

EXHIBIT A



January 27, 2020

FOIA/PA Mail Referral Unit
Department of Justice
Room 115
LOC Building
Washington, D.C. 20530-0001

Dear FOIA Officer:

This is a request under the Freedom of Information Act, 5 U.S.C. § 552, regarding the electronic surveillance of members of Congress conducted by the Department of Justice under the Foreign Intelligence Surveillance Act of 1978, P.L. 95-511, 92 Stat. 1783 (“FISA”), as amended by the FISA Amendments Act of 2008, P.L. 110-261, 122 Stat. 2436. This request is filed on behalf of the Project for Privacy and Surveillance Accountability, Inc. (“PPSA”).

Specifically, this request concerns circumstances where the identities of United States Senators or Congressmen whose communications were collected by FISA surveillance may have been “unmasked” —that is, their identities were revealed when the products of FISA surveillance were disseminated within the government. *See, e.g.*, National Security Agency, United States Signals Intelligence Directive 18, § 7 (January 25, 2011); Federal Bureau of Investigation, Minimization Procedures Used by the Federal Bureau of Investigation in Connection with Acquisition of Foreign Intelligence Information at 9, 19–20, 31 (July 10, 2015). A broad variety of governmental appointees are apparently authorized to request unmasking of names masked in intelligence reports. This request also concerns “upstreaming” — that is, the process of extracting certain data from the electronic sources for analysis. *See, e.g.*, National Security Agency, NSA Stops Certain Section 702 “Upstream” Activities (press release April 28, 2017). In the past, the Department of Justice has been unwilling to disclose—even to individual Senators or Congressmen themselves—whether their identities had been unmasked or upstreamed.¹

Using these understandings of the relevant terms, we respectfully request that you produce:

- 1. All documents, reports, memoranda, or communications regarding the unmasking—including all unmasking requests—of any person listed below from January 1, 2008 to January 15, 2020:**
 - a. Rep. Adam Schiff
 - b. Rep. Jim Himes

¹ *See, e.g.* Katie Bo Williams, *Graham Gets Frustrated in Public ‘Unmasking’ Debate*, The Hill (June 27, 2017), <https://thehill.com/policy/national-security/339670-graham-gets-emotional-in-public-unmasking-debate>.



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- c. Rep. Terri Sewell
- d. Rep. Andre Carson
- e. Rep. Jackie Speier
- f. Rep. Mike Quigley
- g. Rep. Eric Swalwell
- h. Rep. Joaquin Castro
- i. Rep. Denny Heck
- j. Rep. Peter Welch
- k. Rep. Sean Patrick Maloney
- l. Rep. Val Demings
- m. Rep. Raj Krishnamoorthi
- n. Rep. Devin Nunes
- o. Rep. Mike Conaway
- p. Rep. Michael Turner
- q. Rep. Brad Wenstrup
- r. Rep. Chris Stewart
- s. Rep. Rick Crawford
- t. Rep. Elise Stefanik
- u. Rep. Will Hurd
- v. Rep. John Ratcliffe
- w. Sen. James Risch
- x. Sen. Marco Rubio
- y. Sen. Susan Collins
- z. Sen. Roy Blunt
- aa. Sen. Tom Cotton
- bb. Sen. John Cornyn
- cc. Sen. Ben Sasse
- dd. Sen. Diane Feinstein
- ee. Sen. Ron Wyden
- ff. Sen. Martin Heinrich
- gg. Sen. Angus King
- hh. Sen. Kamala Harris
- ii. Sen. Michael Bennet
- jj. Sen. James Lankford
- kk. Sen. Mark Warner
- ll. Rep. Peter King
- mm. Former Rep. Frank LoBiondo
- nn. Former Rep. Trey Gowdy
- oo. Former Rep. Tom Rooney
- pp. Former Rep. Ileana Ros-Lehtinen
- qq. Former Rep. Jeff Miller
- rr. Former Rep. Lynn Westmoreland



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- ss. Former Rep. Joe Heck
- tt. Former Rep. Mike Pompeo
- uu. Former Rep. Luis Gutierrez
- vv. Former Rep. Patrick Murphy

2. All documents, reports, memoranda, or communications regarding the upstreaming—including all requests for upstreaming—of any individual listed in Question 1 above, from Jan. 1, 2008 to Jan. 15, 2020.

Rather than physical production of any responsive records, we ask that you please provide each record in electronic form. If a portion of responsive records may be produced more readily than the remainder, we request that those records be produced first and that the remaining records be produced on a rolling basis. Further, we recognize the possibility that some responsive records may be exempt. **To the extent possible, if redaction under 5 U.S.C. § 552(b) can render a responsive but exempt record nonexempt, please produce any such record in redacted form.** We believe that any redaction should foreclose the need to issue a Glomar response, as anonymized and redacted production would neither (1) reveal intelligence sources or methods nor (2) disclose the agency's interest (or lack thereof) in any particular individual.

We are prepared to pay up to \$2000 for the material in question. Please contact me if the fees associated with this request exceed that figure, or if you have any other questions about this request.

Thank you in advance for your speedy attention and assistance.

Sincerely,

Gene C. Schaerr
PPSA, Inc.
General Counsel