

December 20, 2017

Via email (FOIA@fec.gov)

Federal Election Commission  
Attn: FOIA Requester Service Center  
Room 408  
999 E. Street, N.W.  
Washington, D.C. 20463

**Re: Expedited Freedom of Information Act Request**

Dear Freedom of Information Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this expedited request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. §§ 552, *et seq.*, and Federal Election Commission (“FEC”) regulations.

Specifically, CREW requests an unredacted copy of the public record in MUR 6920, In the Matter of American Conservative Union, et al.

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), *cert. denied*, 415 U.S. 977 (1974). 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*, 566 F.2d 242, 261 (D.C. Cir 1977).

**Fee Waiver Request**

In accordance with 5 U.S.C. § 552(a)(4)(A) and FEC 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 will likely 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 is primarily and fundamentally for non-commercial purposes. *See McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

The requested records are likely to contribute to greater public awareness of the record supporting the Commission’s findings in MUR 6920 that Government Integrity, LLC made an unlawful conduit contribution through the American Conservative Union that Now or Never PAC and its treasurer knowingly accepted in violation of the Federal Election Campaign Act (“FECA”), 52 U.S.C. §§ 30122 and 30104(b)(3)(A). The Commission has now made public a

redacted copy of the public record in MUR 6920, but the redactions deprive the public of very valuable information.

As noted in the recently released Statement of Reasons of Commissioner Ellen L. Weintraub, this case “is an egregious example of someone using a web of organizations to hide the true source of a \$1.7 million contribution to a super PAC – and getting away with it.” Full transparency of all participants in this unlawful scheme serves important public interests recognized by the Supreme Court in *Citizens United*, specifically to hold “elected officials accountable for their . . . supporters,” in revealing “whether elected officials are ‘in the pocket’ of so-called moneyed interests,” and in “enable[ing] the electorate to make informed decisions.” 558 U.S. 301, 370 (2010). At the same time, because the redacted entities made a contribution covered by the disclosure provisions of the FECA, they enjoy no privacy right and therefore cannot claim harm from disclosure.

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, and to highlighting and working to reduce the influence of money on politics. 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). 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 the documents it receives under the FOIA on our website, which has been visited hundreds of thousands of times.

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

### **Expedition**

CREW further requests that the FEC expedite the processing of this request because there is a compelling need for the requested information, which concerns a matter of great public urgency. In a recently filed lawsuit, unnamed John Does – who purport to be the trust and its



trustee who gave the money to Government Integrity, LLC and thus lie at the center of the unlawful conduit contribution – sued the Commission to prevent disclosure of their identities.<sup>1</sup> In response, the Commission argued that although these entities were not named as respondents in the administrative complaint, their critical role in the Commission’s deliberations “demonstrate[s] the obvious public importance of making [their] identities . . . transparent[.]”<sup>2</sup> The Commission also recognized the interests of CREW as an administrative complainant and its “need to review the public file due to a statutory deadline for review of FEC actions.”<sup>3</sup> This lawsuit already has attracted media attention. *See, e.g.,* Josh Gerstein and Maggie Severns, Lawsuit Prompts FEC to Withhold Information on Super PAC Donation ‘Scheme’, *Politico*, Dec. 19, 2017, available at <https://www.politico.com/story/2017/12/19/lawsuit-prompts-fec-to-withhold-donor-information-306314>. Further, as discussed above, this request is made by an entity dedicated to the dissemination of information to the public. For all these reasons expedition is warranted here.

Pursuant to FEC regulations, 11 C.F.R. § 4.7(g), the undersigned certifies the foregoing is true and correct to the best of her knowledge and belief.

### Conclusion

If you have any questions about this request or foresee any problems in releasing fully the requested records on an expedited basis, please contact me at (202) 408-5565 or [aweismann@citizensforethics.org](mailto:aweismann@citizensforethics.org). CREW also welcomes the opportunity to discuss with you whether and to what extent this request can be narrowed or modified to better enable the FEC to process it within the FOIA’s deadlines. In addition, if CREW’s request for a fee waiver is not granted in full, please contact our office immediately upon making such determination.

Where possible, please produce records in electronic form. Please send the requested records to me either at [aweismann@citizensforethics.org](mailto:aweismann@citizensforethics.org) or to Anne L. Weismann, Citizens for Responsibility and Ethics in Washington, 455 Massachusetts Avenue, N.W, Washington, D.C. 20001. Thank you for your assistance in this matter.

Sincerely,



Anne L. Weismann  
Chief FOIA Counsel

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<sup>1</sup> *See John Doe 1, et al. v. Federal Election Commission*, Civil No. 17-2694 (ABJ) (D.D.C.).

<sup>2</sup> *Doe v. FEC*, Dkt. No. 16 (Dec. 20, 2017).

<sup>3</sup> *Id.*