

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON,



Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE,
950 Pennsylvania Avenue NW
Washington, DC 20530,

Defendant.

Civil Action No. _____

COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

1. Plaintiff Citizens for Responsibility and Ethics in Washington (“CREW”) brings this action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, against Defendant United States Department of Justice (“DOJ”), seeking disclosure of records held by three components of the DOJ: the Executive Office for United States Attorneys (“EOUSA”), the Office of Information Policy (“OIP”), and the Federal Bureau of Investigation (“FBI”) relating to any deployment of federal law enforcement personnel to Broward County, Florida in connection with the 2018 election.

2. CREW seeks declaratory relief that DOJ is in violation of FOIA for failure to respond to its FOIA requests, and injunctive relief requiring DOJ to immediately process and release the requested records.

Jurisdiction and Venue

3. This Court has subject-matter jurisdiction and personal jurisdiction under 5 U.S.C. §§ 552(a)(4)(B) and 552(a)(6)(C)(i). The Court also has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 2201(a), and 2202.

4. Venue lies in this district under 5 U.S.C. § 552(a)(4)(B).

Parties

5. Plaintiff CREW is a non-profit corporation organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the rights of citizens to be informed about the activities of government officials and agencies, and to ensuring the integrity of government officials and agencies. CREW seeks to empower citizens to have an influential voice in government decisions and in the government decision-making process through the dissemination of information about public officials and their actions. To advance its mission, CREW uses a combination of research, litigation, and advocacy. As part of those efforts, CREW uses government records it obtains under FOIA.

6. DOJ is an agency subject to FOIA within the meaning of 5 U.S.C. § 552(f)(1). DOJ has possession, custody, and control of the records requested of EOUSA in Exhibit 1. DOJ has possession, custody, and control of the records requested of OIP in Exhibit 2. DOJ has possession, custody, and control of the records requested of the FBI in Exhibit 3.

Factual Background

7. On November 10, 2022, former President Donald Trump posted on Truth Social that during the 2018 election, he “sent in the FBI and the U.S. Attorneys” to Broward County, Florida to stop votes from “being stolen” from now-Governor Ron DeSantis and now-Senator Rick Scott. Trump alleged that, after he sent in federal law enforcement, “the ballot theft

immediately ended, just prior to them running out of the votes necessary to win” and thus claimed he “stopped [the] Election from being stolen” from DeSantis and Scott.¹

8. There is considerable public interest in learning the veracity of former President Trump’s claims about sending federal law enforcement to Broward County during the 2018 election in support of then-candidates Scott and DeSantis, as well as the extent to which federal officials participated in any such effort.

9. To help answer questions about these issues, CREW submitted FOIA requests to EOUSA, OIP, and the FBI.

November 11, 2022 FOIA Request to EOUSA

10. CREW submitted a FOIA request to EOUSA on November 11, 2022. The request is attached as Exhibit 1.

11. CREW’s FOIA request to EOUSA sought the following:

1. All records from October 1, 2018, to November 30, 2018, relating to any order, instruction, directive, or proposal by then-President Donald Trump, then-Attorney General Jeff Sessions, FBI Director Christopher Wray, or former U.S. Attorney for the Southern District of Florida Ariana Fajardo Orshan to deploy federal law enforcement personnel to Broward County, Florida in connection with the 2018 election.
2. All records from October 1, 2018, to November 30, 2018, relating to any deployment of federal law enforcement personnel to Broward County, Florida in connection with the 2018 election.

12. CREW’s request excluded 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.

¹ Ewan Palmer, *Donald Trump Says He ‘Sent in the FBI’ to Stop Ron DeSantis Losing Election*, NEWSWEEK (Nov. 11, 2022, 3:23 am), <https://www.newsweek.com/trump-desantis-statement-fbi-2018-florida-election-stolen-1758853>.

13. CREW's request sought a fee waiver in accordance with 5 U.S.C. § 552(a)(4)(A) and agency regulations. 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.

14. EOUSA acknowledged receiving CREW's request on November 11, 2022. It assigned the request the case number EOUSA-2023-000278. EOUSA did not seek an extension of time to respond.

15. EOUSA has not responded to CREW's request within the statutorily required period of twenty business days commencing on the date on which the appropriate component of the agency receives the request. *See* 5 U.S.C. § 522(a)(6)(A)(ii).

November 11, 2022 FOIA Request to OIP

16. CREW submitted a FOIA request to OIP on November 11, 2022. The request is attached as Exhibit 2.

17. CREW's FOIA request to OIP sought the following:

1. All records from October 1, 2018, to November 30, 2018, relating to any order, instruction, directive, or proposal by then-President Donald Trump, then-Attorney General Jeff Sessions, FBI Director Christopher Wray, or former U.S. Attorney for the Southern District of Florida Ariana Fajardo Orshan to deploy federal law enforcement personnel to Broward County, Florida in connection with the 2018 election.
2. All records from October 1, 2018, to November 30, 2018, relating to any deployment of federal law enforcement personnel to Broward County, Florida in connection with the 2018 election.

18. CREW's request excluded 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.

19. CREW's request sought a fee waiver in accordance with 5 U.S.C. § 552(a)(4)(A) and agency regulations. 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.

20. OIP acknowledged receiving CREW's request on November 11, 2022. It assigned the request the case number FOIA-2023-00205. OIP did not seek an extension of time to respond.

21. OIP has not responded to CREW's request within the statutorily required period of twenty business days commencing on the date on which the appropriate component of the agency receives the request. *See* 5 U.S.C. § 522(a)(6)(A)(ii).

November 11, 2022 FOIA Request to FBI

22. CREW submitted a FOIA request to the FBI on November 11, 2022. The request is attached as Exhibit 3.

23. CREW's FOIA request to the FBI sought the following:

1. All records from October 1, 2018, to November 30, 2018, relating to any order, instruction, directive, or proposal by then-President Donald Trump, then-Attorney General Jeff Sessions, FBI Director Christopher Wray, or former U.S. Attorney for the Southern District of Florida Ariana Fajardo Orshan to deploy federal law enforcement personnel to Broward County, Florida in connection with the 2018 election.

2. All records from October 1, 2018, to November 30, 2018, relating to any deployment of federal law enforcement personnel to Broward County, Florida in connection with the 2018 election.

24. CREW's request excluded 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.

25. CREW's request sought a fee waiver in accordance with 5 U.S.C. § 552(a)(4)(A) and agency regulations. 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.

26. FBI acknowledged receiving CREW's request on November 11, 2022. It assigned the request the case number 1573571-000. FBI did not seek an extension of time to respond.

27. FBI has not responded to CREW's request within the statutorily required period of twenty business days commencing on the date on which the appropriate component of the agency receives the request. *See* 5 U.S.C. § 522(a)(6)(A)(ii).

CREW'S CLAIM FOR RELIEF

COUNT I

DOJ's Failure to Timely and Adequately Respond to CREW's FOIA Request to EOUSA

28. CREW repeats and realleges the preceding paragraphs.

29. In its November 11, 2022 FOIA request, CREW properly asked for records within the possession, custody, and control of EOUSA, a component of DOJ.

30. EOUSA has failed to respond to CREW's request in a timely manner.

31. By failing to timely conduct a search in response to CREW's request to EOUSA and subsequently release all requested records in full to CREW, Defendant DOJ is in violation of FOIA.

32. CREW has exhausted its administrative remedies.

33. CREW is therefore entitled to injunctive and declaratory relief requiring immediate processing and disclosure of the requested records.

COUNT II
DOJ's Failure to Timely and Adequately
Respond to CREW's FOIA Request to OIP

34. CREW repeats and realleges the preceding paragraphs.

35. In its November 11, 2022 FOIA request, CREW properly asked for records within the possession, custody, and control of OIP, a component of DOJ.

36. OIP has failed to respond to CREW's request in a timely manner.

37. By failing to timely conduct a search in response to CREW's request to OIP and subsequently release all requested records in full to CREW, Defendant DOJ is in violation of FOIA.

38. CREW has exhausted its administrative remedies.

39. CREW is therefore entitled to injunctive and declaratory relief requiring immediate processing and disclosure of the requested records.

COUNT III
DOJ's Failure to Timely and Adequately
Respond to CREW's FOIA Request to the FBI

40. CREW repeats and realleges the preceding paragraphs.

41. In its November 11, 2022 FOIA request, CREW properly asked for records within the possession, custody, and control of the FBI, a component of DOJ.

42. FBI has failed to respond to CREW's request in a timely manner.

43. By failing to timely conduct a search in response to CREW's request to the FBI and subsequently release all requested records in full to CREW, Defendant DOJ is in violation of FOIA.

44. CREW has exhausted its administrative remedies.

45. CREW is therefore entitled to injunctive and declaratory relief requiring immediate processing and disclosure of the requested records.


Requested Relief

WHEREFORE, CREW respectfully requests that this Court:

1. Order Defendant to immediately and fully process CREW's FOIA requests and disclose all non-exempt records to CREW;
2. Declare that CREW is entitled to immediate processing and disclosure of the requested records;
3. Provide for expeditious proceedings in this action;
4. Retain jurisdiction of this action to ensure no agency records are wrongfully withheld;
5. Award CREW its costs and reasonable attorneys' fees in this action; and
6. Grant such other relief as the Court may deem just and proper.

Date: February 12, 2023

Respectfully Submitted,



Jeffrey Gutman
Professor of Clinical Law
(D.C. Bar No. 416954)

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/s/ Holly Eaton

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/s/ Nikhel S. Sus

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Citizens for Responsibility and
Ethics in Washington



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nsus@citizensforethics.org

EXHIBIT 1



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

November 11, 2022

Kevin Krebs
Assistant Director, FOIA/Privacy Staff
Executive Office for United States Attorneys
Department of Justice
175 N Street, NE
Suite 5.400
Washington, DC 20530-0001

Re: Freedom of Information Act Request

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington ("CREW") submits this request for records from the U.S. Attorney's Office for the Southern District of Florida ("USAO-SDFL") pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and U.S. Department of Justice ("DOJ") regulations.

Specifically, CREW requests:

1. All records from October 1, 2018 to November 30, 2018 relating to any order, instruction, directive, or proposal by then-President Donald Trump, then-Attorney General Jeff Sessions, FBI Director Christopher Wray, or former U.S. Attorney for the Southern District of Florida Ariana Fajardo Orshan to deploy federal law enforcement personnel to Broward County, Florida in connection with the 2018 election.
2. All records from October 1, 2018 to November 30, 2018 relating to any deployment of federal law enforcement personnel to Broward County, Florida in connection with the 2018 election.

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). 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. 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, the agency 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 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 November 10, 2022, former President Donald Trump posted on Truth Social that during the 2018 election, he "sent in the FBI and the U.S. Attorneys" to Broward County, Florida to stop votes from "being stolen" from now-Governor Ron DeSantis and now-Senator Rick Scott.¹ The former President alleges that after he sent in federal law enforcement, "the ballot theft immediately ended, just prior to them running out of the votes necessary to win" and thus claims he "stopped [the] Election from being stolen" from DeSantis and Scott.² The requested records will shed light on whether the former President did in fact deploy federal law enforcement personnel to interfere with election officials' counting of ballots in order to sway the election in favor of his political allies—an issue of substantial 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

¹ Ewan Palmer, *Donald Trump Says He 'Sent in the FBI' To Stop Ron DeSantis Losing Election*, Newsweek, Nov. 11, 2022, <https://www.newsweek.com/trump-desantis-statement-fbi-2018-florida-election-stolen-1758853>.

² *Id.*

November 11, 2022

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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.

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 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 nsus@citizensforethics.org or Nikhel Sus, Citizens for Responsibility and Ethics in Washington, [REDACTED]. Thank you for your assistance.

Sincerely,



Nikhel Sus
Senior Counsel

EXHIBIT 2



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

November 11, 2022

Douglas Hibbard
Chief, Initial Request Staff
Office of Information Policy
U.S. Department of Justice
Suite 11050
1425 New York Avenue, N.W.
Washington, D.C. 20530-0001

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 U.S. Department of Justice ("DOJ") regulations.

Specifically, CREW requests the following records from the Office of the Attorney General:

1. All records from October 1, 2018 to November 30, 2018 relating to any order, instruction, directive, or proposal by then-President Donald Trump, then-Attorney General Jeff Sessions, FBI Director Christopher Wray, or former U.S. Attorney for the Southern District of Florida Ariana Fajardo Orshan to deploy federal law enforcement personnel to Broward County, Florida in connection with the 2018 election.
2. All records from October 1, 2018 to November 30, 2018 relating to any deployment of federal law enforcement personnel to Broward County, Florida in connection with the 2018 election.

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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. 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, the agency 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 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 November 10, 2022, former President Donald Trump posted on Truth Social that during the 2018 election, he "sent in the FBI and the U.S. Attorneys" to Broward County, Florida to stop votes from "being stolen" from now-Governor Ron DeSantis and now-Senator Rick Scott.¹ The former President alleges that after he sent in federal law enforcement, "the ballot theft immediately ended, just prior to them running out of the votes necessary to win" and thus claims he "stopped [the] Election from being stolen" from DeSantis and Scott.² The requested records will shed light on whether the former President did in fact deploy federal law enforcement personnel to interfere with election officials' counting of ballots in order to sway the election in favor of his political allies—an issue of substantial public interest.

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² *Id.*

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").

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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 nsus@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 nsus@citizensforethics.org or Nikhel Sus, Citizens for Responsibility and Ethics in Washington, [REDACTED]. Thank you for your assistance.

Sincerely,



Nikhel Sus
Senior Counsel

EXHIBIT 3



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

November 11, 2022

Federal Bureau of Investigation
Attn: FOI/PA Request
Record/Information Dissemination Section
170 Marcel Drive
Winchester, VA 22602-4843

Re: Freedom of Information Act Request

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington ("CREW") submits this request for records to the Federal Bureau of Investigation ("FBI") pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and U.S. Department of Justice ("DOJ") regulations.

Specifically, CREW requests:

1. All records from October 1, 2018 to November 30, 2018 relating to any order by then-President Donald Trump, then-Attorney General Jeff Sessions, or FBI Director Christopher Wray to deploy federal law enforcement to Broward County, Florida in connection with the 2018 election.
2. All records from October 1, 2018 to November 30, 2018 relating to any deployment of FBI agents in Florida in connection with the 2018 election.

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.

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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 agency 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 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 November 10, 2022, former President Donald Trump posted on Truth Social that during the 2018 election, he “sent in the FBI and the U.S. Attorneys” to Broward County, Florida to stop votes from “being stolen” from now-Governor Ron DeSantis and now-Senator Rick Scott.¹ The former President alleges that after he sent in federal law enforcement, “the ballot theft immediately ended, just prior to them running out of the votes necessary to win” and thus claims he “stopped [the] Election from being stolen” from DeSantis and Scott.² The requested records will shed light on whether the former President did in fact deploy federal law enforcement personnel to interfere with election officials’ counting of ballots in order to sway the election in favor of Governor DeSantis and Senator Scott—an issue of substantial public interest.

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² *Id.*

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").

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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 nsus@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 nsus@citizensforethics.org or Nikhel Sus, Citizens for Responsibility and Ethics in Washington, [REDACTED]. Thank you for your assistance.

Sincerely,



Nikhel Sus
Senior Counsel