

Exhibit B



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.trumplibary.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



June 05, 2025

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

Re: Freedom of Information Act Request

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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:

1. All correspondence between the Office of Legislative Affairs (“OLA”) and Members of Congress or congressional committees regarding the Twenty-Second Amendment including emails or letters on behalf of another DOJ employee or component; and
2. Any opinions, memoranda, or analyses by the Office of Legislative Affairs (“OLA”) 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.

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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

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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.⁴ In February, while at the Washington Hotel he again suggested that his time in office could extend beyond two four-year terms⁵ 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.⁶

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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 OLA's understanding of and communication of DOJ's position on whether the President can disregard its clear prohibitions. These disclosures will also contribute to a 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 term beyond constitutionally mandated limits.

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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



U.S. Department of Justice
 Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

July 3, 2025

Lama Elsharif
 Citizens for Responsibility and Ethics in Washington
 P.O. Box 14596
 Washington, DC 20044
lelsharif@citizensforethics.org

Re: FOIA-2025-05010

Dear Lama Elsharif:

This is to acknowledge receipt of your Freedom of Information Act (FOIA) request dated and received in this Office on June 5, 2025, in which you requested records of the Office of the Deputy Attorney General concerning Section 1 of the Twenty-Second amendment to the United States Constitution.

The records you seek require a search in and/or consultation with another Office, and so your request falls within "unusual circumstances." See 5 U.S.C. § 552 (a)(6)(B)(i)-(iii) (2018). Because of these unusual circumstances, we need to extend the time limit to respond to your request beyond the ten additional days provided by the statute. For your information, we use multiple tracks to process requests, but within those tracks we work in an agile manner, and the time needed to complete our work on your request will necessarily depend on a variety of factors, including the complexity of our records search, the volume and complexity of any material located, and the order of receipt of your request. At this time, we have assigned your request to the complex track.

Please be advised that the records search options available are dynamic and can be adjusted according to the types of records you are seeking. In general, there are five categories of records search options available to you:

1	Official Correspondence	This category includes final, signed communications, memoranda, policies, and guidelines.
2	Emails and Attachments	This category includes emails sent or received by Department officials and records attached thereto.
3	Calendars	This category includes the electronic calendar of Department officials.
4	Standalone Documents	This category includes both electronic computer records and non-electronic (i.e. paper) records of Department

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		officials to the extent that such records were not attached to an email. ¹
5	Classified Records	This category includes both electronic and non-electronic (i.e. paper) classified records maintained by Department officials.

The time required to complete our records search will vary significantly depending on the types of records that need to be searched in order to fulfill your request. Furthermore, there are distinct and significant differences between the search time required to complete certain categories of records searches. For example, a records search focused on category 1 records (Official Correspondence) requires the least amount of time to complete. A records search seeking records from categories 2 and/or 3 requires significantly more time than that of category 1. Whereas a search seeking records from categories 4 and/or 5 is the most time-consuming search option and requires substantially more time to complete than a search focused on records of categories 2 and/or 3.

Additional factors, including the timeframe of your request and the number of Department officials who need to be searched in order to fulfill your request, can make a substantial difference in the time it takes to complete our records search. Generally speaking, requests seeking records prior to January 20, 2017, will require additional search time, and the more Department officials that are subject to the records search, the longer it will take to complete.

At this time and in an effort to facilitate our response to your request, we are focusing our records search on official correspondence (i.e. category 1) and emails and attachments that may be responsive to your request (category 2). Based on our experience, the vast majority of records responsive to FOIA requests consist of category 2 records, and it is not common for there to be standalone documents (category 4) that are not also located as attachments to emails. If you are interested in either adding additional categories of records to your search or focusing your search on records other than categories 1 and 2, please notify this Office as soon as possible.² You may also agree to an alternative formulation of your request, including a different scope or date range. Please include the administrative tracking number associated with this request in all your correspondence.

Any decision with regard to the application of fees or any request for a fee waiver will be made only after we determine whether fees will be implicated for this request.

We regret the necessity of this delay, but we assure you that your request will be processed as soon as possible. If you have any questions or wish to discuss the processing of your request, you may contact this Office by telephone at the above number, by e-mail at doj.oip.foia@usdoj.gov, or you may write to the Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001. Lastly,

¹ This category does not include Official Correspondence (i.e. category 1 records).

² Notwithstanding your selection, not all of these categories would be appropriate for each request.

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you may contact our Acting FOIA Public Liaison, Eric Hotchkiss, at the telephone number listed above to discuss any aspect of your request.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448.

Sincerely,
Initial Request Staff
Office of Information Policy
U.S. Department of Justice



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

July 3, 2025

Lama Elsharif
Citizens for Responsibility and Ethics in Washington
P.O. Box 14596
Washington, DC 20044
lelsharif@citizensforethics.org

Re: FOIA-2025-05008
FOIA-2025-05009

Dear Lama Elsharif:

This is in reference to your Freedom of Information Act (FOIA) requests dated and received in this Office on June 5, 2025, in which you requested records of the Office of Legislative Affairs concerning Section 1 of the Twenty-Second Amendment to the United States Constitution.

As an initial matter, on the same day you submitted to this Office FOIA requests FOIA-2025-05008 and FOIA-2025-05009, both seeking the above-referenced records. In an effort to facilitate our search, processing, and more efficiently respond to you, this Office has administratively closed request FOIA-2025-05009. For future communications, please reference FOIA-2025-05008.

The records you seek require a search in and/or consultation with another Office, and so your request falls within "unusual circumstances." See 5 U.S.C. § 552 (a)(6)(B)(i)-(iii) (2018). Because of these unusual circumstances, we need to extend the time limit to respond to your request beyond the ten additional days provided by the statute. For your information, we use multiple tracks to process requests, but within those tracks we work in an agile manner, and the time needed to complete our work on your request will necessarily depend on a variety of factors, including the complexity of our records search, the volume and complexity of any material located, and the order of receipt of your request. At this time, we have assigned your request to the complex track.

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Any decision with regard to the application of fees or any request for a fee waiver will be made only after we determine whether fees will be implicated for this request.

We regret the necessity of this delay, but we assure you that your request will be processed as soon as possible. If you have any questions or wish to discuss the processing of your request, you may contact this Office by telephone at the above number, by e-mail at

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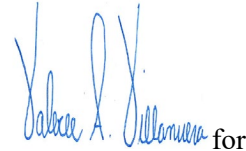
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doj.oip.foia@usdoj.gov, or you may write to the Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001. Lastly, you may contact our Acting FOIA Public Liaison, Eric Hotchkiss, at the telephone number listed above to discuss any aspect of your request.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448.

If you are not satisfied with this Office's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically submitted within ninety days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." If possible, please provide a copy of your original request and this response letter with your appeal.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrew D. Fiorillo", followed by the word "for" in a smaller font.

Andrew D. Fiorillo
Acting Chief, Initial Request Staff
On behalf of
Sean O' Neill
Chief of Staff