



CITIZENS FOR  
RESPONSIBILITY &  
ETHICS IN WASHINGTON

March 18, 2025

**VIA FOIA.gov & eousafoia.usdoj.gov**

Christina Butler  
Chief, FOIA/PA Unit  
Criminal Division  
Department of Justice  
950 Constitution Ave NW  
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Arla Witte-Simpson  
FOIA Public Liaison, FOIA/Privacy Staff  
Executive Office for United States Attorneys  
U.S. Department of Justice  
175 N Street, NE, Suite 5.400  
Washington, DC 20530-0001

**Re: Freedom of Information Act Request**

Dear Officers:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes 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 January 1, 2016 to the date this request is processed:

1. All records relating to the investigation of former United States Representative Jeffrey Fortenberry that pertain to proven or alleged violations by Rep. Fortenberry of any provisions of law or constitution, including but not limited to those relating to his indictment by a federal grand jury on Oct. 19, 2021.<sup>1</sup>
2. All records relating to any DOJ investigations, actions, or decisions not to take action, in regard to Rep. Fortenberry’s proven or alleged

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<sup>1</sup> Press Release, U.S. Att’y’s Off., Cent. Dist. of Cal., Dep’t of Just., *U.S. Rep. Jeff Fortenberry Charged with Scheme to Deceive Federal Investigators Probing Illegal Campaign Contributions in 2016* (Oct. 19, 2021), <https://www.justice.gov/usao-cdca/pr/us-rep-jeff-fortenberry-charged-scheme-deceive-federal-investigators-probing-illegal>.

violations of any provisions of law or constitution as a Representative for the state of Nebraska, including but not limited to records related to DOJ's motion to dismiss indictment with prejudice in *United States v. Fortenberry*.<sup>2</sup>

The above request excludes agency records consisting solely of court filings, news articles, press clippings, and other publicly-available material. 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).

In 2016, DOJ announced in a press release that Rep. Fortenberry was indicted by a federal grand jury for lying to federal authorities who were investigating him for illegally receiving campaign contributions from foreign nationals.<sup>3</sup> More specifically, the indictment alleged that Rep. Fortenberry lied to authorities about a \$30,000 dollar contribution to his re-election campaign made by billionaire Gilbert Chagoury, which was disguised as payments from other individuals. Chagoury later agreed to enter a deferred

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<sup>2</sup> *United States v. Fortenberry*, No. 24-cr-00221, ECF No. 82 (Jan. 29, 2025), <https://s3.documentcloud.org/documents/25508297/fortenberrydismissal.pdf>.

<sup>3</sup> Press Release, *supra* note 1.

prosecution agreement, where he admitted to illegally contributing \$180,000 to four campaigns and paid a \$ 1.8 million fine.<sup>4</sup> Additionally, though Rep. Fortenberry failed to report the contributions to the Federal Election Commissions though a confidential informant made him aware of their illegal nature.<sup>5</sup> Instead, the indictment alleges that Rep. Fortenberry falsified documents in order to conceal records of the donations, and then lied to federal investigators about the donations after he was informed that doing so was a crime.<sup>6</sup> On January 29, 2025, however, DOJ abruptly filed a motion to dismiss the indictment with prejudice.<sup>7</sup> The records CREW seeks would help explain why Rep. Fortenberry—a prominent member of Congress—was no longer charged with any crime. The public has a vital interest in learning whether the decision not to prosecute Rep. Fortenberry 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 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 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. Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

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<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Motion to dismiss indictment, *supra* note 2.

### **Conclusion**

If you have any questions about this request or foresee any problems in fully releasing the requested records, please email me at [jtsoi@citizensforethics.org](mailto:jtsoi@citizensforethics.org) and [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 [jtsoi@citizensforethics.org](mailto:jtsoi@citizensforethics.org) and [foia@citizensforethics.org](mailto:foia@citizensforethics.org) or by mail to Chun Hin Jeffrey Tsoi, Citizens for Responsibility and Ethics in Washington, P.O. Box 14596, Washington, D.C. 20044. Thank you for your assistance in the matter.

Sincerely,

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

Chun Hin Jeffrey Tsoi  
Senior Legal Fellow

A handwritten signature in black ink that reads "Siju Oshin". The name is written in a cursive script, with "Siju" and "Oshin" clearly distinguishable.

Siju Oshin  
Legal Intern