

# CREW | citizens for responsibility and ethics in washington

July 18, 2017

**BY FACSIMILE: (202) 514-1009**

Laurie Day  
Chief, Initial Request Staff  
Office of Information Policy  
Department of Justice  
Suite 11050  
1425 New York Ave., N.W.  
Washington, D.C. 20530-0001

Re: Freedom of Information Act Request

Dear Ms. Day:

Citizens for Responsibility and Ethics in Washington ("CREW") makes this request for records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and U.S. Department of the Justice ("DOJ") regulations.

Specifically, CREW requests:

- (1) All communications between individuals with an email address containing @judicialnetwork.com and the Office of Legal Policy between January 31 and April 7, 2017;
- (2) All communications between individuals with an email address containing @americanactionnetwork.org and the Office of Legal Policy between January 31 and April 7, 2017;
- (3) All communications between individuals with an email address containing @greatamericaalliance.com and the Office of Legal Policy between January 31 and April 7, 2017;
- (4) All communications between individuals with an email address containing @americafirstpolicies.org and the Office of Legal Policy between January 31 and April 7, 2017; and
- (5) All communications between 45Committee officers Brian Walsh, Brian Baker, Sara Fagen, Randy Scheunemann, Matt Well, or Maria Wojciechowski and the Office of Legal Policy between January 31 and April 7, 2017.

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(6) All communications between 45Committee officers Brian Walsh, Brian Baker, Sara Fagen, Randy Scheunemann, Matt Well, or Maria Wojciechowski and the Office of the Attorney General between February 8, 2017 and the present.

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, as well as emails to which the subjects of this request were cc'ed or bcc'ed.

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).

#### **Fee Waiver Request**

In accordance with 5 U.S.C. § 552(a)(4)(A) and DOJ 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 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).

On July 7, 2017 MapLight journalists reported that Washington lobbyist Rob Collins claims in his professional biography that he “quarterbacked” then-nominee to the Supreme Court Neil Gorsuch’s confirmation process by contacting, among other offices, the DOJ.<sup>1</sup> Collins has served as a director for a section 501(c)(4) nonprofit group, 45Committee, at least as recently as January.<sup>2</sup> Several section 501(c)(4) nonprofit groups sponsored television ads supporting Judge Gorsuch’s confirmation,<sup>3</sup> and 45Committee also sponsored ads supporting confirmation of then-

<sup>1</sup> Margaret Sessa-Hawkins and Andrew Perez, White House Relied Upon Dark Money Lobbyist to ‘Quarterback’ Gorsuch Confirmation, *MapLight / Fast Company*, July 7, 2017, available at <https://maplight.org/story/white-house-relied-upon-dark-money-lobbyist-to-quarterback-gorsuch-confirmation/>.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

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nominee Jeff Sessions to the office of attorney general.<sup>4</sup> These facts suggest outside groups supporting Judge Gorsuch's confirmation may have had contacts with the DOJ.

The groups named in this request are so-called "dark money" group that make political expenditures but do not reveal their donors.<sup>5</sup> The requested records could inform the public about how closely dark money groups work with government agencies, and how much authority the groups and their unknown backers have with public officials.

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](http://www.citizensforethics.org), and through [www.scribd.com](http://www.scribd.com). 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 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 a blog that reports on and analyzes 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. In addition, CREW posts all documents it receives under the FOIA at [www.scribd.com](http://www.scribd.com), and those documents have been visited hundreds of thousands of times.

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 contact me at (202) 408-5565 or [wdavis@citizensforethics.org](mailto:wdavis@citizensforethics.org). Also,

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<sup>4</sup> *Ibid.*

<sup>5</sup> Kenneth P. Vogel, *Secret money to boost Trump*, *Politico*, September 28, 2016, available at <http://www.politico.com/story/2016/09/secret-money-to-boost-trump-228817>.

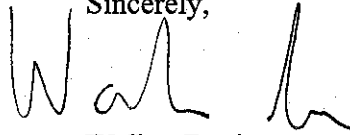
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if CREW's request for a fee waiver is not granted in full, please contact our office immediately upon making such a determination.

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Where possible, please produce records in electronic format. Please send the requested records to me either at [wdavis@citizensforethics.org](mailto:wdavis@citizensforethics.org) or at Walker Davis, Citizens for Responsibility and Ethics in Washington, 455 Massachusetts Ave., N.W., 6th Floor, Washington, D.C. 20001. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Walker Davis". The signature is written in a cursive, flowing style.

Walker Davis

Research Associate