

# EXHIBIT 4

**SENT VIA E-MAIL: FOIA@HQ.DHS.GOV**

May 10, 2023

Privacy Office, Mail Stop 0655  
Department of Homeland Security  
2707 Martin Luther King Jr. Ave SE  
Washington, DC 20528

RE: 2023-HQFO-01333

To Whom It May Concern:

I write regarding an April 6, 2023 Freedom of Information Act (“FOIA”) Request I submitted to the Department of Homeland Security (“DHS”), 2023-HQFO-01333, and Department of Justice (“DOJ”) regarding Secretary Mayorkas’ use of taxpayer funds to pay for white-shoe to represent him in potential impeachment proceedings (“Request”). Specifically, the Request seeks records concerning a DOJ Office of Legal Counsel (“OLC”) opinion saying the use of taxpayer funds for this purpose was legal.

The purpose of the Request is to shed light upon the recent and widespread controversy surrounding the OLC authorization of using taxpayer funds to defend Secretary Mayorkas from potential impeachment proceedings. The requests sought fee waivers based on my status as a journalist for the *Daily Signal*, a major news outlet, and expedited processing based on the immense public interest in the Secretary’s actions.

The Request sought expedited processing because the documents responsive to the Request are “a matter of widespread and exceptional media interest in which there exists possible questions about the government’s integrity which affect public confidence.” 6 C.F.R. § 5.5(e)(1)(iv). The Request supported the application for expedited processing with over four single spaced pages of factual and legal submissions and included hundreds of pages of appendices highlighting the widespread media and congressional interest in the use of taxpayer funds to defend Secretary Mayorkas from a potential impeachment by the House of Representatives.

FOIA requires the agency to determine whether to grant expedited processing within 10 days after the request date. 5 U.S.C. 552 (a)(6)(E)(ii)(I), 6 C.F.R. § 5.5(e)(4). Ten calendar days from the request is April 16, 2023.

DOJ has engaged with their request in good faith. I have received acknowledgement letters from multiple DOJ component offices that have granted

my request for expedited processing and kept me informed on the status their work to comply with the request.

By contrast, I have received no communication from DHS about the Request. I see on the DHS FOIA portal, that the Request has been given a tracking number 2023-HQFO-01333. However, I have received no additional communication about the progress DHS has made on my Request. If DHS does not act on my application for expedited processing by May 12, 2023, I will initiate an action to compel the same and seek preliminary injunctive relief.

If you have any questions, or feel you need clarification, please contact my counsel in this matter, Samuel Everett Dewey, Esq. at [samueledewey@sedchambers.com](mailto:samueledewey@sedchambers.com).

Sincerely,

Kim Lain  
Investigative Reporter  
*The Daily Signal*