment as a consultant with the Federal Bureau of Investigation:

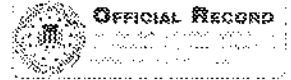
1. I do not acquire competitive status as a career Federal employee.
2. I will not receive any special consideration for a career position with the Federal Government based on this appointment.
3. I serve at the pleasure of the Director. My initial appointment may not exceed one year, but if required, I may be reappointed for successive one-year terms.
4. I have received and reviewed the Office of Government Ethics (OGE) guide: "To Serve With Honor" A Guide on the Ethics Rules that Apply to Advisory Committee Members Serving as Special Government Employees.
5. I agree to take the OGE training course "Ethics Training for Special Government Employees" available on the internet no later than 30 days after my initial appointment, but before any advice or services are rendered.
6. The terms and conditions regarding remuneration for my services or expenses are set forth in my appointment letter. If I am serving without pay I agree to waive any claims for compensation for my services.
7. I, Daniel Charles Richman, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God.



Signature

6/30/2015
Date

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FEDERAL BUREAU OF INVESTIGATION
Electronic Communication

Title: (U) Special Government Employee for Office
of the General Counsel

Date: 06/25/2015

CC: [redacted]

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b7C 1

From: HUMAN RESOURCES
D3-TU

Contact: [redacted]

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: 319X-HQ-A1487711-HRD (U) HUMAN RESOURCES DIVISION
Serial 73

Synopsis: (U) To notify Office of the General Counsel (OGC) of the approval of Daniel Charles Richman to the Special Government Employee program.

Reference: 319X-HQ-A1487709-OGC Serial 9

Enclosure(s): Enclosed are the following items:

- 1. (U) Appointment Letter - Richman

Details:

This EC is to advise the OGC that the Deputy Assistant Director, Human Resources Division, has approved the appointment of Daniel Charles Richman into the Special Government Employee (SGE) program.

Please ensure the OGC meets all the required responsibilities and deadlines set forth in Corporate Policy Directive 0514D.

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FEDERAL BUREAU OF INVESTIGATION

Electronic Communication

Title: (U) Special Government Employee for Office
of the General Counsel

Date: 06/24/2015

CC:

b6 1
b7C 1

From: HUMAN RESOURCES

D3-TU

Contact:

Approved By:

Drafted By:

Case ID #: 319X-HQ-A1487711-HRD (U) HUMAN RESOURCES DIVISION

Serial 73
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Please ensure the OGC meets all the required responsibilities and deadlines set forth in Corporate Policy Directive 0514D.

◆◆

UNCLASSIFIED



U.S. Department of Justice
Federal Bureau of Investigation

Washington, D. C. 20535-0001

Appointment Letter as a Special Government Employee

Dear Professor Richman,

This confirms your appointment as a consultant of the Office of the General Counsel (OGC). You will advise FBI senior leadership related to the "Going Dark" issue and provide your insight into possible solutions. You will serve without compensation on a part-time and/or intermittent basis; however, you will be provided reimbursement for payment of travel expenses and per diem allowance.

Because you are expected to perform duties as an OGC consultant for no more than 130 days in any 365-day period, you will be classified as a Special Government Employee (SGE). SGEs are government employees subject to some of the laws governing employees of the United States, including the Standards of Ethical Conduct for the Executive Branch and the conflict-of-interests statutes. If, after beginning to serve, it appears that you will perform your duties for more than 130 days during any 365 day period, please alert your FBI sponsor/point-of-contact so that appropriate action may be taken. Enclosed with this letter is a general guide on the ethics rules that apply to SGEs; please review it. Contact the Office of Integrity and Compliance if you have any questions.

You serve at the pleasure of the Director. Your initial term is ~~one year~~ from the date of this letter. You may be reappointed for ^{CLA} additional ~~one year~~ terms. By virtue of this appointment, you are required to file a confidential financial disclosure (OGE-450) report with your sponsoring division within 30 calendar days of receipt of this letter, but before any advice or other services are rendered. Please keep in mind that you may not serve as a federally registered lobbyist while serving as an advisor or consultant to the FBI, or engage in conduct that would require you to so register.

If you have any questions regarding the capacity in which you will serve, or any related questions, please contact Associate General Counsel [REDACTED] [REDACTED] I look forward to your participation as a member of OGC and

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obtaining your guidance and advice on the issues related to existing and emerging communication services and technologies and the overlapping challenges they pose to law enforcement.

Please see the attached general terms of your appointment. Please sign and acknowledge these terms as a condition of your appointment and return to Associate General Counsel

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Thank you for your service to the FBI and the Nation.

Sincerely,




Timothy P. Groh
Deputy Assistant Director
FBI Human Resources Division

ACTION ITEM

June 17, 2015

TO: DAD TIMOTHY P. GROH

THROUGH: SC ALPHONSO NORRIS, III 

FROM: A/UC

SUBJECT: REQUEST TO APPOINT SPECIAL GOVERNMENT EMPLOYEE

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Synopsis: The Office of the General Counsel (OGC) has requested the appointment of Daniel Charles Richman as a Special Government Employee to serve as a consultant.

Background: Pursuant to Corporate Policy Directive 0514D, the Human Resources Division, Senior Executive Service Unit was notified by electronic communication, dated 06/16/2015, requesting the appointment of Mr. Daniel Charles Richman as a Special Government Employee to serve as a consultant to OGC.

As the Director highlighted in an October 2014 speech at the Brookings Institution regarding the "Going Dark" problem:

"Unfortunately, the law hasn't kept pace with technology, and this disconnect has created a significant public safety problem. We call it 'Going Dark,' and what it means is this: Those charged with protecting our people aren't always able to access the evidence we need to prosecute crime and prevent terrorism even with lawful authority. We have the legal authority to intercept and access communications and information pursuant to court order, but we often lack the technical ability to do so.

"We face two overlapping challenges. The first concerns real-time court-ordered interception of what we call 'data in motion,' such as phone calls, e-mail, and live chat sessions. The second challenge concerns court-ordered access to data stored on our devices, such as e-mail, text messages, photos, and videos—or what we call 'data at rest.' And both real-time communication and stored data are increasingly encrypted."

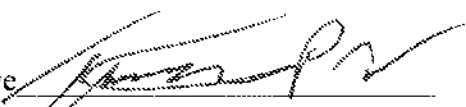
Mr. Richman is a tenured professor at Columbia University School of Law in New York. Mr. Richman has a B.A. from Harvard and a J.D. from Yale. He has served as a law clerk to a justice of the Supreme Court and practiced as an Assistant U.S. Attorney in the Southern District of New York and at a private law firm. He has been a law professor for more than 20 years and is author of more than 30 academic articles. Mr. Richman will assist OGC as OGC supports the Bureau's efforts to overcome the Going Dark challenges the Director and others have outlined. In particular, the General Counsel and other FBI leadership believe that Mr. Richman would provide a fresh perspective from somebody who, until this appointment, has been outside the FBI. His deep experience in criminal law and procedure would prove especially helpful as the FBI works to solve the problem within a procedural framework consistent with the Constitution and the FBI's Core Values. Mr. Richman's background and experience amply qualify him for this role. Mr.

Richman will not receive any form of compensation beyond the receipt of reimbursement for payment of travel expenses and a per diem allowance.

Recommendation: The Senior Executive Service Unit recommends that the attached request for a Special Government Employee be approved.

Decision: The DAD, HRD is requested to decide whether to approve the OGC's request to appoint Mr. Daniel Charles Richman as a Special Government Employee.

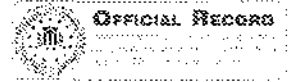
- Enclosures: 1. OGC's supporting documentation
2. Résumé
3. Appointment Letter Draft

Approve 

Deny _____

Date 6/19/15

Date _____

UNCLASSIFIED//~~FOUO~~**FEDERAL BUREAU OF INVESTIGATION**
Electronic Communication**Title:** (U) Request for Appointment of Consultant**Date:** 06/16/2015**CC:**

D3-SESU

From: GENERAL COUNSEL

D9-FO

Contact:b6 1
b7C 1**Approved By:** BAKER JAMES A
KELLEY PATRICK W**Drafted By:****Case ID #:** 319X-HQ-A1487709-OGC (U) OFFICE OF GENERAL COUNSEL
Serial 9**Synopsis:** (U) To request that HRD SES Unit process the appointment of Daniel Charles Richman as a consultant per 5 U.S.C. § 3109**Enclosure(s):** Enclosed are the following items:

1. (U) Mr. Richman's Resume
2. (U) Draft appointment letter

Details:

The Office of the General Counsel (OGC) requests, through the Human Resources Division (HRD) SES Unit, that the Assistant Director for HRD appoint Daniel Charles Richman as a consultant per 5 U.S.C. § 3109. Mr. Richman would serve without compensation on a part-time and/or intermittent basis. Mr. Richman would assist OGC in support of the Bureau's ongoing efforts at overcoming the "Going Dark" problem.

The Going Dark problem

As the Director highlighted in an October 2014 speech at the Brookings

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Title: (U) Request for Appointment of Consultant
Re: 319X-HQ-A1487709-OGC, 06/16/2015

Institution:

"Unfortunately, the law hasn't kept pace with technology, and this disconnect has created a significant public safety problem. We call it 'Going Dark,' and what it means is this: Those charged with protecting our people aren't always able to access the evidence we need to prosecute crime and prevent terrorism even with lawful authority. We have the legal authority to intercept and access communications and information pursuant to court order, but we often lack the technical ability to do so.

"We face two overlapping challenges. The first concerns real-time court-ordered interception of what we call 'data in motion,' such as phone calls, e-mail, and live chat sessions. The second challenge concerns court-ordered access to data stored on our devices, such as e-mail, text messages, photos, and videos--or what we call 'data at rest.' And both real-time communication and stored data are increasingly encrypted."

Mr. Richman's background

As noted above, Mr. Richman will assist OGC as OGC supports the Bureau's efforts to overcome the Going Dark challenges the Director and others have outlined. In particular, the General Counsel and other FBI leadership believe that Mr. Richman would provide a fresh perspective from somebody who, until this appointment, has been outside the FBI. His deep experience in criminal law and procedure would prove especially helpful as the FBI works to solve the problem within a procedural framework consistent with the Constitution and the FBI's Core Values.

Mr. Richman's background and experience amply qualify him for this role. Mr. Richman is a tenured professor at Columbia University School of Law in New York. Mr. Richman has a B.A. from Harvard and a J.D. from Yale. He has served as a law clerk to a justice of the Supreme Court and practiced as an Assistant U.S. Attorney in the Southern District of

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Title: (U) Request for Appointment of Consultant

Re: 319X-HQ-A1487709-OGC, 06/16/2015

New York and at a private law firm. He has been a law professor for more than 20 years and is author of more than 30 academic articles. For more on Mr. Richman's background, please see his resume attached to this EC.

Additional details of the appointment

Mr. Richman's appointment should be for a year, with the possibility of renewal, or shall be terminated sooner if his expertise becomes no longer necessary to support this project. As noted above, Mr. Richman would serve without compensation on a part-time and/or intermittent basis. OGC is confident that his appointment as a consultant would not violate the appropriate use restrictions for experts and consultants as described in 5 CR 304.104(b).

Mr. Richman's duty station would be New York, New York, though his work on the project will likely require him to travel to Washington, D.C., and possibly elsewhere, on official business. Accordingly, he should be eligible for reimbursement for travel, transportation, and necessary incidental expenses pursuant to 5 U.S.C. § 5703 as approved as needed for official business by authorized FBI personnel.

Though OGC anticipates Mr. Richman devoting more of his time to the project in the fall, OGC requests that his appointment commence as soon as his security clearance is granted and any other preliminaries can be completed to allow OGC to engage him as soon as possible. OGC has already coordinated with the Office of Security Operations (OSO), which in turn has coordinated with the Security Division (SecD), so that Mr. Richman is in the process of being cleared as required for this project (Top Secret with access to Sensitive Compartmented Information).

Designation as a "Special Government Employee"

Due to the nature of the appointment, its limited duration, and because OGC does not anticipate that Mr. Richman will work on more than 130 days over the course of any 365-day period, OGC requests that the Assistant Director, or designee, of the Office of Integrity and

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Title: (U) Request for Appointment of Consultant

Re: 319X-HQ-A1487709-OGC, 06/16/2015

Compliance (OIC) confirm via approval of this EC that Mr. Richman should be designated a "Special Government Employee" per 18 U.S.C. § 202(a). Consistent with FBI Policy Directive 0514D (Special Government Employees), OGC notes that Mr. Richman confirmed in writing (via email) that has never been a registered lobbyist. Mr. Richman has not within 30 days prior to this requested appointment left a position that required the filing of a financial disclosure form (OGE-450 or OGE-278), so no such disclosure will be used in lieu of a new confidential financial disclosure (OGE-450) report. Mr. Richman has agreed to file an OGE-450 report, and will do so no later than 30 days after being appointed. OGC will track the number of days Mr. Richman works by tasking him with reporting on the number of days he worked via email on no less than a monthly basis. Finally, a draft appointment letter is attached to this EC.

Further information

HRD SES Unit, OIC, OSO, or SecD may contact Mr. Richman directly as necessary for any additional information or via OGC-Front Office

[redacted] Mr. Richman's email address is [redacted]
[redacted] His direct office phone is [redacted] and
his cell is [redacted] His office address is [redacted]
[redacted]

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Please contact Assoc. GC [redacted] or GC James Baker with any questions regarding this request.

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FEDERAL BUREAU OF INVESTIGATION

Lead Report

Precedence: Routine
Lead Type: Action
Deadline: 08/15/2015
Lead Number: 1

Date: 06/16/2015

From: GENERAL COUNSEL
D9-FO

Contact: [REDACTED]

b6 1
b7C 1

Approved By: BAKER JAMES A
KELLEY PATRICK W

[REDACTED]

Drafted By: [REDACTED]

Case ID #: 319X-HQ-A1487709-OGC (U) OFFICE OF GENERAL COUNSEL

Reference: 319X-HQ-A1487709-OGC Serial 9

Details: (U) To secure the appointment of Daniel Charles Richman as an expert per 5 U.S.C. § 3109.

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FBI 18-CV-1833-63

UNCLASSIFIED

Re: 319X-HQ-A1487709-OGC
Lead: 1, 06/16/2015

Location

To: D3-SESU

Recipient: D3-SESU

Status: Set

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