



CITIZENS FOR  
RESPONSIBILITY &  
ETHICS IN WASHINGTON

May 15, 2024

**SUBMITTED VIA PORTAL**

Privacy Office, Mail Stop 0655  
Office of Intelligence and Analysis  
Department of Homeland Security  
2707 Martin Luther King Jr. Ave SE  
Washington, DC 20528-065

**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 Department of Homeland Security (“DHS”) regulations.

Specifically, CREW requests:

1. All communications from December 1, 2020 to the date this request is processed between Staff Action Officer Michael Holley and any individual from the following organizations:
  - a. The Heritage Foundation (@heritage.org),
  - b. Alabama Policy Institute (@alabamapolicy.org),
  - c. Alliance Defending Freedom (@adflegal.org)
  - d. American Compass (@americancompass.org),
  - e. The American Conservative (@theamericanconservative.com),
  - f. America First Legal Foundation (@aflegal.org),
  - g. American Accountability Foundation (american-af.org),
  - h. American Center for Law and Justice (@email.aclj.org),
  - i. American Cornerstone Institute (@americancornerstone.org),
  - j. American Council of Trustees and Alumni (@goacta.org),
  - k. American Legislative Exchange Council (@alec.org),
  - l. The American Main Street Initiative (@americanmainstreet.org),
  - m. American Moment (@americanmoment.org),
  - n. American Principles Project (@americanprinciplesproject.org)
  - o. Center for Equal Opportunity (@ceousa.org)
  - p. Center for Family and Human Rights (@c-fam.org)
  - q. Center for Immigration Studies (@cis.org)

- r. Center for Renewing America (@americarenewing.org)
  - s. Claremont Institute (@claremont.org)
  - t. Coalition for a Prosperous America (@prosperousamerica.org)
  - u. Competitive Enterprise Institute (@cei.org)
  - v. Conservative Partnership Institute (@conservativepartnership.org)
  - w. Concerned Women for America (@cwfa.org)
  - x. Defense of Freedom Institute (@dfipolicy.org)
  - y. Ethics and Public Policy Center (@eppc.org)
  - z. Family Policy Alliance (@familypolicyalliance.com)
  - aa. Family Research Council (@washingtonstand.org)
  - bb. First Liberty Institute (@firstliberty.org)
  - cc. Forge Leadership Network (@forgeleadership.org)
  - dd. Foundation for Defense of Democracies (@fdd.org)
  - ee. Foundation for Government Accountability (@thefga.org)
  - ff. FreedomWorks (@freedomworks.org)
  - gg. Hillsdale College (@hillsdale.edu)
  - hh. Honest Elections Project (@honestelections.org)
  - ii. Independent Women's Forum (@iwf.org)
  - jj. Institute for the American Worker (@fbg.com)
  - kk. Institute for Energy Research (@ierdc.org)
  - ll. Institute for Women's Health (@theIWH.org)
  - mm. Intercollegiate Studies Institute (@isi.org)
  - nn. James Madison Institute (@jamesmadison.org)
  - oo. Keystone Policy Center (@keystone.org)
  - pp. The Leadership Institute (@leadershipinstitute.org)
  - qq. Liberty University (@liberty.edu)
  - rr. National Association of Scholars (@nas.org)
  - ss. National Center for Public Policy Research (@nationalcenter.org)
  - tt. Pacific Research Institute (@pacificresearch.org)
  - uu. Patrick Henry College (@phc.org)
  - vv. Personnel Policy Operations (@personnelpolicyops.org)
  - ww. Recovery for America Now Foundation (@recoveryforamerica.org)
  - xx. 1792 Exchange (@1792exchange.com)
  - yy. Susan B. Anthony Pro-Life America (@sbaprolife.org)
  - zz. Texas Public Policy Foundation (@TexasPolicy.com)
  - aaa. Teneo Network (@teneonetwork.com)
  - bbb. Young America's Foundation (@yaf.org)
2. All communications from December 1, 2020 to the date this request is processed sent by or to Michael Holley mentioning any of the following terms:
- a. Any of the terms listed above in item 1.
  - b. "Heritage Foundation"
  - c. "Project 2025"
  - d. "Schedule F"
  - e. "2025 Presidential Transition Project"
  - f. "Mandate for Leadership"

The above request excludes agency records pertaining to Schedule F tax forms and 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 agency wide 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, last April the New York Times reported plans from conservative think tank the Heritage Foundation to reshape the executive branch of the federal government under the name Project 2025.<sup>1</sup> Project 2025 is a comprehensive policy plan that aims to overhaul the bureaucracy and expand the powers of the executive branch.<sup>2</sup> This plan would make it easier for presidents to bypass checks and balances, ultimately avoiding legal accountability and diminishing the power of democracy.<sup>3</sup>

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<sup>1</sup> Jonathan Swan, Charlie Savage, & Maggie Haberman, Trump and Allies Forge Plans to Increase Presidential Power in 2025, The New York Times, July 18, 2023, available at [The New York Times](#)

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

There are currently several Trump Administration appointees serving in career civil service positions through a controversial process known as “burrowing.”<sup>4</sup> One of those employees is Michael Holley, who was appointed by Trump to the Office of Intelligence and Analysis at the Department of Homeland Security.<sup>5</sup> The controversy around burrowing lies with the assumption that appointees breach the will of the American people by importing partisan influence from the former administration from the inside, undermining the goals of the current presidential administration.<sup>6</sup> The requested documents would provide further insight into the role these burrowers play in the implementation of Project 2025 and reveal influence from extra-governmental organizations.

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](http://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 email me at [rjacobs@citizensforethics.org](mailto:rjacobs@citizensforethics.org) and

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<sup>4</sup> Matt Cohen, [Trump May Be Gone, But He Left Plenty of Lackeys Behind. Here Are Some of the Worst](#), Mother Jones, February 21, 2021, available at [Mother Jones](#)

<sup>5</sup> [The List of Trump Appointees Joining Civil Service Ranks is Growing](#), NBC4 Washington, December 8, 2020, available at [NBC4 Washington](#)

<sup>6</sup> [The ‘Burrowing In’ Of Political Appointees](#), American Oversight, May 21, 2021, available at [American Oversight](#)

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[foia@citizensforethics.org](mailto: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 [rjacobs@citizensforethics.org](mailto:rjacobs@citizensforethics.org) and [foia@citizensforethics.org](mailto:foia@citizensforethics.org) or by mail to Nyihaji Woods, 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 'RJ', with a stylized flourish at the end.

Rebecca Jacobs  
Research Manager