

Exhibit A

The Washington Post

1301 K STREET, N.W.
WASHINGTON, D.C. 20071-7403
(202) 334-4395

May 12, 2023

Federal Bureau of Investigation
Attn: EXPEDITED FOI/PA Request
Record/Information Dissemination Section
170 Marcel Drive
Winchester, VA 22602-4843
Fax: (540) 868-4391/4997

Re: EXPEDITED FOIA Request for The Washington Post

Dear Information Officer:

I am Tom Jackman, a reporter for the Washington Post, a news media organization primarily engaged in the dissemination of information that is urgently needed to inform the public of actual or alleged Federal Government activity, so this request qualifies for **expedited processing**. I certify that this information is true and correct to the best of my knowledge. (See *Al-Fayed v. C.I.A.*, 254 F.3d 300, 310 (D.C. Cir. 2001); *Bloomberg, L.P. v. U.S. Food & Drug Admin.*, 500 F.Supp.2d 371, 378 (S.D.N.Y. 2007).

Pursuant to the Freedom of Information Act (FOIA), I hereby request the following:

All investigative reports, interviews, photographs, diagrams, PowerPoint presentations, video and other documents gathered in the investigation of the Nov. 17, 2017, shooting of Bijan Ghaisar in Fairfax County, VA. This case was investigated by the FBI and is now closed.

If you regard these documents as potentially exempt from the FOIA's disclosure requirements, I request that you nonetheless exercise your discretion to disclose them. As the FOIA requires, **please release all segregable, non-exempt portions** of documents. To permit me to reach an intelligent and informed decision whether to file an administrative appeal of any denied material, please describe any withheld records (or portions thereof) and explain the basis for your exemption claims.

As required by the statute, please review whether there is any foreseeable harm from disclosing the requested records, or if any potential harm would be limited in comparison to the public interest in disclosure. As required by the statute, please release all such information, even if it technically may fall under a FOIA exemption.

As you know, Exemption 7(A) does not apply if the agency's investigation is not — or has ceased — “gather[ing] evidence for a possible future . . . case” that “would be jeopardized by the premature release of that evidence.” *Juarez v. Dep't of Justice*, 518 F.3d 54, 59 (D.C. Cir. 2008). In

this case, the Justice Department declared in November 2019 that, “Accordingly, the Department has closed its investigation into this matter.” <https://www.justice.gov/usao-dc/pr/federal-officials-close-investigation-death-bijan-ghaisar>

In June 2022, the Justice Department announced that it would not reopen the case. <https://www.justice.gov/opa/pr/federal-officials-decline-reopen-investigation-death-bijan-ghaisar>

And last month, the civil suit filed by the Ghaisar family against the U.S. government was settled and closed. <https://www.washingtonpost.com/dc-md-va/2023/04/28/ghaisar-settlement-approved-qualified-immunity/>

As a representative of the news media, The Washington Post qualifies for **news media fee status** under 5 U.S.C. § 552(a)(4)(A)(ii)(II) and, therefore, may not be charged search and review fees. (See *National Security Archive v. U.S. Department of Defense*, 880 F.2d 1381 (D.C. Cir. 1989), cert denied, 110 S.Ct. 1478 (1990)). This request is made as part of a scholarly and news research project that is intended for publication and is not for commercial use. For details on the Post’s news reporting activities please see our website at www.washingtonpost.com.

As you know, the FOIA prohibits agencies from charging news media organizations duplication fees if the agency does not meet its twenty working day time limit (thirty working days for “unusual” requests).

Additionally, because this information will be used by The Washington Post for the preparation of news articles that will be broadly disseminated to the general public, it will contribute significantly to public understanding of the operations or activities of the government and is not primarily in the Post’s commercial interest. As such, please grant a **fee waiver** for any remaining fees incurred.

Please notify me before incurring any cost over \$100.

To expedite the release of the requested documents, please disclose them on an interim basis in **electronic format** as they become available to you, without waiting until all the documents have been processed. If you have any questions regarding my request, including its scope, please contact me at 202-302-3707, or by email at tom.jackman@washpost.com.

Sincerely,

Tom Jackman
202-302-3707 (cell)
Tom.jackman@washpost.com