

EXHIBIT 1



August 2, 2023

ONLINE SUBMISSION ONLY

Douglas Hibbard
Chief, Initial Request Staff
Office of Information Policy
Department of Justice
6th Floor
441 G St NW
Washington, DC 20530
Phone: (202) 514-FOIA

Re: Freedom of Information Act Request

Dear Freedom of Information Officer:

The Department of Justice's recent indictments of President Donald J. Trump, including its recently announced August 1, 2023 indictment of the former president, have raised grave concerns that DOJ is being politicized and weaponized against the political opponents of the sitting President of the United States. The existence, timing, and content of the indictment all necessitate both this request and, one would hope, a completely open and forthright response. In that spirit, this letter is submitted on behalf of Vivek 2024 to obtain access to any records within the possession of the United States Department of Justice concerning the decision to bring the August 1, 2023 criminal indictment against President Donald J. Trump. I submit this request for records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 and 28 C.F.R. § 16 *et seq.* I request that a copy of the records detailed below be provided. I do not wish to inspect the records first.

The purpose of this request is to obtain access to any records within the possession of the United States Department of Justice, including electronic communications exchanged by Department of Justice officers or employees with each other, or with non-government third-parties, concerning the decision to bring the August 1, 2023 criminal indictment against former President Donald J. Trump.

Specifically, I request all Records¹ in the possession of the Department of Justice, including but not limited to, the following components of the Department of Justice: the Special Counsel's Office; the Office of the Attorney General; the Office of the Deputy Attorney General; the Office of the Associate Attorney General; the Criminal Division, the Office of the Inspector General; and the Federal Bureau of Investigation.

Please search for and provide to us, within twenty (20) working days, any records or documents that:

- Memorialized, discussed, or described plans or considerations by the Department of Justice or any other federal government agency for bringing the August 1, 2023 indictment against President Donald J. Trump where those plans or considerations contain any mention, discussion, or analysis of (1) political or electoral advantages of the indictment to President Joe Biden, the Democratic Party, and/or any Democratic Party candidates, or (2) political or electoral disadvantages of the indictment to Donald J. Trump, the Republican Party, and/or any Republican Party candidates. This request includes (but is not limited to) records discussing any impact the indictment may have on the 2024 Presidential Election (including primary or general elections) or a politically-motivated purpose or incentive for indictment (separate from any investigatory or law enforcement purpose). Responsive records or documents should include those by or between officers or employees of the federal government;
- Memorialized, discussed, or described, to or with any non-government third party, the Department of Justice's plans or considerations for bringing the August 1, 2023 indictment against President Donald J. Trump. Responsive records or documents should include those by or between any non-government third party, including (but not limited to) officers, employees, or agents of Arabella Advisors or its clients, including the New Venture Fund, Sixteen Thirty Fund, Windward Fund, Hopewell Fund, projects housed in any of those entities, any political party or political committee or agent thereof, and Biden for President;
- Memorialized, discussed, or described any directive or encouragement, by any officer or employee of a federal government agency, to bring the August 1, 2023 indictment against President Donald J. Trump where that directive or encouragement (including correspondence preceding or following it in the same email chain) includes any mention, discussion, or analysis of (1) political or electoral advantages of the indictment to President Joe Biden, the Democratic Party, and/or any Democratic Party candidates, or (2) political or electoral disadvantages of the indictment to Donald J. Trump, the Republican Party, and/or any Republican Party candidates.

¹ "Records" is to be given the meaning as defined in 5 U.S.C. § 552(f)(2).

- Memorialized, discussed, or described any directive or encouragement, by any non-government third party, to bring the August 1, 2023 indictment against President Donald J. Trump; or
- Are preparatory materials for meetings provided to any officer or employee of the Executive Office of the President regarding a possible indictment against President Donald J. Trump.

This request should be processed consistent with the presumption of openness as outlined in the Attorney General's March 15, 2022 letter to the heads of all executive departments and agencies.²

Please include any relevant records dated from January 20, 2021 through the date the Records are produced.

Costs

Please provide an estimate of the costs for the non-incident retrieval and/or supervisory services. If necessary, I am prepared to advance the cost of complying with this request.

Processing of the Request

Upon receipt of this request, it is requested that you take all reasonable steps to preserve relevant public records while the request is pending.

Please search for all records regardless of format. I ask that responsive electronic records be produced in their native format, including with all metadata, if possible. If production in native format is not possible, I request that the documents be provided in a format most conducive to an expedited production.

If this request is denied in whole or in part, please provide the reasons for the denial pursuant to 5 U.S.C. § 552(a)(6)(A)(i).

Should you wish to claim that a responsive record or portion of a record to be exempt from production, I request that you provide a *Vaughn* index of those documents. *See Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). The *Vaughn* index must describe each document with sufficient specificity "to permit a reasoned judgment as to whether the material is actually exempt under FOIA." *Founding Church of Scientology v. Bell*, 603 F.2d 945, 959 (D.C. Cir. 1979). The *Vaughn* index must also "describe each document or portion thereof withheld, and for each withholding it

² See Dep't of Justice Office of Information Policy, Memorandum from The Attorney General, March 15, 2022, available at <https://www.justice.gov/ag/page/file/1483516/download>.

must discuss the consequences of supplying the sought-after information.” *King v. U.S. Dep’t of Justice*, 830 F.2d 210, 223–24 (D.C. Cir. 1987).

In any event, I request that you provide a reasonably segregable portion of the remaining materials after any permissible redactions, pursuant to 5 U.S.C. § 552(b). I reserve the right to appeal any failure by the Department to timely respond to this request, or to your determination to withhold any responsive information.

For records available in electronic format, please send the documents to foia@vivek2024.com. Please send all other documents to the attention of:

Steve Roberts, Counsel
4000 Horizons Drive
Columbus, OH 43220
Phone: (202) 737-8808

Time Sensitive Request and Production

Because of the time-sensitive nature of this request, I request that you strictly comply with the 20-day time limit established by FOIA and applicable regulations. *See* 5 U.S.C. § 552(a)(6)(A); 28 C.F.R. § 16.5(c). Please be advised that once this 20-day period has expired, you are deemed to have constructively denied this request, and I will consider the internal appeals process to be constructively exhausted. *See Citizens for Ethics and Responsibility in Government v. FEC*, 711 F.3d 180 (D.C. Cir. 2013).

I also request that all responsive documents be made available via rolling production.

I look forward to your prompt response.

Sincerely,

DATED: August 2, 2023

/s/ Vivek Ramaswamy
Vivek Ramaswamy
Vivek 2024