



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

July 19, 2022

Submitted through portal

Douglas Hibbard
Chief, Initial Request Staff
Office of Information Policy
Department of Justice
6th Floor
441 G Street, NW
Washington, DC 20530

Re: Freedom of Information Act Request

Dear FOIA Officer:

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 the Department of Justice (“DOJ”) regulations.

Specifically, CREW requests:

1. Any records sufficient to identify the members of the Election Threats Task Force including, but not limited to, individuals, agencies, and divisions.
2. Any records specifying the number of tips received by the task force, including but not limited to those closed without investigation, currently open, and closed with investigation.
3. All communications between Attorney General Merrick Garland and Deputy Attorney General Lisa Monaco regarding the Election Threats Task Force from June 1, 2021 to the day this request is processed.

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).

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

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 *id.* § 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).

By way of background, in June of 2021, the Department of Justice established the Election Threats Task Force to protect election workers from the onslaught of threats directed toward them following the results of the 2020 presidential election.¹ According to multiple reports, despite the task force receiving nearly 1,000 tips, only three have resulted in legal action.²³ As of March 2022, continued threats of violence paired with the task force's perceived inaction have left many election workers seriously considering quitting their positions over safety concerns.⁴ Former election workers Ruby Freeman and Shae Moss illustrated the gravity of these threats during their harrowing testimonies to the January 6 committee.⁵

¹ Fatma Khaled, [Here is How a DOJ Special Task Force Protects Election Workers from Threats](#), Newsweek, January 21, 2022, available at [Newsweek](#)

² Steve Benen, [After Threats Against Election Workers, DOJ Starts Making Arrests](#), MSNBC, January 28, 2022, available at [MSNBC](#)

³ [Colorado Guilty Plea a First for US Election Task Force](#), The Associated Press, June 20, 2022, available at [Associated Press](#)

⁴ Peter Eisler & Linda So, [One in Five U.S. Election Workers May Quit Amid Threats](#), Politics, Reuters, March 10, 2022, available at [Reuters](#)

⁵ Michael Wines & Eliza Fawcett, [Violent Threats to Election Workers are Common. Prosecutions Are Not.](#), The New York Times, June 27, 2022, available at [New York Times](#)

Considering the evidence of the imminent threat of physical harm election workers are facing, it remains unclear why the task force has yet to act in the overwhelming majority of these cases.⁶ Election workers fearing for their safety are left in the dark by the task force's lack of transparency regarding its criteria to take action against these threats.⁷ It is in the public's interest to know what, if anything, is being done to protect our democratic processes and those who work to maintain them, and under what circumstances, if any, the task force will fulfill its duties and intervene in these threats. The requested documents will afford the public the required transparency to determine the task force's efficacy thus far and hold it accountable for its potential deficiencies in pursuing justice for those who have been threatened.

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 any 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 disseminates information obtained through FOIA to the public in several ways. For example, CREW's website receives hundreds of thousands of page views every month. The website includes blog posts 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. These reports frequently rely on government records obtained through FOIA. CREW also posts the documents it obtains through FOIA on its website.

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 (202) 408-5565 or ghonig@citizensforethics.org. Also, if CREW's request for a fee waiver is denied, please contact our office immediately upon making such a determination.

⁶ *Ibid.*

⁷ *Ibid.*

July 19, 2022

Page 4

Where possible, please produce records in electronic format. Please send the requested records to me at either ghonig@citizensforethics.org or Grace Honig, Citizens for Responsibility and Ethics in Washington, 1331 F St. NW, Suite 900, Washington, D.C. 20004.

Sincerely,

A handwritten signature in black ink, appearing to read "Grace Honig". The signature is fluid and cursive, with the first name "Grace" and last name "Honig" clearly distinguishable.

Grace Honig
Research Intern