

February 11, 2020

By facsimile: (202) 514-1009

Kerri Kupec
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. Kupec;

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 a Freedom of Information Act (“FOIA”) request CREW made today to the Executive Office for United States Attorneys. I have enclosed a copy of this request.

The FOIA request seeks copies of all records of communications between the U.S. Attorney’s Office for the District of Columbia and DOJ concerning a sentencing recommendation for Roger Stone in his pending prosecution before the U.S. District Court for the District of Columbia, *United States v. Stone*, Crim. No. 19-18 (ABJ), and including but not limited to communications to and from Aaron Zalinsky.

CREW seeks expedition because the subject matter of the request is of widespread and exceptional media interest. Additionally, the requested information involves possible questions about the government’s integrity, which clearly affect public confidence.

On February 10, 2020, the United States filed its sentencing memorandum with the court in *United States v. Stone*, recommending that the court impose on Mr. Stone a sentence of seven to nine years for obstructing a congressional investigation, making false statements to Congress, and witness tampering. *See* Crim. No. 19-18 (ABJ) (D.D.C.) (ECF No. 279). Prosecutors argued that their recommended sentence was “consistent with the applicable advisory Guidelines” and “would accurately reflect the seriousness of his crimes and promote respect for the law.” *Id.* According to public reporting on this filing, it “came after days of tense debate within the U.S. attorney’s office in Washington,” with “[f]ront-line prosecutors” arguing “for a sentence on the higher end for Stone than some of their supervisors were comfortable with[.]”¹ Early the

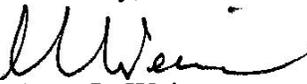
¹ Spencer S. Hsu, Ann E. Marimow & Devlin Barrett, Roger Stone deserves 7 to 9 years prison for lying to Congress in Russia probe, U.S. says in sentencing recommendation for Trump confidant, *Washington Post*, Feb. 10, 2020, available at https://www.washingtonpost.com/local/legal-issues/trump-confidant-roger-stone-deserves-7-to-9-years-in-prison-for-lying-to-congress-prosecutors-say-in-new-filing/2020/02/10/90bc6e9a-4906-11ea-9164-d3154ad8a5cd_story.html.

following morning President Trump in a tweet described the sentencing recommendation as “horrible and very unfair[.]”² Following this tweet it was reported that senior DOJ officials had intervened to overrule the front-line prosecutors and would be recommending “a more lenient sentencing for Roger J. Stone Jr.” *Id.* According to a DOJ official, the prosecutors’ sentencing recommendation “took officials at Justice Department headquarters by surprise.” *Id.* A DOJ official also described the recommendation as “higher than what the United States attorney’s office had told Justice Department officials it would suggest[.]” *Id.*

The requested records will shed light on the process DOJ used to arrive at a sentencing recommendation and the extent to which that recommendation was influenced by the President and other DOJ officials seeking to accommodate the President. This highly unusual and somewhat unprecedented interference by senior DOJ officials in the prosecution of an individual who was convicted for his efforts to thwart a congressional investigation that threatened the President raises serious questions about the integrity of DOJ’s processes and the extent to which those processes have been improperly influenced by political considerations. It is crucial that the American public is informed fully these matters. And given the upcoming presidential election, there is an urgent need for access to this information warranting expedited treatment. CREW’s request will ensure the public’s right to this information is fully realized by the American public.

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.

² Katie Benner, *Justice Dept. to Seek Shorter Sentence for Roger Stone, Overruling Its Prosecutors*, *New York Times*, Feb. 11, 2020, available at <https://www.nytimes.com/2020/02/11/us/politics/roger-stone-sentencing.html?action=click&module=Top%20Stories&pgtype=Homepage>.