



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

February 15, 2023

Submitted via online portal

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505

Dear Coordinator:

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 U.S. Central Intelligence Agency (“CIA”) regulations.

Specifically, CREW requests:

1. All communications within the Central Intelligence Agency from December 1, 2020 to January 20, 2021 regarding classified daily intelligence briefings for then-President Trump, including but not limited to communications about canceled briefings and national security-related concerns of the January 6, 2021 attack on the Capitol.
2. All communications between the Central Intelligence Agency and the White House from December 1, 2020 to January 20, 2021 regarding classified daily intelligence briefings for then-President Trump, including but not limited to communications about canceled briefings and national security-related concerns of the January 6, 2021 attack on the Capitol.

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 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, as well as emails to which the subjects of this request were cc’ed or bcc’ed.

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, former President Donald Trump failed to read or attend any classified intelligence briefings during his final weeks in office, including one scheduled for January 6, 2021, according to a book published by the CIA.¹ According to the Daily Beast, Trump had a history of evading intelligence briefings, attending, on average, just two 45-minute sessions per week, compared to past presidents and other members of his administration who reviewed near daily briefings.² Given that the planning and execution of the January 6 Capitol attack occurred during Trump's final weeks in office, this month-long period during which Trump refused all classified intelligence briefings was particularly crucial in the national-security sphere.

Not only did the January 6 attack pose a significant safety threat to Members of Congress and hundreds of law enforcement officers, but it was also a direct threat to the democracy and stability of our country.³ As the Commander in Chief, the president has a responsibility to protect the safety and security of the American people.⁴ By refusing to be briefed on classified intelligence leading up to, and in the aftermath of the attack, Trump acted negligently. The requested records will shed light on the CIA's handling of Trump's

¹ Jose Pagliery, [Trump Never Got Another Classified Intelligence Briefing After Jan. 6](#), The Daily Beast, November 30, 2021, available at [The Daily Beast](#).

² *Ibid.*

³ Daniel Dale & Marshall Cohen, [Fact Check: Five Enduring Lies About the Capitol Insurrection](#), CNN, January 5, 2022, available at [CNN](#).

⁴ Pagliery

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refusal of intelligence, as well as potentially provide an explanation for why Trump ignored his duty to protect the American people and uphold national security. It is in the public's interest to know how security concerns could be ignored by the president, and what was done by the CIA in the wake of this month-long briefing hiatus to fulfill its responsibility to safeguard our national security.

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 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. 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 email me at ghonig@citizensforethics.org and foia@citizensforethics.org or call me at (202) 408-5565. 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 ghonig@citizensforethics.org and foia@citizensforethics.org or by mail to Grace Honig, Citizens for Responsibility and Ethics in Washington, 1331 F Street, NW, Suite 900, Washington, DC 20004.

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Sincerely,

Grace Honig
Research Intern