

November 8, 2018

**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. 20530-0001

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 two Freedom of Information Act (“FOIA”) requests CREW made today to the Office of Justice Management Division (“JMD”) and the Office of Information Policy (“OIP”) respectively. I have enclosed copies of these requests.

The JMD request seeks copies of all ethics waivers or authorizations granted to Acting Attorney General Matthew Whitaker under Executive Order 13770, 5 C.F.R. § 2635.502(d), and/or 28 C.F.R. § 45.2(b) from September 1, 2017 to the present, and copies of all communications concerning ethics advice given to Acting Attorney General Whitaker during that same time period. The OIP request seeks four categories of records: (1) all communications between Mr. Whitaker and any White House official or office; (2) all documents that reflect any meeting between Mr. Whitaker any White House official or office from September 1, 2017 to the present; (3) all communications between Mr. Whitaker and the Office of Special Counsel Robert Mueller from November 7, 2018 to the present; and (4) all communications between Mr. Whitaker and any individual with the House Judiciary Committee or the Senate Judiciary Committee from September 1, 2017 to the present.

CREW seeks expedition of both requests because their subject matter is of widespread and exceptional media interest and the requested information involves possible questions about the government’s integrity, which clearly affect public confidence. On November 7, 2017, Attorney General Jeff Sessions tendered his resignation in response to a request from President Donald Trump that he resign. President Trump named Mr. Whitaker, Attorney General Sessions’ chief of staff, as acting Attorney General rather than Deputy Assistant Attorney General Rod J. Rosenstein, who is next in the line of succession. In that capacity Mr. Whitaker will assume oversight responsibility for the ongoing investigation by Special Counsel Robert Mueller into the activities of President Trump and his campaign, as well as other investigations and prosecutions related to President Trump, his businesses, and his campaign. This unusual appointment has raised concerns that Mr. Whitaker, who has publicly and repeatedly made statements about the

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Special Counsel's investigation that reflect personal bias and prejudice,<sup>1</sup> was selected to hinder or shut down that investigation. The requested documents will shed light on the reasons behind his selection as acting attorney general and the extent to which that selection was motivated by a desire on the part of outside forces to impede the Special Counsel's investigation. The requested documents also will shed light on whether Mr. Whitaker has sought and been granted a waiver or authorization and the timing of any waiver or authorization or any ethics advice about recusal given his numerous public statements that cast doubt on his impartiality. The public needs to have confidence that the investigation is proceeding with no undue influence by the White House or anyone else who may be a subject or target of the Mueller investigation. CREW's request will help address these concerns.

CREW's primary purpose is to inform and educate 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 requests 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.

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<sup>1</sup> See, e.g., Matthew Whitaker, Comey served faithfully, but the president made the right decision, *The Hill*, May 10 2017, available at <https://thehill.com/blogs/pundits-blog/the-administration/332812-jim-comey-served-faithfully-but-the-president-made-the>; Wolf, Transcript, *CNN*, June 8, 2017, available at <http://transcripts.cnn.com/TRANSCRIPTS/1706/08/wolf/01.html>; Mornings on the Mall, Former U.S. Attorney MATTHEW WHITAKER gives us an overview on Comey's testimony, *WMAL*, June 9, 2017, available at <http://www.wmal.com/2017/06/09/listen-former-u-s-attorney-matthew-whitaker-gives-us-an-overview-oon-comeys-testimony/>; CNN Tonight, Transcript, *CNN*, June 13, 2017, available at <http://transcripts.cnn.com/TRANSCRIPTS/1706/13/cnnt.02.html>.