



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

March 11, 2021

BY EMAIL: dni-foia@dni.gov

Gregory Koch
Director, Information Management Office
ATTN: FOIA/PA
Office of the Director of National Intelligence
Washington, D.C. 20511

Re: Freedom of Information Act Request

Dear Mr Koch:

Citizens for Responsibility and Ethics in Washington (“CREW”) submits this request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and Office of the Director of National Intelligence (“ODNI”) regulations.

Specifically, CREW requests:

1. All communications sent or received by former Acting Director of National Intelligence Richard Grenell or any member of his staff relating to Michael Atkinson, Russ Travers, Peter Hall, or Michael Flynn.
2. All communications between Mr. Grenell and any of the following individuals: Donald Trump Jr., Arthur Schwartz, Andy Surabin, Michael Flynn, or Sidney Powell.
3. All communications sent or received by Mr. Grenell or any member of his staff relating to Special Counsel Robert Mueller’s Russia investigation and related prosecutions, including without limitation the prosecution of Michael Flynn, *United States v. Flynn*, 17-cr-232 (D.D.C.). This request includes without limitation any responsive communications with the Department of Justice.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what

portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dept of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Please be advised that CREW intends to pursue all legal remedies to enforce its right under the FOIA to access these documents. Accordingly, because litigation reasonably is foreseeable, the ODNI should institute an agency-wide preservation hold on documents potentially responsive to this request.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and ODNI regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. See 5 U.S.C. § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. See, e.g., *McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

Late last month former Acting Director of National Intelligence Richard Grenell met with President Donald Trump at his Mar-a-Lago club to discuss his potential run for Governor of California.¹ Grenell has strongly hinted in speeches that he plans to run against incumbent governor Gavin Newsom, and people close to Grenell have verified these plans.² Throughout his career in public service, as Ambassador to Germany and later as Director of National Intelligence, Grenell engaged in highly questionable conduct that should be made public.

While previous Directors of National Intelligence have pledged to act as “neutral arbiters of facts,” during his tenure Grenell acted with extreme bias in favor of President Trump.³ As DNI Grenell acted as Trump’s “warrior” against the “deep state,” firing several career officials including independent watchdog Michael Atkinson, acting head of counterterrorism Russ Travers, and acting Deputy Director Peter Hall.^{4,5} In response the

¹ Richard Grenell, “Dinner with POTUS 45 at @themaralagoclub. #usa”, *Instagram*, February 28, 2021, available at <https://www.instagram.com/p/CL1hoKDAwT5/>

² Alex Isenstadt, *Grenell to discuss potential California governor run with Trump Saturday*, *Politico*, February 27, 2021, available at <https://www.politico.com/news/2021/02/27/richard-grenell-california-governor-trump-471827>

³ Julian E. Barnes and Maggie Haberman, *Trump Names Richard Grenell as Acting Head of Intelligence*, *New York Times*, February 19, 2020, available at <https://www.nytimes.com/2020/02/19/us/politics/dni-national-intelligence-director-grenell.html>

⁴ Alex Marquardt, Zachary Cohen and Jeremy Herb, *Grenell takes parting shot at Democrats as he exits top intelligence job*, *CNN*, May 26, 2020, available at <https://www.cnn.com/2020/05/26/politics/grenell-director-of-national-intelligence-final-days/index.html>

⁵ Grace Segers, Olivia Gazis, *Schiff sends letter to Acting DNI Grenell requesting information on staff changes*, *CBS*, April 7, 2020, available at <https://www.cbsnews.com/news/schiff-sends-letter-to-acting-dni-grenell-requesting-information-on-staff-changes-2020-04-07/>

Senate Intelligence Committee sent Grenell a letter urging him to “avoid making significant changes” at the agency, which he ignored.⁶

As DNI, Grenell declassified a list of Obama Administration officials who requested the “unmasking” of Trump’s former National Security Advisor, Michael Flynn, and gave it to the Department of Justice, making it available for demand by Republican lawmakers.⁷ This action came as Trump and his associates were trying to change the narrative around the Russia investigation to surround former President Barack Obama.⁸ The declassified documents could have helped a prosecutor appointed by then-Attorney General Bill Barr investigate the origins of the Russia inquiry.⁹ In Grenell’s final days as DNI in May 2020 he declassified additional documents related to the Russia investigation.¹⁰

Throughout his career as an official Grenell has kept a posse of shady associates. Grenell is a member of Donald Trump Jr.’s inner circle along with Republican congressmen and political operatives.¹¹ Through phone calls and text chains, the group helps Trump Jr. plan his political moves and sends unsavory information about journalists they feel have smeared Trump.¹² Grenell has met with members of his group at the Trump International Hotel in Washington, D.C., which has become a destination for Republican politicians and political operatives. According to tracking by CREW, Grenell has made 19 visits to Trump properties, not including his recent trip to Mar-a-Lago.

The requested records will shed further light on Grenell’s activities as Acting DNI --an issue of widespread public interest.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public’s right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate documents it acquires from this request to the public through its website, www.citizensforethics.org. The release of information obtained through this request is not in CREW’s financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. See *Nat’l Sec. Archive v. U.S. Dep’t of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989)

⁶ Alex Marquardt, Zachary Cohen and Jeremy Herb, *CNN*, May 26, 2020

⁷ Julian E. Barnes and Maggie Haberman, *New York Times*, February 19, 2020

⁸ *Id.*

⁹ *Id.*

¹⁰ Alex Marquardt, Zachary Cohen and Jeremy Herb, *CNN*, May 26, 2020

¹¹ Jason Zengerle, *Donald Trump Jr. Is Ready. But for What, Exactly?*, *New York Times*, August 24, 2020, available at <https://www.nytimes.com/2020/08/24/magazine/donald-trump-jr.html>

¹² McKay Coppins, *The Billion-Dollar Disinformation Campaign to Reelect the President*, *The Atlantic*, February 10, 2020, available at <https://www.theatlantic.com/magazine/archive/2020/03/the-2020-disinformation-war/605530/>

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(holding non-profit a “representative of the news media” and broadly interpreting the term to include “any person or organization which regularly publishes or disseminates information to the public”).

CREW routinely and systematically disseminates information to the public in several ways. CREW’s website receives tens of thousands of page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. In addition, CREW posts documents it receives under the FOIA on its website, which has been visited hundreds of thousands of times.

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at rjacobs@citizensforethics.org. Also, if CREW’s request for a fee waiver is not granted in full, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to me at either rjacobs@citizensforethics.org or Rebecca Jacobs, Citizens for Responsibility and Ethics in Washington, 1101 K St., N.W., Suite 201, Washington, D.C. 20005. Thank you for your assistance.

Sincerely,



Rebecca Jacobs
Research Associate