

January 29, 2018

By Facsimile: (202) 514-1009

Laurie Day
Chief, Initial Request Staff
Office of Information Policy
U.S. Department of Justice
Suite 11050
1425 New York Avenue, 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 Justice (“DOJ”) regulations.

Specifically, CREW requests all records concerning or reflecting advice and/or recommendations requested or given to Attorney General Jeff Sessions by anyone within the Department of Justice from March 3, 2017, to the present regarding (1) whether the Attorney General should recuse himself in any matters involving 2016 presidential candidate Hillary Clinton; and (2) the scope of his recusal announced on March 2, 2017.

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.

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 March 2, 2017, Attorney General Sessions announced he was recusing himself from “any existing or future investigations of any matters related in any way to the campaigns for president of the United States.” Notwithstanding his recusal, two months later Attorney General Sessions played a role in the firing of then-FBI Director James Comey. More recently, he reportedly ordered prosecutors and FBI agents to reexamine their previous investigations of Hillary Clinton while she was a presidential candidate, in apparent violation of the terms of his recusal.¹ The Attorney General’s latest actions have raised a serious question about how he is interpreting his recusal, which specifically references “the *campaigns* for president of the United States,” a clear reference to the campaigns of both Donald Trump and Hillary Clinton. Equally troubling are reports that the Attorney General is acting in response to political pressure from the White House, and top Republicans on the House and Senate Judiciary Committees. *Id.*

The requested records are likely to contribute to public understanding about the true motivations for the Attorney General’s recent actions, and the extent to which he has sought the advice of DOJ ethics experts before directing that investigations into Hillary Clinton’s conduct be reopened. Without question these actions implicate the integrity and honesty of the nation’s top law enforcement officer.

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, and through 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

¹ *See generally* Pema Levy and Dan Friedman, [Jeff Sessions Appears to Be Meddling in the Russia and Clinton Probes He Vowed to Avoid](https://www.motherjones.com/politics/2018/01/jeff-sessions-appears-to-be-meddling-in-the-russia-and-clinton-probes-he-vowed-to-avoid/#), *Mother Jones*, Jan. 24, 2018, available at <https://www.motherjones.com/politics/2018/01/jeff-sessions-appears-to-be-meddling-in-the-russia-and-clinton-probes-he-vowed-to-avoid/#>.

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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 the 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 contact me at (202) 408-5565 or aweismann@citizensforethics.org. Also, if CREW's request for a fee waiver is not granted in full, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to me either aweismann@citizensforethics.org or Anne L. Weismann, Citizens for Responsibility and Ethics in Washington, 455 Massachusetts Ave., N.W., Washington, D.C. 20001. Thank you for your assistance in this matter.

Sincerely,



Anne L. Weismann
Chief FOIA Counsel