



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

November 17, 2025

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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 Justice (“DOJ”) regulations.

Specifically, CREW requests:

1. From January 6, 2021 to the date this request is processed, any Standard Form 95 or other document asserting an administrative claim for relief under the Federal Tort Claims Act (FTCA), 28 U.S.C. §§ 2671-2680, submitted pursuant to 28 C.F.R. § 14.2, by or on behalf of any individual who received a pardon or commutation via Presidential Proclamation 10887 of January 20, 2025 (90 F.R. 8331)¹ (hereinafter “January 6 Defendant”), including all documentation, exhibits, affidavits, and evidence submitted with such claims.
2. From January 6, 2021 to the date this request is processed, any final denial, issued pursuant to 28 C.F.R. § 14.9(a), of an administrative claim for relief under the FTCA submitted by or on behalf of a January 6 Defendant, including

¹ Proclamation No. 10887, 90 F.R. 8331 (Jan. 20, 2025), available at <https://www.whitehouse.gov/presidential-actions/2025/01/granting-pardons-and-commutation-of-sentences-for-certain-offenses-relating-to-the-events-at-or-near-the-united-states-capitol-on-january-6-2021/>.

the statement of reasons for the denial and any other accompanying documentation.

3. From January 6, 2021 to the date this request is processed, any request for reconsideration of a final denial of any FTCA claim filed by or on behalf of a January 6 Defendant pursuant to 28 C.F.R. § 14.9(b), and any final disposition of the claim.
4. From January 6, 2021 to the date this request is processed, any document memorializing an award, compromise, or settlement made pursuant to 28 C.F.R. § 14.10, regarding any FTCA claim submitted by or on behalf of a January 6 Defendant, including records sufficient to identify the amount of any payment made, any related Standard Form 1145, any evidence of approval of the payment by the Attorney General or his or her designee, and any other accompanying documentation.

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 agencywide 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).

The January 6 Defendants were convicted of or charged with offenses related to a violent, coordinated attack on the United States Capitol on January 6, 2021, which left one law enforcement officer dead and approximately 140 injured.² The attack was perpetrated to stop Congress from certifying the results of the 2020 presidential election, thereby preventing the peaceful transition of power by overturning the lawful results of the 2020 presidential election.³ More than 1,500 people were arrested and more than 1,200 were convicted for their participation in the attack⁴ prior to the sentence commutations and blanket pardon issued by President Trump, who himself was found by at least one court to have incited an insurrection in the form of the attack on the Capitol.⁵

The documents requested here relate to administrative claims under the FTCA submitted by January 6 Defendants. The FTCA permits certain claims against the United States and its executive agencies under the FTCA for damages caused by federal employee conduct within the scope of that employee's federal employment.⁶ Standard Form 95 may be used, but is not required, to present an FTCA claim and convey the information necessary to support the claim.⁷ 28 C.F.R. §§ 14.9 and 14.10 establish the process by which an agency may deny or approve a claim, and how a claimant may request reconsideration of a denial.

Recent reporting indicates that at least five prominent January 6 Defendants have filed a lawsuit against the government seeking money damages for alleged violations of their constitutional rights in the course of its prosecutions of them for their role in the January 6 attack on the Capitol. President Trump has repeatedly claimed that the January 6 defendants were mistreated when prosecuted, referring to them as "hostages" who were "wrongfully imprisoned" and to the attack on the Capitol as a "day of love."⁸ Additionally, President Trump filed multiple FTCA claims seeking \$230 million in damages for alleged

² Michael S. Schmidt and Luke Broadwater, *Officers' Injuries, Including Concussions, Show Scope of Violence at Capitol Riot*, New York Times (Feb. 11, 2021), <https://www.nytimes.com/2021/02/11/us/politics/capitol-riot-police-officer-injuries.html>.

³ Deirdre Walsh and Barbara Sprunt, Under the shadow of the Jan. 6, 2021 riot, Congress certifies the 2024 election, NPR (Jan. 6, 2025), <https://www.npr.org/2025/01/06/nx-s1-5250029/january-6-congress-election-certification>.

⁴ Roger Parloff, *The High-Water Mark of the Jan. 6 Prosecutions*, Lawfare (Jan. 6, 2025), <https://www.lawfaremedia.org/article/the-high-water-mark-of-the-jan.-6-prosecutions>.

⁵ *Anderson v. Griswold*, 543 P.3d 283, 336 (Colo. 2023) (finding that "President Trump engaged in insurrection" on January 6, 2021), rev'd sub nom. on other grounds, *Trump v. Anderson*, 601 U.S. 100 (2024).

⁶ U.S. Department of Justice Civil Division, *Documents and Forms* (last rev. Sept. 30, 2025), <https://www.justice.gov/civil/documents-and-forms-0>.

⁷ *Id.*

⁸ Megan Lebowitz, *Trump vows to 'free' Jan. 6 defendants as one of his first acts if elected*, NBC News (Mar. 11, 2024), <https://www.nbcnews.com/politics/donald-trump/trump-vows-free-jan-6-defendants-one-first-acts-elected-rcna142894>; James FitzGerald, *Trump calls 6 January 'day of love' when asked about Capitol riot*, BBC News (Oct. 17, 2024), <https://www.bbc.com/news/articles/ckgnxej1dn0o>.

violations of his rights during multiple DOJ investigations into his own potentially criminal activity.⁹

These events, and their prominence, raise the possibility that other January 6 Defendants might have filed FTCA administrative claims seeking damages for the government's conduct while prosecuting them.¹⁰

The January 6 attack on the Capitol was a publicly broadcast and documented attack on American democracy and the prosecution of those who participated in it was the largest public prosecution in American history.¹¹ The American public, whose rights the attackers sought to take away, deserve to know whether January 6 Defendants are now seeking taxpayer funds as compensation for the prosecutions against them, and the disposition of those claims. There is a powerful public need for this information in any event, but particularly so given President Trump's role in inciting the attack, his public defense and then pardon of the attackers, and his pursuit of \$230 for himself in response to the government's investigation into his own potentially criminal activity.

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.

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 over 150,000 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

⁹ Devlin Barrett and Tyler Pager, *Trump Said to Demand Justice Dept. Pay Him \$230 Million for Past Cases*, New York Times (Oct. 21, 2025),

<https://www.nytimes.com/2025/10/21/us/politics/trump-justice-department-compensation.html>.

¹⁰ *Tarrio v. United States*, No. 6:25-cv-00998 (M.D. Fla. filed June 6, 2025); Nadine Yousif, *Proud Boys sue US government for \$100m over Jan 6 prosecutions*, BBC News (June 6, 2025),

<https://www.bbc.com/news/articles/cr4z7zylOgwo>.

¹¹ Alanna Durkin Richer and Michael Kunzelman, *Here's where Jan. 6 trials stand on the fourth anniversary of the Capitol riot*, PBS News (Jan. 6, 2025),

<https://www.pbs.org/newshour/politics/heres-where-jan-6-trials-stand-on-the-fourth-anniversary-of-the-capitol-riot>.

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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 sheymann@citizensforethics.org and 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 sheymann@citizensforethics.org and foia@citizensforethics.org or by mail to Sacha Heymann, Citizens for Responsibility and Ethics in Washington, P.O. Box 14596, Washington, D.C. 20044.

Sincerely,

Sacha Heymann
Senior Policy Fellow