



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

June 05, 2025

Andrew Fiorillo
Acting Chief, Initial Request Staff
U.S. Department of Justice
Office of the Deputy Attorney General
6th Floor
441 G St, NW
Washington, DC 20530-0001

Re: Freedom of Information Act Request

Dear Mr. Fiorillo:

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 all opinions, memoranda, or analyses by the Office of the Deputy Attorney General ("ODAG") concerning Section 1 of the Twenty-Second Amendment. Under that provision, no person shall be elected to the office of the President more than twice. Further, this provision precludes any person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President from being elected to the office of the President more than once.

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, minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records.

If it is your position that 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 right under the FOIA to access these documents. Accordingly, because litigation reasonably is foreseeable, DOJ 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 28 C.F.R. § 16.10, 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).

President Donald Trump was elected to the office of the President for the first time on November 8, 2016.¹ President Trump served his first term as President from January 2017 to January 2021.² In November 2024, President Trump was re-elected to the office of the President.³ He was inaugurated as President for the second time on January 20, 2025.⁴ Despite having already been elected President two times, constitutionally prohibiting him from being elected for a third time in accordance with the Twenty-Second Amendment, President Trump has repeatedly suggested that he would attempt to extend his time in office beyond his current term.

At the start of his second week back in office, President Trump floated the idea that presidential term limits might be negotiable during the House Republicans' annual retreat in Florida.⁵ In February, while at the Washington Hotel, he again suggested that his time in office could extend beyond two four-year terms.⁶ Even before taking office for the second time, Mr. Trump has publicly toyed with the idea of term limits being extendable or altogether negotiable. While talking to House Republicans in November 2024, Trump jokingly suggested that they could help prolong his presidency.⁷

Given the President's suggestions that he may ignore the term limit set by the Twenty-Second Amendment, it is in the best interest of the public to access any documents and memoranda that establish ODAG's understanding of and position on whether the President can disregard its clear prohibitions. These disclosures will also contribute to a

¹ *See* President Donald J. Trump, Donald J. Trump Presidential Library, National Archives (last visited Jun. 3, 2025), <https://www.trumphlibrary.gov/trumps/president-donald-j-trump>.

² *Id.*; *See also* The Presidents Timeline, The White House Historical Association (last visited Jun. 3, 2025), <https://www.whitehousehistory.org/the-presidents-timeline>.

³ *Id.*

⁴ *Id.*

⁵ *See* Neil Vigdor, *No, Trump Cannot Run for Re-election Again in 2028*, N.Y. Times (Feb. 10, 2025), <https://www.nytimes.com/article/trump-third-term-2028-constitution.html>.

⁶ *See* Maggie Haberman, *Trump Muses About a Third Term, Over and Over Again*, N.Y. Times (Feb. 10, 2025), <https://www.nytimes.com/2025/02/10/us/politics/trump-third-term.html>.

⁷ *See* Catie Edmondson et. al, *Trump Meets With Jubilant House G.O.P. and Jokes About a Third Term*, N.Y. Times (Nov. 13, 2024), <https://www.nytimes.com/2024/11/13/us/politics/trump-house-elon-musk.html>.

better understanding of relevant government procedures as it pertains to term limits, and whether the Department of Justice has provided legal opinions about whether any president can extend his or her term beyond constitutionally mandated limits.

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, and to ensuring the integrity of those officials. CREW uses a combination of research, litigation, and advocacy to advance its mission. 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.

CREW further requests that it not be charged search or review fees for this request pursuant to U.S.C. §552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat'l Sec. Archives 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 to educate the public about these issues. In addition, CREW posts documents it receives under the 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 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 foia@citizensforethics.org or by mail to Donald Sherman, Citizens for Responsibility and Ethics in Washington, P.O. Box 14596, Washington, D.C. 20044.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Sherman', with a long horizontal flourish extending to the right.

Donald Sherman
Chief Counsel & Vice President