



February 15, 2017

Dionne Hardy  
FOIA Officer  
Room 9026  
725 17th Street, NW  
Washington, DC 20503  
(202) 395-3642 (P)  
(202) 395-3504 (F)  
OMBFOIA@omb.eop.gov

Re: Freedom of Information Act Request

Dear Official:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. 552, The Protect Democracy Project hereby requests that your office produce within 20 business days the following records (see below for clarity on the types of records sought):

- 1) Any and all records created between January 20, 2017 and the present date indicating that Executive Order 13769, "Protecting the Nation From Foreign Terrorist Entry Into the United States" was reviewed by any federal agency personnel prior to the Order's issuance on January 27, 2017, including but not limited to any record indicating that EO 13769 was reviewed for lawfulness, or deemed lawful or unlawful, by the Department of Justice.
- 2) Any and all records created between January 20, 2017 and the present date transmitting Executive Order 13769, "Protecting the Nation From Foreign Terrorist Entry Into the United States" to any federal agency for review, comment, or awareness, including but not limited to the Department of Homeland Security or the Department of Justice.
- 3) Any and all records created between January 20, 2017 and the present date related to the decision to seek or not seek input from federal agency personnel on the creation or implementation of Executive Order 13769, "Protecting the Nation From Foreign Terrorist Entry Into the United States," including but not limited to the Department of Homeland Security or the Department of Justice.
- 4) Any and all records created between January 20, 2017 and the present date related to the process for obtaining agency input regarding Executive Order 13769, "Protecting the Nation From Foreign Terrorist Entry Into the United States."

PO Box 170521, Brooklyn, New York 11217  
FOIA.protectdemocracy@gmail.com

FEE WAIVER

FOIA provides that a waiver of fees associated with a request is waived if “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C 552(1)(4)(A)(iii). The core mission of The Protect Democracy Project, a new organization awaiting 501(c)(3) status, is to inform public understanding on operations and activities of the government. This request is submitted in consort with the organization’s mission to gather and disseminate information that is likely to contribute significantly to the public understanding of executive branch operations and activities. The Protect Democracy Project has no commercial interest, and releasing the contents of the requested documents for public consumption is not in the financial interest of the organization.

In addition to satisfying requirements for a waiver of fees associated with the search and processing of records, The Protect Democracy Project is entitled to a waiver in duplication costs. Federal law mandates a waiver of document duplication costs for requesters that qualify as a representative of the news media. The Protect Democracy Project, a new organization formed in December 2016, emerges in the tradition of 501(c)(3) good government organizations that qualify under FOIA as “news media organizations.” Like these organizations, the purpose of The Protect Democracy Project is to “gather information of potential interest to a segment of the public, use its editorial skills to turn the raw materials into distinct work, and distribute that work to an audience.” Cf *National Security Archive v. Department of Defense*, 880 F.2d 1381, 1387 (D.C. Cir.

1989). We intend to give the public access to documents transmitted via FOIA on our forthcoming website, [www.protectdemocracyproject.org](http://www.protectdemocracyproject.org).

### RESPONSIVE RECORDS

We ask that all types of records and all record systems be searched to discover records responsive to our request. We seek records in all medium and format. This includes, but is not limited to: agendas, manifests, calendars, schedules, notes, and any prepared documentation for meetings, calls, tele-conferences, or otherwise discussions responsive to our request; voicemails; e-mails; e-mail attachments; talking points; faxes; facsimiles; training documents and guides; table of contents and content of binders; documents pertaining to instruction and coordination of couriers; and any other preservation of work product. We ask that you search all system of record, including electronic, in use at your agency. The Protect Democracy Project would prefer records in electronic format, saved as PDF documents, and transmitted via email or CD-rom.

If you make a determination that any responsive record, or any segment within a record, is exempt from disclosure, we ask that you provide an index of those records at the time you transmit all other responsive records. In the index, please include a description of the record and the reason for exclusion with respect to each individual exempt record or exempt portion of a record, as provided by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). When you deem a portion of a record exempt, we ask for the remainder of the record to be provided. 5 U.S.C. 552(b).

Given the 20-day statutory deadline, we hope to be as helpful as possible in clarifying or answering questions about our request. Please contact us at [FOIA.protectdemocracy@gmail.com](mailto:FOIA.protectdemocracy@gmail.com) or (404) 819-1630 if you require any additional

information. We appreciate your cooperation, and look forward to hearing from you very soon.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ian Bassin', with a stylized flourish at the end.

Ian Bassin  
Executive Director  
The Protect Democracy Project