



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

August 4, 2021

Drug Enforcement Administration
Attn: Freedom of Information and Privacy Act Section
8701 Morrissette Drive
Springfield, Virginia 22152

Re: Freedom of Information Act Request

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and U.S. Department of Justice regulations.

Specifically, CREW requests all emails, text messages, WhatsApp messages, and any other communications sent by or to former DEA Special Agent Mark Ibrahim from January 1, 2020 to the present relating to former president Donald Trump or the 2020 presidential election, including but not limited to records containing any of the following terms:

- Trump
- MAGA
- “Make America Great Again”
- Biden
- Pelosi
- Obama
- Pence
- Republican
- Democrat
- Liberal
- Libs
- “Radical left”
- Socialist
- Communist
- Commie
- RINO
- “stop the steal” or #stopthesteal
- “January 6” or “Jan 6” or “1/6/2021”
- “electoral college”
- “election fraud”
- “voter fraud”

- fraud
- “voter ID”
- “election integrity”
- “march on Congress”
- “rally”
- Capitol
- Congress
- Occupy or #occupy
- “Liberty Tavern”
- “illegal ballots”
- “Fake news”
- Dominion
- Cigar
- Podcast

The above request excludes agency records consisting solely of news articles, press clippings, and other publicly-available material, so long as the records include no accompanying discussion by agency officials.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc’ed or bcc’ed on any emails.

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). If 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. Dep’t of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and agency 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).

On July 20, 2021, former DEA special agent Mark Ibrahim became the first federal law enforcement officer to be charged in connection with the January 6 insurrection at the U.S. Capitol.¹ Prosecutors say “he posed for pictures while flashing his DEA badge and climbed onto the Peace Monument to film himself as he delivered a ‘monologue.’”² Court documents further state “Ibrahim entered restricted grounds outside the U.S. Capitol shortly after they’d been breached by the mob, and posted a photo standing next to one of the metal barricades that had recently been pulled apart.”³ “Prosecutors also said he sent photos of himself at the Capitol to a group chat on WhatsApp that included at least five other law enforcement officers.”⁴ There is a compelling public interest in disclosure of the requested records, which will shed light on Ibrahim’s communications in the months and weeks leading up to the January 6 insurrection.

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) (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.

¹ Josh Gerstein, [DEA agent charged with breaching police lines during Capitol riot](https://politi.co/3fyeiFD), *Politico*, July 20, 2021, <https://politi.co/3fyeiFD>.

² Cassidy McDonald, [Off-duty DEA agent brought his government-issued gun to the Capitol riot, prosecutors say](https://cbsn.ws/3iqE0mq), *CBS News*, July 21, 2021, <https://cbsn.ws/3iqE0mq>.

³ *Id.*

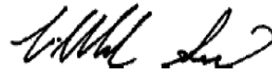
⁴ *Id.*

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at (202) 408-5565 or nsus@citizensforethics.org. Also, if CREW's request for a fee waiver is denied, 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 nsus@citizensforethics.org or Nikhel Sus, Citizens for Responsibility and Ethics in Washington, 1101 K St., N.W., Suite 201, Washington, D.C. 20005.

Sincerely,

A handwritten signature in black ink, appearing to read "Nikhel Sus", written in a cursive style.

Nikhel Sus
Senior Counsel