



Jason Leopold <jasonleopold@gmail.com>

Request for records under the Freedom of Information Act (EXPEDITED PROCESSING REQUEST)

2 messages

Jason Leopold <jasonleopold@gmail.com>
Reply-To: jasonleopold@gmail.com
To: CRM FOIA <CRM.FOIA@usdoj.gov>

Thu, Sep 26, 2019 at 8:25 AM

This is a request for records under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 and the Privacy Act, 5 U.S.C. § 552a. This request should be considered under both statutes to maximize the release of records.

REQUESTER INFORMATION

Name: Jason Leopold
Position: Investigative Reporter, BuzzFeed News
Address: 1669 Benedict Canyon Dr., Beverly Hills, CA 90210
Email: jasonleopold@gmail.com

RECORDS SOUGHT

I request disclosure from the Department of Justice Criminal Division the following records:

1. A copy of the criminal referrals (plural) sent to the Department of Justice Criminal Division by the Intelligence Community Inspector General and/or any other government agency or official mentioning or referring to a potential campaign finance violation by President Donald Trump. This referral was based on a whistleblower complaint a person in the intelligence community filed with the ICIG. This whistleblower alleged President Trump abused "his office for personal gain" by asking the president of Ukraine during a phone call to investigate a political rival.
2. Any and all declinations to open up a formal criminal inquiry into the claims raised in the criminal referral involving President Trump.

EXPEDITED PROCESSING

This request seeks expedited processing as there is both an urgency to inform the public and it relates to a matter of widespread public interest and actual government activity. The records are also needed as it also relates to the integrity of the Department of Justice and Attorney General William Barr who was identified in the whistleblower complaint. Finally, because government officials, including the president, have been publicly attacking the news media's coverage of this complaint it is crucial that the documents are released on an expedited basis. That the matter pertains to possible criminality by the President of the United States warrants that the records be released on an expedited basis. And that the whistleblower has also alleged that Attorney General William Barr was involved in this matter raises questions about conflicts of interest and whether the decision not to pursue a criminal inquiry was a sound decision. I intend to use these records to write and publish a news story at BuzzFeed News.

Reasonably Foreseeable Harm. The FOIA Improvement Act of 2016 amended the FOIA as follows (5 USC 552(a)(8)):

Exhibit A

(A) An agency shall—

(i) withhold information under this section only if—

(I) the agency reasonably foresees that disclosure would harm an interest protected by an exemption described in subsection (b); or

(II) disclosure is prohibited by law; and

(ii) (I) consider whether partial disclosure of information is possible whenever the agency determines that a full disclosure of a requested record is not possible; and

(II) take reasonable steps necessary to segregate and release nonexempt information. . . .

DOJ Criminal Division should not fail to comply with this mandatory part of the FOIA as recently amended by Congress. The Agency is required to identify what reasonably foreseeable harm would flow from release of the information withheld, nor did it consider a partial disclosure of the information, taking reasonable steps to segregate and release nonexempt information.

INSTRUCTIONS REGARDING SEARCH

1. Request for Public Records:

Please search for any records even if they are already publicly available.

2. Request for Electronic and Paper/Manual Searches:

I request that searches of all electronic and paper/manual indices, filing systems, and locations for any and all records relating or referring to the subject of my request be conducted. I further request that the agencies conduct a search of its “soft files” as well as files in its locked cabinets.

3. Request regarding Photographs and other Visual Materials:

I request that any photographs or other visual materials responsive to my request be released to me in their original or comparable forms, quality, and resolution. For example, if a photograph was taken digitally, or if the agencies maintains a photograph digitally, I request disclosure of the original digital image file, not a reduced resolution version of that image file nor a printout and scan of that image file. Likewise, if a photograph was originally taken as a color photograph, I request disclosure of that photograph as a color image, not a black and white image. Please contact me for any clarification on this point.

4. Request for Duplicate Pages:

I request disclosure of any and all supposedly “duplicate” pages. Scholars analyze records not only for the information available on any given page, but also for the relationships between that information and information on pages surrounding it. As such, though certain pages may have been previously released to me, the existence of those pages within new context renders them functionally new pages. As such, the only way to properly analyze released information is to analyze that information within its proper context. Therefore, I request disclosure of all “duplicate” pages.

5. Request to Search Emails:

Please search for emails relating to the subject matter of my request.

6. Request for Search of Records Transferred to Other Agencies:

I request that in conducting its search, the agencies disclose releasable records even if they are available publicly through other sources outside the agencies, such as NARA.

FORMAT

I request that any releases stemming from this request be provided to me in digital format (soft-copy) on a compact disk or other like media.

FEE CATEGORY AND REQUEST FOR A FEE WAIVER

I am the senior investigative reporter for BuzzFeed News and formerly senior investigative reporter and on-air correspondent for VICE News. Additionally, my reporting has been published in The Guardian, The Wall Street Journal, The Financial Times, Salon, CBS Marketwatch, The Los Angeles Times, The Nation, Truthout, Al Jazeera English and Al Jazeera America.

I request a complete waiver of all search and duplication fees. If my request for a waiver is denied, I request that I be considered a member of the news media for fee purposes.

Under 5 U.S.C. §552(a)(4)(A)(iii), "Documents shall be furnished without any charge ... 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." Disclosure in this case meets the statutory criteria, as the records sought detail the operations and activities of government. This request is also not primarily in my commercial request, as I am seeking the records as a journalist to analyze and freely release to members of the public.

If I am not granted a complete fee waiver, I request to be considered a member of the news media for fee purposes. I am willing to pay all reasonable duplication expenses incurred in processing this FOIA request.

I will appeal any denial of my request for a waiver administratively and to the courts if necessary.

Please do not hesitate to contact me if you have any questions concerning this request. Thank you. I appreciate your time and attention to this matter.

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BuzzFeed News

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Signal: (213) 270-4334 and (646) 379-1975

Send me documents and tips, anonymously and securely: tips.buzzfeed.com

My personal PGP

My BuzzFeed PGP fingerprint: 46DB 0712 284B 8C6E 40FF 7A1B D3CD 5720 694B 16F0

Jason Leopold <jasonleopold@gmail.com>

Reply-To: jasonleopold@gmail.com

To: CRM FOIA <CRM.FOIA@usdoj.gov>

Mon, Feb 3, 2020 at 11:17 AM

I am formally requesting an estimated date of completion for this request.

Best
Jason

[Quoted text hidden]