



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

February 25, 2026

Melissa Golden
Lead Paralegal and FOIA Specialist
950 Pennsylvania Avenue, NW
Room 5517
Washington, DC 20530-0001

Re: Freedom of Information Act Request

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) submits this request for records to the Office of Legal Counsel (“OLC”) pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and the Department of Justice (“DOJ”) regulations.

Specifically, CREW requests, from July 1, 2020 to the date this request is processed all opinions, memoranda, guidance, or analyses produced by OLC 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.

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 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 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 President Trump has also repeatedly discussed cancelling elections altogether to serve his personal and political interests.

In August 2025, during the public portion of a meeting with President Volodymyr Zelensky of Ukraine, where elections have been suspended during Ukraine’s war with Russia, Trump stated, “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 On January 6, 2026—the five-year anniversary of the attack on the U.S. Capitol—President Trump told assembled Republican members of the House of Representatives during a partisan retreat, “How we have to even run against these people [Democrats]-I won’t say cancel the election, they should cancel the election, because the fake news would say, ‘He wants the election canceled. He’s a dictator.’ They always call me a dictator.”⁴ In the same remarks, President Trump warned Republican members of Congress that if Democrats win a majority in the midterm elections, “I’ll get impeached.”⁵ And in January 2026, President Trump again publicly asserted that “we shouldn’t even have an election” while discussing the possibility that Republicans might lose their majority in Congress in the 2026 midterm elections.⁶

¹ Donald Trump (@realDonaldTrump), X, (July 30, 2020 at 8:46 a.m.), <https://perma.cc/6LOM-2XRN>.

² *See* Ashley Lopez, *Trump wants to stop states from voting by mail and using voting machines*, NPR (August 19, 2025), <https://perma.cc/BYO9-C4K7>.

³ *See* *President Trump Quips About Canceling 2028 Elections if U.S. At War*, C-SPAN (Aug. 28, 2025), <https://tinyurl.com/4j5u44k2>.

⁴ Nik Popli, *Trump Floats Cancelling 2026 Elections, Then Insists He Won’t*, Time (Jan 6, 2026), <https://perma.cc/K5DQ-AHZV>.

⁵ *Id.*

⁶ *See* Yunion Rivas, *Trump: ‘We shouldn’t even have an election’*, Democracy Docket (Jan. 15, 2026), <https://tinyurl.com/4ukdkn5b>; *see also* Callum Sutherland, *White House Insists Trump Is ‘Joking’ About Canceling Midterm Elections*,” Time (Jan. 16, 2026), <https://perma.cc/MH9X-MJ5M>.

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Given the President's statements, it is in the best interest of the public to access any documents and memoranda that establish OLC'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, 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 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.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please email me at [REDACTED] 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 [REDACTED] and foia@citizensforethics.org or by mail to Samantha Suman, Citizens for Responsibility and Ethics in Washington, PO Box 14596, Washington, D.C. 20004.

Sincerely,

/s/ Kayvan Farchadi