

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

CITIZENS FOR RESPONSIBILITY AND  
ETHICS IN WASHINGTON,

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE, *et al.*,

Defendants.

Case No. 26-cv-1789-RJL

**DECLARATION OF DONALD K. SHERMAN**

I, Donald K. Sherman, hereby declare as follows:

1. I am the President and Chief Executive Officer of Citizens for Responsibility and Ethics in Washington (“CREW”), the Plaintiff in the above-referenced action. I make this declaration based on my personal knowledge and thorough consultation with my colleagues at CREW and review of CREW’s files.

2. CREW, a non-profit, non-partisan organization organized under section 501(c)(3) of the Internal Revenue Code, is committed to protecting the rights of citizens to be informed about the activities of government officials and agencies, ensuring the integrity of government officials and agencies, and empowering citizens to have an influential voice in government decisions and in the government decision-making process through the dissemination of information about public officials and their actions.

3. CREW’s core mission entails monitoring Executive Branch spending of appropriated funds, shining a light on abuses of taxpayer money, and widely disseminating federal records to the public on those subjects. To advance its mission, CREW routinely requests and utilizes government records made available to it under the Freedom of Information Act (“FOIA”),

the Ethics in Government Act, the Federal Advisory Committee Act, the Federal Election Campaign Act, and other federal transparency laws.

4. CREW reviews and analyzes the records it receives in relation to newsworthy developments regarding, among others, government ethics, corruption, and the influence of money in politics. CREW uses that information to create public-facing reports, draft administrative complaints, requests for investigation, and public testimony and letters to Congress regarding oversight matters, and to craft targeted FOIA requests for additional information. CREW widely disseminates these materials to the public through its website, which receives hundreds of thousands of page views every month.

5. I am aware that, on January 29, 2026, President Trump, his sons, and the Trump Organization filed suit in the U.S. District Court for the Southern District of Florida against the Internal Revenue Service (“IRS”) and the Department of Treasury (“Treasury”), seeking at least \$10 billion in damages based on the unauthorized disclosure of President Trump’s tax returns by former government contractor Charles Littlejohn.

6. I am aware that that the district court in that case *sua sponte* ordered briefing by the parties on whether the case presented a justiciable “Case” or “Controversy” under Article III of the Constitution and set a hearing for May 27, 2026. A true and correct copy of the Order is attached hereto as Exhibit A, Order, *Trump v. IRS*, 26-cv-20609-KMW, ECF 41 (April 24, 2026).

7. I am aware that, on May 18, 2026, the *Trump* plaintiffs filed a Notice of Voluntary Dismissal with Prejudice. A true and correct copy of the Order is attached hereto as Exhibit B, Order Closing Case, *Trump v. IRS*, 26-cv-20609-KMW, ECF 62 (May 18, 2026).

8. I am aware that, on November 27, 2023, the Department of Justice (“DOJ”) filed a Motion to Dismiss in *Griffin v. IRS*, arguing that claims against the United States for the wrongful

disclosure of a tax return or tax return information were barred by sovereign immunity because Littlejohn was not a government employee. Attached is a true and correct copy of the Motion to Dismiss hereto as Exhibit C, U.S. Mot. to Dismiss 2d Am. Compl. at 1-2, *Griffin v. IRS*, 22-cv-24023, ECF 58 (S.D. Fla. Nov. 27, 2023)

9. I am aware that, on July 23, 2025, DOJ filed a Motion to Dismiss in *Safe Harbor Int'l, LLC v. IRS*, similarly arguing that claims against the United States for the wrongful disclosure of a tax return or tax return information were barred by sovereign immunity because Littlejohn was not a government employee. Attached is a true and correct copy of the Motion to Dismiss hereto as Exhibit D, U.S. Mot. to Dismiss at 1, *Safe Harbor Int'l, LLC v. IRS*, 25-cv-139, ECF 31 (D. Md. July 23, 2025).

10. I am aware that, on May 18, 2026, President Trump and the other plaintiffs in *Trump v. IRS* executed a written agreement with DOJ to create the “Anti-Weaponization Fund” (“the Fund” or “the Slush Fund”). A true and correct copy of the May 18 Agreement was attached to the Complaint and is attached hereto as Exhibit E, May 18 Agreement.

11. I am aware that, on May 18, 2026, Acting Attorney General Todd Blanche issued an order pursuant to the May 18 Agreement. A true and correct copy of the Attorney General’s Order (“May 18 AG Order”) was attached to the Complaint and is attached hereto as Exhibit F, May 18 AG Order.

12. I am aware that, on May 21, 2026, DOJ issued a memo to U.S. Senators regarding the Fund. A true and correct copy of the memo is attached hereto as Exhibit G, DOJ, *Overview of the Department of Justice’s Anti-Weaponization Fund* (May 21, 2026), <https://tinyurl.com/kfuyt3ss>.

13. Defendants' May 18 Order prevents CREW from obtaining and disseminating critical information to the public that CREW would seek and otherwise be able to obtain through FOIA requests, judicial dockets, notices published in the Federal Register, federal agency websites, and other public-records channels.

14. CREW has sought federal records related to the Fund. On May 22, 2026, CREW sent a FOIA to the Fund in search of records relating to its composition, structure, and operations. A true and correct copy of the FOIA is attached hereto as Exhibit H.

15. CREW has additional FOIA requests pending with Defendants DOJ, Treasury, and IRS concerning the creation of the Fund and President Trump's and January 6 defendants' Federal Tort Claims Act claims seeking damages from the United States.

16. CREW intends to submit additional FOIA requests to the Fund to shed light on its secretive structure and operations.

17. CREW also intends to submit additional FOIA requests concerning the Fund to Defendants DOJ, Treasury, IRS, and other relevant agencies subject to FOIA.

18. Because of its pervasive reliance on federal records, CREW has a strong operational interest in the Fund's compliance with recordkeeping laws. The unlawful destruction, alienation, loss, or removal of federal records relevant to CREW's work impedes its ability to fulfill its mission and its informational rights under FOIA and the Federal Records Act.

19. To vindicate its interests, CREW has brought numerous lawsuits to preserve and prevent the destruction or loss of government records, including but not limited to *CREW v. Trump*, 924 F.3d 602 (D.C. Cir. 2019), *CREW v. Trump*, 438 F. Supp. 3d 54 (D.D.C. 2020), and *Nat'l Sec. Archive v. Trump*, 20-cv-3500 (D.D.C. Dec. 1, 2020).

20. CREW maintains and operates a tracking project documenting recidivism among individuals who were criminally charged for participating in the January 6, 2021 attack on the U.S. Capitol and subsequently pardoned by President Trump.<sup>1</sup> That tracker has been widely cited in congressional reports<sup>2</sup> and by major media outlets.<sup>3</sup> Information from the Fund about claimants, awards, and procedures is critical to CREW's ability to inform the public about the extent to which taxpayer dollars are being distributed to individuals who participated in the attack on the U.S. Capitol. With access to records about claimants, awards, and procedures, CREW would add information to CREW's existing public tracker of pardoned January 6 defendants charged with or convicted of additional crimes, identifying whether and in what amount each recipient has been compensated by the Fund, so that the public can see, in a single source, what taxpayer dollars are flowing to individuals who participated in the January 6 attack and have since been re-arrested, re-charged, or convicted of subsequent offenses. CREW cannot take these actions because of the Fund's secretive structure and evasion of transparency laws.

21. CREW similarly tracks the President's conflicts of interest and maintains a program tracking the conflicts of interest of Executive Branch officials across the administration.<sup>4</sup> Access to information about the Fund's claimants, awards, and procedures is essential to this preexisting

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<sup>1</sup> Linnaea Honl-Stunkel, Sophia Barriga Hernandez & Alyssa Meiman, *At least 33 pardoned insurrectionists face other criminal charges-but many are now going free*, CREW (Dec. 18, 2025), <https://tinyurl.com/y52ekaeb>.

<sup>2</sup> See H. Comm. on the Judiciary, *One Year Later: Assessing the Public Safety Implications of President Trump's Mass Pardons of 1,600 January 6th Rioters and Insurrectionists* (Jan. 2026), <https://tinyurl.com/df4jwxy4>.

<sup>3</sup> See, e.g., The Editorial Board, *The People Trump Pardoned Are on a Crime Spree*, N.Y. Times (Mar. 31, 2026), <https://tinyurl.com/5n98bj8r>; Matt K. Lewis, *Freed by Trump, the Jan. 6 Criminals Are Preying on Children and Others*, L.A. Times (May 15, 2026), <https://tinyurl.com/mtw2xkd7>.

<sup>4</sup> *Tracking Trump's visits to his properties and other conflicts of interest*, CREW (updated May 21, 2026), <https://tinyurl.com/mry26wpr>.

and ongoing project. With access to information about claimants, awards, and procedures, CREW would (i) identify any claimants who have a financial relationship with the President or his family and who have obtained Fund disbursements; and (ii) analyze how the Fund's Members exercise their discretion in evaluating, approving, and denying applications across cases, with particular attention to whether claimants with financial or political ties to the Members, the President, or administration officials fare better than similarly situated claimants without such ties. CREW cannot take these actions because of the Fund's secretive structure and evasion of transparency laws.

22. Information about claimants, awards, and procedures would facilitate and inform CREW's established educational and outreach programs. CREW regularly provides testimony, briefings, and technical assistance to congressional committees conducting oversight of federal spending. It also conducts ongoing advocacy for legislative reforms to strengthen Congress's appropriations powers and prevent Executive Branch abuse of the appropriations process. Records from the Fund would allow CREW to publish reports comparing Fund expenditures against Judgment Fund payments and appropriations Congress provided for the DOJ, and report on the diversion of taxpayer money from congressionally authorized purposes. CREW cannot take these actions because of the Fund's secretive structure and evasion of transparency laws.

23. The Fund infringes on CREW's constitutional right to speak on matters of public concern. As noted above, CREW regularly publishes information and expresses opinions to the wider public regarding efforts to hide government spending and corruption generally. *See, e.g., supra* paragraph 20; Christie Wentworth, *OMB's latest effort to conceal spending data*, CREW (Sept. 19, 2025), <https://tinyurl.com/5n89uckc>. In particular, CREW has spoken out about the administration's collusive settlements, *see* Press Release, *CREW statement on Trump-IRS*

*settlement*, CREW (May 18, 2026), <https://tinyurl.com/2sv4sswd>, and the corrupt benefits provided to those who attacked the Capitol on January 6, *see supra* paragraph 20; Press Release, *CREW statement on January 6th pardons*, CREW (Jan. 20, 2025), <https://tinyurl.com/msph6cax>. CREW would review any disclosures revealing further corrupt dealings with these individuals, or other administration supporters, and use those disclosures to facilitate its own speech in opposition to these payments. CREW would also use the information to advocate in opposition to any further settlements. In the absence of these disclosures, CREW's First Amendment rights to speak will be infringed as CREW will not be able, or not as effectively be able to, advocate. In effect, Defendants are preventing CREW from using government disclosures to facilitate its own speech regarding corrupt abuses of power.

24. CREW also regularly comments on agency proposed rulemakings where those rulemakings would impede CREW's access to information. *See, e.g., The FEC should not block disclosure of large political donors through secret proceedings*, CREW (May 15, 2024), <https://tinyurl.com/mtjstftj>; Gabe Lezra, *FinCen must regulate real estate industry to keep out dirty money*, CREW (Feb. 25, 2022), <https://tinyurl.com/ryuh2kua>; *CREW submits comment to FEC on campaign contributor disclosure rule*, CREW (July 14, 2022), <https://tinyurl.com/ysazbvph>; *CREW submits comment on making agency legal materials public*, CREW (July 28, 2022), <https://tinyurl.com/3jvdbybf>; *CREW submits OGE comment on financial disclosure reforms*, CREW (Aug. 2, 2021), <https://tinyurl.com/yn248754>. Had Defendants followed notice-and-comment procedures before creating the Fund, CREW would have submitted a comment opposing Defendants' actions and explaining how the Fund's opaque and unlawful structure directly impairs CREW's mission-critical functions.

25. I am aware that, on May 19, 2026, Acting Attorney General Todd Blanche issued another order pursuant to the May 18 Agreement. A true and correct copy of the Attorney General's second Order ("May 19 AG Order") is attached hereto as Exhibit I.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 28, 2026, in Washington, D.C.

/s/ Donald K. Sherman  
Donald K. Sherman