



Jason Leopold <jasonleopold@gmail.com>

Request for records under the Freedom of Information Act

1 message

Jason Leopold <jasonleopold@gmail.com>

Tue, Feb 11, 2020 at 12:56 PM

Reply-To: jasonleopold@gmail.com

To: CRM FOIA <CRM.FOIA@usdoj.gov>, doj.oip.foia@usdoj.gov

This request, sent separately to other agencies named herein, is also being submitted to the Department of Justice Criminal Division

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 Office of the Attorney General, Deputy Attorney General, Office of Legal Policy, Office of Legislative Affairs, Associate Attorney General, Criminal Division, Executive Office of US Attorney for the District of Columbia, Office of Public Affairs the following records:

1. All emails, memos, letters, text messages, legal opinions and memos and guidance, directives, mentioning or referring to a February 10, 2020 tweet by President Donald Trump that said in response to DOJ's sentencing recommendation of Roger Stone:

"This is a horrible and very unfair situation. The real crimes were on the other side, as nothing happens to them. Cannot allow this miscarriage of justice!" <https://twitter.com/realdonaldtrump/status/1227122206783811585>

2. All emails, memos, letters, directives, legal guidance, memos and opinions, relating or referring to a decision by the Department of Justice, as has been widely reported on February 11, 2020, to scale back the 7 to 9 year sentencing recommendation by DOJ for Roger Stone as articulated in a sentencing memorandum submitted in US District Court for the District of Columbia on February 10, 2020. The decision to scale back this sentencing recommendation was made hours after President Trump's tweet.

3. All emails, memos, letters, text messages, directives sent to US Attorney Aaron Zelinsky by Senior Officials in the Office of Attorney General, Deputy Attorney General, Associate Attorney General, Executive Office of US Attorneys, Office of Legal Policy, mentioning or referring to Mr. Zelinsky's resignation as a prosecutor from the Roger Stone case on February 11, 2020.

4. All emails, memos, letters, text messages, directives sent and received by US Attorney Aaron Zelinsky on February 10 and February 11, 2020.

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 officials in the Department who have taken the extraordinary step of intervening in the criminal case of Roger Stone following a tweet by President Trump and recommending a scaled back sentencing of the initial 7 to 9 year sentence. Moreover, the decision, which appears to be based on a tweet by President Trump and raises questions about the politicization of the Department of Justice, has resulted in the resignation of the Prosecutor assigned to the case, Aaron Zelinsky. There is no question that this matter, which calls into question the integrity of the Department of Justice, is of urgent concern and goes to the heart of whether the public can have faith in government institutions charged with upholding the law should receive expedited treatment. 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)):

(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

Jason Leopold | BuzzFeed News | Senior Investigative Reporter | (213) 270-4334 | @jasonleopold

6824 Lexington Avenue, Los Angeles, CA 90038

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

MP FOIA 1.0.1 - Jasonleopold (EFile)

Sign Out Help

HOME TRACKING INBOX

Tracking Inbox > Request Assignment: eFile

FOIA-2020-00177
 Requester: Leopold, Jason

Status: In Progress Workflow

Request

Request Information

Request Type	Request	Agency	OIP
Request Date	02/11/2020	Document Delivery Method	Email

Requester Information

Salutation	Mr	Address Type	Home
First Name	Jason	Country	United States
Middle Name		Address Line 1	
Last Name	Leopold	Address Line 2	
Email Address	jasonleopold@gmail.com	City	Beverly Hills
Organization	BuzzFeed News	State	California
Register Number		Zip/Postal Code	90210
Phone Number	213-270-4334 ext		
Fax Number	--		

Description of Request

Description

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- All emails, memos, letters, text messages, directives sent and received by US Attorney Aaron Zelinsky on February 10 and February 11, 2020.

File Type 1
 File 1
 File Type 2
 File 2
 File Type 3
 File 3

Expedited Processing Information

Expedited Processing Requested?	Yes	Expedited Justification	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 officials in the Department who have taken the extraordinary step of intervening in the criminal case of Roger Stone following a tweet by President Trump and recommending a scaled back sentencing of the initial 7 to 9 year sentence. Moreover, the decision, which appears to be based on a tweet by President Trump and raises questions about the politicization of the Department of Justice, has resulted in the resignation of the Prosecutor assigned to the case, Aaron Zelinsky. There is no question that this matter, which calls into question the integrity of the Department of Justice, is of urgent concern and goes to the heart of whether the public can have faith in government institutions charged with upholding the law should receive expedited treatment. I intend to use these records to write and publish a news story at BuzzFeed News.
Expedited Processing Request Date	02/11/2020		
Standards for Expedition			

Fee Information

Will Pay Up To	25.00	Fee Waiver Justification	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.
Fee Category	Representative of the News Media		
Fee Waiver Requested?	Yes		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.