



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

December 9, 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, from July 1, 2020 to the date this request is processed:

- 1) All opinions, memoranda, or analyses produced by the Office of the Deputy Attorney General ("ODAG") that raise the possibility of, provide guidance on, discuss, or otherwise concern the actual or potential cancelling, moving, or postponing of any state or federal election.
- 2) All communications sent or received by employees of ODAG that concern the possibility of cancelling, moving, or postponing any state or federal election.

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 Trump has repeatedly cast doubt on the validity of American elections and, on occasion, suggested cancelling, postponing, or delaying elections. Prior to the 2020 election, for example, President Trump posted on Twitter (now "X") that "universal mail-in voting" would make it the "most inaccurate and fraudulent election in history" and a "great embarrassment to the USA". He then suggested that the election be delayed "until people can properly, securely and safely vote???"¹

During his second term, President Trump has repeated his claims that mail-in ballots and certain voting machines lead to an increase in voter fraud and fraudulent elections, which he previously suggested were grounds for delaying elections.²

Earlier this year, President Trump met with Ukrainian president Volodymyr Zelensky and suggested that if the U.S. were at war in 2028, the elections could be

¹Donald Trump (@realDonaldTrump), X, (July 30, 2020 at 8:46 a.m.), <https://x.com/realDonaldTrump/status/1288818160389558273?s=20>.

² Ashley Lopez, "Trump wants to stop states from voting by mail and using voting machines," NPR (August 19, 2025), <https://www.npr.org/2025/08/18/nx-s1-5506210/trump-mail-in-ballots-ban>.

cancelled, stating “during the war, you can't have elections? So let me just see, three and a half years from now, if we happen to be in a war with somebody, no more elections? That's good.”³

Given the President's statements and the statements of those in his administration, 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 cancel, move, or postpone elections. These disclosures will also contribute to a better understanding of the Department of Justice's commitment to free and fair elections and whether it has provided any guidance on this issue.

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 abangle@citizensforethics.org and foia@citizensforethics.org or call me at (202) 408-5565. Also, if CREW's request

³ President Trump Quips About Canceling 2028 Elections if U.S. At War, C-Span (Aug. 28, 2025) <https://www.c-span.org/clip/white-house-event/president-trump-quips-about-canceling-2028-elections-if-us-is-at-war/5170008>.

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

Sincerely,

Amanda Bangle