

December 13, 2017

By Facsimile: (202) 514-1009

Sarah Isgur Flores
Director
Office of Public Affairs
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-001

Re: Request for Expedition of Freedom of Information Act Request

Dear Ms. Flores:

Pursuant to Department of Justice (“DOJ”) regulations, 28 C.F.R. § 16.5(e)(2), Citizens for Responsibility and Ethics in Washington (“CREW”) requests that you authorize the expedition of identical Freedom of Information Act (“FOIA”) requests CREW made today of the Office of Information Policy, the Office of the Inspector General, and the Office of Legislative Affairs. I have enclosed copies of these requests.

The requests seek all communications concerning the decision to invite reporters to DOJ on December 12, 2017, for the purpose of sharing with them private text messages sent during the 2016 presidential campaign by two former FBI investigators on Special Counsel Robert Mueller’s team. This request includes, but is not limited to: (1) communications with reporters regarding this meeting; (2) communications within DOJ about whether, when, and how to share the text messages with reporters including, *inter alia*, the Office of the Inspector General, the Attorney General, the Office of Legislative Affairs, and any individual within the senior leadership offices of DOJ; and (3) communications with any member of Congress and/or their staff regarding this matter. CREW also seeks documents reflecting who made the decision to release this material to reporters on the evening of December 12, 2017.

As CREW’s requests explain, it has been reported that last evening, in advance of Deputy Attorney General Rod J. Rosenstein’s testimony today before the House Judiciary Committee, DOJ took the unprecedented step of inviting a group of reporters to its offices to view private text messages, which were critical of President Trump and sent during the 2016 campaign by two former FBI investigators who, until recently, served on Special Counsel Robert Mueller’s team. Natasha Bertrand, In ‘highly unusual’ move, DOJ secretly invited reporters to view texts sent by ousted FBI agents, *Business Insider*, Dec. 13, 2017, available at <http://www.businessinsider.com/peter-strzok-page-texts-mueller-russia-trump-2017-12>. The article cites a source who “said the texts were given to reporters in case they did not leak in time for Deputy Attorney General Rod Rosenstein’s public hearing on Wednesday morning.” *Id.* Deputy Attorney General Rosenstein acknowledged during his testimony that there had been a decision that the texts “were

fit for public consumption,” and that the inspector general had been consulted “to determine that he had no objection to releasing the material.” *Id.*

Given this highly unusual, if not unprecedented, action to secretly leak the contents of documents currently under review by DOJ’s inspector general, the public has a clear and pressing interest in learning whether the leak was properly authorized and the extent to which the interests of the texts’ authors, the inspector general, and DOJ’s interests in the orderly administration of justice were appropriately considered and protected. This need is made all the more compelling by the concern expressed by a former DOJ official that the leak was done “so Rosenstein can get credit from House Republicans at his hearing today.” *Id.* Only through the full disclosure of the facts and circumstances surrounding this decision can the public have confidence in the actions and integrity of the Justice Department.

Accordingly, CREW seeks expedition because the subject matter of its requests is of widespread and exceptional media interest. There has been extensive news coverage about the texts of the two former FBI officials. DOJ’s action of secretly leaking their texts to the media to ensure their publication before Deputy Attorney General Rosenstein’s congressional testimony raises compelling questions about the government’s integrity, which clearly affect public confidence.

CREW’s primary purpose is to inform the public about the activities of government officials and those who influence public officials. Toward that end, CREW uses statutes like the FOIA to gather information the public needs to hold public officials accountable. The request for which CREW seeks expedition will further those goals.

I certify the following is true and correct.

Sincerely,



Anne L. Weismann
Chief FOIA Counsel

encl.