



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

February 22, 2023

Michael G. Seidel
Section Chief
Record/Information Dissemination Section
Records Management Division
Federal Bureau of Investigation
Department of Justice
200 Constitution Drive
Winchester, VA 22602

Re: Freedom of Information Act Request

Dear Mr. Seidel:

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

Specifically, CREW requests all records related to the now-closed investigation conducted by DOJ and the Federal Bureau of Investigation (“FBI”) of Rep. Matt Gaetz (R-FL) that are not covered by grand jury secrecy pursuant to Rule 6(e) of the Federal Rules of Criminal Procedure, including but not limited to DOJ’s decision not to bring criminal charges against Rep. Gaetz.

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, minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records.

If it is your position that 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 right under the FOIA to access these documents. Accordingly, because litigation reasonably is foreseeable, DOJ 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 28 C.F.R. § 16.10, 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).

Attorneys for Rep. Gaetz recently announced that DOJ has closed its lengthy sex-trafficking investigation into Rep. Gaetz without bringing charges. *See, e.g.,* Devlin Barrett and Perry Stein, [Rep. Gaetz won't be charged in sex-trafficking probe, his lawyer say](https://www.washingtonpost.com/national-security/2023/02/15/gaetz-not-charged-sex-trafficking/), *Washington Post*, Feb. 15, 2023, <https://www.washingtonpost.com/national-security/2023/02/15/gaetz-not-charged-sex-trafficking/>; Glenn Thrush, [Justice Dept. Won't Bring Charges Against Gaetz in Sex-Trafficking Inquiry](https://www.nytimes.com/2023/02/15/us/politics/matt-gaetz-sex-trafficking-justice-department.html), *New York Times*, Feb. 15, 2023, <https://www.nytimes.com/2023/02/15/us/politics/matt-gaetz-sex-trafficking-justice-department.html>. Starting in late 2020, DOJ began an investigation into Mr. Gaetz's alleged involvement with a 17-year-old girl "to determine if he paid for sex in violation of federal sex-trafficking laws." Barrett & Stein, *Washington Post*, Feb. 15, 2023. The investigation reportedly focused on Rep. Gaetz's relationships with women that he recruited online for sex. Thrush, *New York Times*, Feb. 15, 2023.

Joel Greenberg, a close associate of Rep. Gaetz who cooperated extensively with DOJ's investigation into the Congressman, pleaded guilty to a number of criminal charges including, among others, underage sex trafficking and wire fraud and was sentenced to 11 years in prison in December 2022. Marshall Cohen, [Joel Greenberg sentenced to 11 years after cooperating with federal probe into Matt Gaetz](https://www.cnn.com/2022/12/01/politics/joel-greenberg-sentencing/index.html), *CNN.com*, Dec. 1, 2022, <https://www.cnn.com/2022/12/01/politics/joel-greenberg-sentencing/index.html>. CNN reported that women who had attended parties with Rep. Gaetz and Greenberg had told CNN "that they participated in sex parties near Orlando that featured local political figures, young women, Venmo payments, alcohol, and drugs." *Id.* After Greenberg was first charged in 2020, Rep. Gaetz reportedly asked Mark Meadows, then White House chief of staff for President Trump, "for a preemptive pardon from Trump regarding the sex-trafficking investigation." Barrett & Stein, *Washington Post*, Feb.

15, 2023.

The records CREW seeks would help explain why Rep. Gaetz—a prominent member of Congress—was not charged with any crime despite public reporting suggesting an abundance of evidence that he likely violated sex-trafficking laws and the conviction of his close associate on similar charges. The public has a vital interest in learning whether the decision not to prosecute Rep. Gaetz was motivated, even in part, by considerations apart from the sufficiency of the evidence against him.

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 the activities of government officials, to ensuring the integrity of those officials. CREW uses a combination of research, litigation, and advocacy to advance its mission. 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 U.S.C. §552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat'l Sec. Archives v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding that non-profit was 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 to educate the public about these issues. In addition, CREW posts documents it receives under the 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 Eden Tadesse at foia@citizensforethics.org. Also, if CREW's requests for a fee waiver or expedited processing are denied, please contact me immediately upon making such a determination at weismann.anne@gmail.com.

Where possible, please produce records in electronic format. Please send the requested records to Eden Tadesse at foia@citizensforethics.org or 1331 F Street, N.W., Suite 900, Washington, D.C. 20004.

Sincerely,

/s/ Anne L. Weismann
Anne L. Weismann