



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

November 14, 2024

VIA crm.foia@usdoj.gov and www.foia.gov

Christina Butler
Chief, FOIA/PA Unit
Criminal Division
Department of Justice
Room 803, Keeney Building
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Xochitl Hinojosa
Director of Public Affairs
Office of Public Affairs
Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

Re: Expedited Processing Request for FOIA Request No. CRM-301920897

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this request for expedited processing of FOIA request CRM-301920897, pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and U.S. Department of Justice (“DOJ”) regulations.

On February 22, 2023, CREW requested “all records related to the now-closed investigation conducted by DOJ and the [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.” CREW did not submit a request for expedited processing. On June 5, 2023, the Criminal Division informed CREW that because the request, numbered CRM-301920897, presents “unusual circumstances,” the Division is “extending the time limit to respond to your request an additional ten days as provided by the statute.” As of submission of this expedited processing request, CREW has not received further responses from the Criminal Division.

CREW now requests expedited processing of FOIA request CRM-301920897, *see* 28 C.F.R. § 16.5(e)(2) (“A request for expedited processing may be made at any time.”). CREW is entitled to expedited processing because (1) there is an “urgency to inform the public about an actual or alleged federal government activity,” and CREW “is primarily engaged in

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disseminating information,” 28 C.F.R. § 16.5(e)(1)(ii); and (2) the requested records involve a “matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity that affect public confidence,” *id.* § 16.5(e)(1)(iv).

- (1) The recently-announced potential nomination of Rep. Gaetz as the next Attorney General of the United States raises an “urgency to inform the public about an actual or alleged federal government activity” before the nomination is formalized, and before any confirmation hearings begin. On November 13, 2024, President-elect Donald Trump announced on Truth Social that he plans to nominate Rep. Gaetz to be the Attorney General.¹ As CREW noted in its FOIA request, “DOJ has closed its lengthy sex-trafficking investigation into Rep. Gaetz without bringing charges,” and “[t]he 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 interest in the requested records has grown exponentially in light of Rep. Gaetz’s forthcoming nomination as Attorney General. The public has a particular urgency to be informed about the DOJ’s investigation of the next potential Attorney General, before President-elect Trump officially nominates Rep. Gaetz, and before his confirmation hearings begin in January or soon thereafter. Such information is urgently needed for the public and Congress to assess (i) what the DOJ knows about Rep. Gaetz, (ii) what such information reveals about the fitness of Rep. Gaetz as a nominee to lead the DOJ, and (iii) the diligence DOJ exercised in deciding not to prosecute Rep. Gaetz, among other things.

Further, “[t]he existence of numerous articles published” regarding Rep. Gaetz’s investigation by the DOJ, including numerous ones published after the announcement by President-elect Trump to nominate him as Attorney General, establishes that there is an “urgency to inform” the public on the topic.² 28 C.F.R. § 16.5(e)(3).

CREW is “primarily engaged in disseminating 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.

¹ @realDonaldTrump, Truth Social (Nov. 13, 2024, 3:24 PM) <https://truthsocial.com/@realDonaldTrump/posts/113477516524300359>.

² See *infra* note 3-5.

- (2) The DOJ's decision not to prosecute Rep. Gaetz is a "matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence." CREW's FOIA request included a number of news reports shortly after that decision.³ There have been numerous more news reports concerning the DOJ's decision not to prosecute Rep. Gaetz and what his confirmation would mean for the integrity of DOJ,⁴ some specifically mentioning CREW and/or its effort for transparency over Rep. Gaetz's files.⁵ The fact that Rep. Gaetz once faced a criminal investigation by the DOJ which he could now lead raises substantial "possible questions about the government's integrity that affect public confidence."

The undersigned certifies that the above statement is true and correct.

³ See, e.g., Devlin Barrett and Perry Stein, *Rep. Gaetz won't be charged in sex-trafficking probe, his lawyer say*, 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*, New York Times, Feb. 15, 2023, <https://www.nytimes.com/2023/02/15/us/politics/matt-gaetz-sex-trafficking-justice-department.html>.

⁴ See, e.g., Alanna Durkin Richer & Farnoush Amiri, *Matt Gaetz once faced a sex trafficking investigation by the Justice Department he could now lead*, Associated Press (Nov. 14, 2024), <https://apnews.com/article/trump-attorney-general-matt-gaetz-justice-department-9d51501fb6ad5c04b5b4113d3a6a584b>; Tom Winter & Sarah Fitzpatrick, *Matt Gaetz, Trump's pick for attorney general, had been a subject of a sex trafficking investigation*, NBC Los Angeles (Nov. 13, 2024), <https://www.nbclosangeles.com/news/national-international/matt-gaetz-attorney-general-pick-had-been-subject-sex-trafficking-investigation/3560525/>; Sebastian Murdock, *Matt Gaetz, Once The Target Of DOJ Sex Trafficking Probe, Might Now Lead DOJ*, HuffPost (Nov 13, 2024), https://www.huffpost.com/entry/matt-gaetz-was-investigated-by-doj-in-a-sex-trafficking-probe-no-w-he-might-be-attorney-general_n_673512e0e4b0b5b61d3f8860; Paula Reid & Hannah Rabinowitz, *First on CNN: DOJ officially decides not to charge Matt Gaetz in sex-trafficking probe*, CNN (Feb. 15, 2023), <https://www.cnn.com/2023/02/15/politics/matt-gaetz-justice-department/index.html>; Will Steakin, *DOJ won't charge Matt Gaetz in sex-trafficking probe as lawyer for minor calls investigation 'difficult experience'*, ABC News (Feb. 15, 2023), <https://abcnews.go.com/Politics/doj-charge-gaetz-sex-trafficking-probe-lawyer-minor/story?id=97225306>; Melisa Goh, *Sex-trafficking investigation into Republican Matt Gaetz dropped*, BBC (Feb. 15, 2023), <https://www.bbc.com/news/world-us-canada-64644518>.

⁵ See, e.g., Amy Goodman, *Trump's Pick of Loyalist Matt Gaetz for AG Signals Intent to Weaponize DOJ*, truthout (Nov. 14, 2024), <https://truthout.org/video/trumps-pick-of-loyalist-matt-gaetz-for-ag-signals-intent-to-weaponize-doj/>; *Calls grow for release of ethics report into Matt Gaetz sexual misconduct claims – US politics live*, The Guardian (Nov. 14, 2024), <https://www.theguardian.com/us-news/live/2024/nov/14/donald-trump-matt-gaetz-republicans-democrats-us-politics-election-latest-news>; Justin Papp, *Show us the Gaetz ethics report, Durbin and others urge*, Roll Call (Nov. 14, 2024), <https://rollcall.com/2024/11/14/gaetz-resignation-house-ethics-report-durbin/>; Bob Brigham, *Matt Gaetz allegedly sought preemptive sex trafficking pardon from Trump*, salon (Sept.18, 2022), <https://www.salon.com/2022/09/18/matt-gaetz-allegedly-sought-preemptive-trafficking-pardon-from-partner/>.

Conclusion

If you have any questions about this request or foresee any problems, please email me at jtsai@citizensforethics.org and foia@citizensforethics.org or call me at (202) 408-5565. Thank you for your assistance in the matter.

Sincerely,

A handwritten signature in black ink, reading "CHJ Tsoi". The initials "CHJ" are written in a stylized, cursive-like font, followed by the name "Tsoi" in a more legible, cursive script.

Chun Hin Jeffrey Tsoi
Senior Fellow (Legal)