

February 3, 2020

Kevin Krebs  
Assistant Director  
FOIA/Privacy Unit  
Executive Office for United States Attorneys  
Department of Justice  
175 N Street, N.E.  
Suite 5.400  
Washington, DC 20530-0001

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

Dear Mr. Krebs:

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, and U.S. Department of Justice (“DOJ”) regulations.

Specifically, CREW seeks copies of all records of communications between DOJ and: (1) President Trump; (2) White House employees, including but not limited to anyone with an eop.gov domain; and/or (3) personal attorneys for President Trump regarding investigations, requests for investigations, or other inquiries concerning past and current candidates for president in the 2020 election. The term “past and current candidates for president in the 2020 election” means Michael Bennet, Joe Biden, Michael Bloomberg, Cory Booker, Steve Bullock, Pete Buttigieg, Julian Castro, Bill De Blasio, Roque De La Fuente, John Delaney, Tulsi Gabbard, Kirsten Gillibrand, Kamala Harris, John Hickenlooper, Jay Inslee, Amy Klobuchar, Wayne Meesam, Seth Moulton, Richard Ojeda, Beto O’Rourke, Deval Patrick, Tim Ryan, Bernie Sanders, Mark Sanford, Joe Sestak, Tom Steyer, Eric Swalwell, Joe Walsh, Elizabeth Warren, William (Bill) F. Weld, Marianne Williamson, and Andrew Yang. CREW respectfully requests that DOJ search the records of the Executive Office for United States Attorneys, including but not limited to the Office of United States Attorney for the District of Connecticut John H. Durham, and the Office of the United States Attorney of Utah John W. Huber.

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, as well as those who were cc'ed or bcc'ed on any emails.

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). In the event 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).

Please be advised that CREW intends to pursue all legal remedies to enforce its right under the FOIA to access these documents. Accordingly, because litigation reasonably is foreseeable, DOJ should institute an agency-wide preservation hold on documents potentially responsive to this request.

### **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).

In July 2019, on a call with Ukrainian President Zelensky, President Trump, sought personal favors from a foreign leader, including the investigation into one of his 2020 political rivals, Vice President Joe Biden.<sup>1</sup> President Trump was not the only individual involved; in fact, his personal attorney, Rudy Giuliani along with senior U.S. officials also pressured Zelensky to

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<sup>1</sup> Michael D. Shear & Maggie Haberman, 'Do Us a Favor': Call Shows Trump's Interest in Using U.S. Power for His Gain, *The New York Times*, September 25, 2019, available at <https://www.nytimes.com/2019/09/25/us/politics/ukraine-transcript-trump.html>



pursue investigations.<sup>2</sup> These actions resulted in the House of Representatives launching an impeachment inquiry and ultimately impeaching President Trump.<sup>3</sup>

As CREW detailed in a recent report, President Trump likely has committed criminal offenses, including bribery (18 U.S.C. § 201), soliciting foreign campaign contributions (52 U.S.C. §§ 30109, 30121), coercion of political activity (18 U.S.C. § 610), misappropriation of federal funds (18 U.S.C. § 641), and obstruction of Congress (18 U.S.C. §§ 1505, 1512).<sup>4</sup> The evidence suggests not only that President Trump abused the power of his office, but did so multiple times. It is therefore imperative that the public have access to records that, if they exist, would shed further light on communications between President Trump, White House employees, or personal attorneys to President Trump and the Department of Justice regarding investigations, requests for investigations, or other inquiries regarding past and current candidates for President in the 2020 election are important to the American people's knowledge of the extent of the abuses of power by President Trump.

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](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").

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<sup>2</sup> Kyle Cheney, 'Of course I did': Giuliani acknowledges asking Ukraine to investigate Biden, *Politico*, September, 19, 2019, available at <https://www.politico.com/story/2019/09/19/giuliani-biden-ukraine-trump-1506009>

<sup>3</sup> Nicholas Fandos & Michael D. Shear, *Trump Impeached for Abuse of Power and Obstruction of Congress*, December 18, 2019, available at <https://www.nytimes.com/2019/12/18/us/politics/trump-impeached.html?searchResultPosition=1>

<sup>4</sup> *Criminal Abuse of Power: Trump's Five Crimes Connected to Ukraine*, available at <https://www.citizensforethics.org/criminal-abuse-of-power-trumps-crimes-ukraine/>

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 blogposts that report on and analyze 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 its website, which has been visited hundreds of thousands of times.

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

### **Request for Expedition**

Finally, please be advised that CREW also has requested expedition of this request because its subject matter is of widespread and exceptional media interest and the requested information involves possible questions about the government's integrity which affect public confidence. Pursuant to 28 C.F.R. § 16.5(e)(2), CREW submitted that request to the Director of Public Affairs; a copy of the request is enclosed.

### **Conclusion**

If you have any questions about this request or foresee any problems in fully releasing the requested records on an expedited basis, please contact me at (202) 894-7058 or [hhammado@citizensforethics.org](mailto:hhammado@citizensforethics.org). Where possible, please produce records in electronic format. Please send the requested records to me either at [hhammado@citizensforethics.org](mailto:hhammado@citizensforethics.org) or Hajar I. Hammado, Citizens for Responsibility and Ethics in Washington, 1101 K Street, N.W., Suite 201, Washington, D.C. 20005. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hajar Hammado', with a stylized, cursive script.

Hajar Hammado  
Policy Associate

encl.