

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS,)	
)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 14-cv-269 (CKK)
)	
EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS and UNITED STATES DEPARTMENT OF JUSTICE)	
)	
Defendants.)	
)	

Vaughn Index

Pursuant to the Court’s Order of May 6, 2014, Defendants submit the following
Vaughn Index.

Document	Date	Exemption	Description
Federal Criminal Discovery ("FCD")	2011	5	The FCD is a litigation manual that is part of DOJ’s Office of Legal Education’s Litigation Series. It consists of approximately 340 pages and is electronically available to DOJ personnel only. It constitutes attorney work product because it was prepared by DOJ attorneys in anticipation of litigation to advise federal prosecutors on the legal sources of their discovery obligations as well as the types of discovery related claims and issues that they would confront in criminal investigations and prosecutions. The FCD contains the recommendations and litigation strategies of DOJ attorneys with expertise on criminal discovery issues. Among other things, it encourages certain practices and discourages others; identifies factors prosecutors should consider in making particular decisions; describes the types of claims/tactics defense counsel raise/employ and provides advice and authority to counter those

			claims/tactics; evaluates the merits of arguments prosecutors can make; and illustrates with cases pitfalls for prosecutors to avoid, including arguments available in case prosecutors fall into those pitfalls. These confidential legal analyses and strategies are offered to support the Government's investigations and prosecutions.
FCD	2011	7(E)	The FCD is exempt under Exemption 7(E). It was compiled for law enforcement purposes inasmuch as it was created for the use of federal prosecutors in criminal investigations and prosecutions. In addition, it contains law enforcement techniques, procedures, and guidelines that prosecutors may and do employ during the course of criminal proceedings. The disclosure of this information could risk circumvention of the law. For example, the FCD describes techniques and procedures for protecting witnesses and evidence, for properly handling statements of defendants and witnesses, for determining the scope and timing of disclosures, for obtaining electronic and other forms of evidence, and for handling shortcomings in discovery, among others. In addition, the FCD includes guidelines for prosecutors to fulfill their discovery obligations, to handle discovery issues, avoid discovery disputes, and litigate discovery-related claims. While some of these techniques, procedures, and guidelines, are set out as Practice Notes, Caveats, Strategic and Logistical Concerns, or Practical Considerations, many are interspersed within the legal analysis. The totality of these techniques, procedures, and guidelines are not generally known to the public. Disclosure of this information, which would reveal how prosecutors conduct investigations and prosecutions as well as the candid assessments of DOJ attorneys regarding discovery rules, cases, and practices, could allow individuals to modify their behavior in order to avoid detection, hide information, and defeat proper law enforcement efforts.

Dated: June 11, 2014

Respectfully submitted,

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/s/ Héctor G. Bladuell
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Certificate of Service

I HEREBY CERTIFY that on June 11, 2014, I filed the foregoing pleading electronically through the CM/ECF system and that the document is available for viewing and downloading from the ECF system.

/s/ Héctor G. Bladuell

Héctor G. Bladuell

Trial Attorney