



June 3, 2020

By Email

Douglas Hibbard
Chief, Initial Request Staff
Office of Information Policy
Department of Justice
Suite 11050
1425 New York Avenue, N.W.
Washington, D.C. 20530-0001

Re: Expedited Freedom of Information Act Request

Dear Mr. Hibbard:

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 requests:

- A. Copies of all current memoranda of understanding between the DOJ and state and local law enforcement agencies regarding the terms of those agencies’ participation in FBI Joint Terrorism Task Forces (JTTFs).
- B. All records from May 25, 2020 to the time this request is processed concerning “Attorney General William P. Barr's Statement on Riots and Domestic Terrorism” released on May 31, 2020 including:
 1. Any DOJ definitions, qualifications, or guidelines for identifying “violent radical agitators,” “criminal organizers and instigators,” or “Antifa and other similar groups” as referenced in the statement;
 2. Any plans, processes, protocols for coordinating federal resources with state and local partners or JTTFs, and any updates to memoranda of understanding between the FBI and state and local law enforcement regarding JTTF involvement;
 3. Any communications including any follow-up discussion concerning “Attorney General William P. Barr's Statement on Riots and Domestic Terrorism.”

Our request includes but is not limited to the Office of the Attorney General, the Office of the Deputy Attorney General, the Office of the Associate Attorney General and the Office of Public Affairs.

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).

George Floyd died in Minneapolis, Minnesota on May 25, 2020 after Derek Chauvin, then an officer with the Minneapolis Police Department, knelt on Floyd's neck.¹ Floyd's death sparked nationwide protests.² As violence emerged alongside peaceful demonstrations, reports surfaced that outside agitators, including extremist groups, incited much of that violence.³ On May 31, 2020, DOJ published "Attorney General William P. Barr's Statement on Riots and Domestic Terrorism," which stated that "Federal law enforcement actions will be directed at apprehending and charging the violent radical agitators who have hijacked peaceful protest and

¹ Jany, Libor, [Minneapolis police, protesters clash almost 24 hours after George Floyd's death in custody](https://www.startribune.com/minneapolis-police-protesters-clash-almost-24-hours-after-george-floyd-death-in-custody/570763352/), *The Star Tribune*, May 27, 2020, available at

<https://www.startribune.com/minneapolis-police-marchers-clash-over-death-of-george-floyd-in-custody/570763352/>

² Thanawala, Sudhin, [Protests, some violent, spread in wake of George Floyd death](https://apnews.com/baf3b29612527b8e9a841cb34f6f5789), *The Associated Press*, May 30, 2020, available at: <https://apnews.com/baf3b29612527b8e9a841cb34f6f5789>

³ See, e.g., Hughes, Trevor, [There are anarchists': Minnesota officials say 'outside agitators' are hijacking peaceful protests](https://www.usatoday.com/story/news/nation/2020/05/30/george-floyd-protests-riots-violent-outside-agitators-minnesota/5291658002/), *USA Today*, May 30, 2020, available at <https://www.usatoday.com/story/news/nation/2020/05/30/george-floyd-protests-riots-violent-outside-agitators-minnesota/5291658002/>.

are engaged in violations of federal law.”⁴ The statement continued, “To identify criminal organizers and instigators, and to coordinate federal resources with our state and local partners, federal law enforcement is using our existing network of 56 regional FBI Joint Terrorism Task Forces (JTTF).”⁵ Finally, the statement concluded that “the violence instigated and carried out by Antifa and other similar groups in connection with the rioting is domestic terrorism and will be treated accordingly.”⁶

Attorney General Barr has repeatedly demonstrated both a concerning lack of impartiality and a willingness to improperly intervene for the personal or political benefit of the president. Indeed, many of the terms used in the statement to describe the groups DOJ plans to identify and take enforcement actions against are nonspecific. The single entity mentioned in Barr’s statement, Antifa, was also named in a tweet by President Trump on May 31, 2020 which stated simply “The United States of America will be designating ANTIFA as a Terrorist Organization.”⁷ Antifa has no coherent organization, and there is no domestic terrorism law.⁸ Further, an internal FBI situation report from the Washington Field Office regarding the violence taking place at demonstrations on May 31 stated that the FBI “has no intelligence indicating Antifa involvement/presence.”⁹

The requested records will shed light on what processes DOJ intends to use to intervene in the ongoing demonstrations, and whether those processes were influenced by President Trump or by DOJ officials seeking to accommodate the President. During this historic turmoil, the public deserves a full understanding of DOJ’s decision-making process for intervening in the protests and if it has established standardized processes to ensure impartiality, transparency and accountability.

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. The release of information obtained through this request is not in CREW’s financial interest.

⁴ Press Release, Attorney General William P. Barr's Statement on Riots and Domestic Terrorism, May 31, 2020, available at

<https://www.justice.gov/opa/pr/attorney-general-william-p-barrs-statement-riots-and-domestic-terrorism>.

⁵ *id.*

⁶ *id.*

⁷ available at: <https://twitter.com/realDonaldTrump/status/1267129644228247552>.

⁸ MacFarquhar, Neil. Many Claim Extremists Are Sparking Protest Violence. But Which Extremists? *The New York Times*, May 31, 2020. available at:

<https://www.nytimes.com/2020/05/31/us/george-floyd-protests-white-supremacists-antifa.html>

⁹ Klippenstein, Ken. The FBI Finds ‘No Intel Indicating Antifa Involvement’ in Sunday’s Violence. *The Nation*, June 2, 2020. available at: <https://www.thenation.com/article/activism/antifa-trump-fbi/>

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”).

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.

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, please contact me at (202) 408-5565 or lwhite@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 either the email listed above or Lauren White, 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,

Lauren White
Press Associate

Encl.

June 3, 2020

By Email

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 Office of Information Policy. I have enclosed a copy of this request.

The FOIA request seeks: (A) copies of all current memoranda of understanding between the DOJ and state and local law enforcement agencies regarding the terms of those agencies’ participation in FBI Joint Terrorism Task Forces (JTTFs); and (B) all records from May 25, 2020 to the time this request is processed concerning “Attorney General William P. Barr's Statement on Riots and Domestic Terrorism” released on May 31, 2020 including: (1) any DOJ definitions, qualifications, or guidelines for identifying “violent radical agitators,” “criminal organizers and instigators,” or “Antifa and other similar groups” as referenced in the Attorney General’s statement; (2) any plans, processes, protocols, for coordinating federal resources with state and local partners or JTTFs, and any updates to memoranda of understanding between the FBI and state and local law enforcement regarding JTTF involvement; and (3) any communications including any follow-up discussion concerning “Attorney General William P. Barr's Statement on Riots and Domestic Terrorism.” Our request includes but is not limited to the Office of the Attorney General, the Office of the Deputy Attorney General, the Office of the Associate Attorney General and the Office of Public Affairs.

CREW seeks expedition because the subject matter of the request is of widespread and exceptional media interest, and both the demonstrations and DOJ’s response are ongoing, quickly evolving, and directly impact the health and safety of demonstrators. Additionally, the requested information involves possible questions about the government’s integrity, which clearly affect public confidence.

George Floyd died in Minneapolis, Minnesota on May 25, 2020 after Derek Chauvin, an officer with the Minneapolis Police Department, knelt on Floyd's neck.¹⁰ Floyd's death sparked nationwide protests.¹¹ As violence emerged alongside peaceful demonstrations, reports surfaced that outside agitators, including extremist groups, incited much of that violence.¹² On May 31, 2020, DOJ published "Attorney General William P. Barr's Statement on Riots and Domestic Terrorism," which stated that "Federal law enforcement actions will be directed at apprehending and charging the violent radical agitators who have hijacked peaceful protest and are engaged in violations of federal law."¹³ The statement continued to say, "To identify criminal organizers and instigators, and to coordinate federal resources with our state and local partners, federal law enforcement is using our existing network of 56 regional FBI Joint Terrorism Task Forces (JTTF)."¹⁴ Finally, the statement concluded, "The violence instigated and carried out by Antifa and other similar groups in connection with the rioting is domestic terrorism and will be treated accordingly."¹⁵

Attorney General Barr has repeatedly demonstrated both a concerning lack of impartiality and a willingness to improperly intervene for the personal or political benefit of the president. Indeed, many of the terms used in the statement to describe the groups DOJ plans to identify and take enforcement actions against are nonspecific. The single entity mentioned in Barr's statement, Antifa, was also named in a tweet by President Trump on May 31, 2020 which stated simply "The United States of America will be designating ANTIFA as a Terrorist Organization."¹⁶ Antifa has no coherent organization, and there is no domestic terrorism law.¹⁷ Further, an internal FBI situation report from the Washington Field Office regarding the violence taking place at demonstrations on May 31 stated that the FBI "has no intelligence indicating Antifa involvement/presence."¹⁸

The requested records are of immediate concern to the public because both the demonstrations and DOJ's response are ongoing and evolving daily. DOJ's actions will

¹⁰ Jany, Libor, Minneapolis police, protesters clash almost 24 hours after George Floyd's death in custody, *The Star Tribune*, May 27, 2020, available at

<https://www.startribune.com/minneapolis-police-marchers-clash-over-death-of-george-floyd-in-custody/570763352/>

¹¹ Thanawala, Sudhin, Protests, some violent, spread in wake of George Floyd death, *The Associated Press*, May 30, 2020, available at: <https://apnews.com/baf3b29612527b8e9a841cb34f6f5789>

¹² See, e.g., Hughes, Trevor, There are anarchists': Minnesota officials say 'outside agitators' are hijacking peaceful protests, *USA Today*, May 30, 2020, available at <https://www.usatoday.com/story/news/nation/2020/05/30/george-floyd-protests-riots-violent-outside-agitators-minnesota/5291658002/>.

¹³ Press Release, Attorney General William P. Barr's Statement on Riots and Domestic Terrorism, May 31, 2020, available at

<https://www.justice.gov/opa/pr/attorney-general-william-p-barrs-statement-riots-and-domestic-terrorism>.

¹⁴ *id.*

¹⁵ *id.*

¹⁶ available at: <https://twitter.com/realDonaldTrump/status/1267129644228247552>.

¹⁷ MacFarquhar, Neil. Many Claim Extremists Are Sparking Protest Violence. But Which Extremists? *The New York Times*, May 31, 2020. available at:

<https://www.nytimes.com/2020/05/31/us/george-floyd-protests-white-supremacists-antifa.html>

¹⁸ Klippenstein, Ken. The FBI Finds 'No Intel Indicating Antifa Involvement' in Sunday's Violence. *The Nation*, June 2, 2020. available at: <https://www.thenation.com/article/activism/antifa-trump-fbi/>

undoubtedly affect the safety of demonstrators, even as the public is in the dark regarding the specifics of the agency's response. The requested records will shed light on what processes DOJ intends to use to intervene in the ongoing demonstrations, and whether that process was influenced by President Trump or by DOJ officials seeking to accommodate the President. Especially in this time of rapidly developing historic turmoil, the public needs a full understanding of the agency's decision-making process for intervening in the protests and if it has established standardized processes to ensure impartiality, transparency and accountability.

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 request for which CREW seeks expedition will further those goals.

I certify the above is true and correct.

Sincerely,

Lauren White
Press Associate

Encl.