



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

December 4, 2024

BY EMAIL: FOIA.OIG@oig.dhs.gov

FOIA Public Liaison
DHS-OIG Counsel
STOP 0305
245 Murray Lane, SW
Washington, D.C. 20528-0305

Re: Freedom of Information Act Request

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) and Protect Democracy submit 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, we request:

1. All DHS FOIA logs covering the years 2023 and 2024, showing information for each request including but not limited to each request’s subject, description, name and organization of the requestor, submission date, and current status.
2. All FOIA requests sent by Mike Howell, Colin Aamot, Roman Jankowski, or any other representative of the Heritage Foundation, including but not limited to individuals with an email address ending in “@heritage.org” from January 1, 2023 to the present.
3. All communications between DHS FOIA officials and representatives of the Heritage Foundation regarding the status and processing of the above mentioned FOIA requests from January 1, 2023 to the present.
4. Any and all records released by DHS in response to the above mentioned FOIAs.
5. All internal communications sent or received by DHS FOIA officials mentioning Mike Howell, Colin Aamot, Roman Jankowski, or the Heritage Foundation from January 1, 2023 to the present.

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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, we request 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 we intend 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, we request 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, Protect Democracy, 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).

Earlier this month ProPublica reported that staffers of conservative think tank The Heritage Foundation have flooded federal agencies with thousands of FOIA requests in the past year seeking information on a range of topics from DEI education to personal communications of agency employees. A representative of Heritage estimated that the group has submitted over 50,000 requests. The Heritage Foundation is also responsible for Project 2025, a master plan to completely overhaul the federal government if Trump becomes president again. One major component includes identifying and firing tens of thousands of career government employees by creating a new "Schedule F" job

classification and replacing them with Trump loyalists.¹ There is a substantial public interest in knowing what sensitive information is falling into the hands of The Heritage Foundation. The release of the above requested information will provide insight into what officials or programs might be targeted in a second Trump administration.

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.

The core mission of the Protect Democracy Project, a 501(c)(3) organization, is to inform public understanding on operations and activities of the government. This request is submitted in consort with the organization's mission to gather and disseminate information that is likely to contribute significantly to the public understanding of executive branch operations and activities. Courts have found that Protect Democracy "easily" satisfies the criteria for a requester primarily engaged in disseminating information. *Protect Democracy Project v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017); see *Protect Democracy Project v. U.S. Dep't of Just.*, 498 F. Supp. 3d 132, 139 (D.D.C. 2020). The Protect Democracy Project has no commercial interests.

We 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 and Protect Democracy qualify as members 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.

The Protect Democracy Project is a 501(c)(3) good government organization that qualifies under FOIA as a "representative of the news media." The purpose of the Protect Democracy Project is to "gather information of potential interest to a segment of the public,

¹ Sharon Lerner and Andy Kroll, [Heritage Foundation Staffers Flood Federal Agencies With Thousands of Information Requests](https://www.propublica.org/article/have-government-employees-mentioned-climate-change-voting-or-gender-identity-the-heritage-foundation-wants-to-know), *ProPublica*, October 1, 2024, <https://www.propublica.org/article/have-government-employees-mentioned-climate-change-voting-or-gender-identity-the-heritage-foundation-wants-to-know>

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use its editorial skills to turn the raw materials into distinct work, and distribute that work to an audience.” See *Nat’l Sec. Archive v. U.S. Dep’t of Def.*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). Indeed, the Protect Democracy Project has routinely demonstrated its ability to disseminate information about its FOIA requests to a wide audience. See *Protect Democracy Project, Inc. v. U.S. Dep’t of Just.*, 498 F. Supp. 3d at 139 (Protect Democracy Project “listed examples of previous instances when it ‘disseminate[d] information about its FOIA requests to a wide audience.’”). The Protect Democracy Project will disseminate information and analysis about this request—and any information obtained in response— through its website (www.protectdemocracy.org); its X feed (<https://x.com/protctdemocracy>), which has close to 50,000 followers; its email list of approximately 30,000 people; and by sharing information with other members of the press. The Protect Democracy Project should therefore be considered a “representative of the news media” for fee waiver purposes. See 5 U.S.C. § 552(a)(4)(A)(ii)(II); 6 C.F.R. § 5.11(b)(6), (d)(1), (k).

Under these circumstances, CREW and Protect Democracy fully satisfy 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 and foia@citizensforethics.org or call me at (202) 408-5565. Also, if our request for a fee waiver is denied, please contact CREW immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to rjacobs@citizensforethics.org and foia@citizensforethics.org or by mail to Rebecca Jacobs, Citizens for Responsibility and Ethics in Washington, 1331 F St. NW, Suite 900, Washington, D.C. 20004.

Sincerely,



Rebecca Jacobs
CREW Research Manager



Grant Tudor
Protect Democracy Policy Advocate