

Exhibit A

OPEN SOCIETY
JUSTICE INITIATIVE

James A. Goldston
Executive Director

justiceinitiative.org

OPEN SOCIETY
FOUNDATIONS

Open Society
Justice Initiative
224 West 57th Street
New York, NY 10019, USA

p. +1 212-548-0600
f. +1 212-548-4608

December 21, 2018

Via Email, Fax, Federal Express and Online,
Kevin Krebs, Assistant Director, FOIA/Privacy Staff
Executive Office for United States Attorneys, Department of Justice
175 N Street, NE
Suite 5.400
Washington, DC 20530-0001
T: (202) 252 6020
F: (202) 252 6048

Amanda M. Jones
Acting Chief, FOIA/PA Unit
Criminal Division, Department of Justice
Suite 1127, Keeney Building
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001
T: (202) 616 0307
F: (202) 514 6117
crm.foia@usdoj.gov

Hirsh D. Kravitz
FOIA, Records, and E-Discovery Office
Civil Division, Department of Justice
Room 8314
1100 L Street, NW
Washington, DC 20530-0001
T: (202) 514 2319
F: (202) 514 7866
civil.routing.foia@usdoj.gov

U.S. Citizenship and Immigration Services
National Records Center
FOIA/PA Office 150 Space Center Loop, Suite 300
Lee's Summit, MO 64064-2139
T: (800) 375 5283
F: (802) 860 6908
uscis.foia@uscis.dhs.gov

**Re: Freedom of Information Act Request regarding the Implementation of
Denaturalization in the United States**

To whom it may concern:

This letter constitutes a request ("Request") pursuant to the Freedom of Information

Act (“FOIA”), 5 U.S.C. § 552 *et seq.* The Open Society Justice Initiative (“Justice Initiative”), an operating public interest law center that is part of the Open Society Foundations (“OSF”), a tax-exempt, not-for-profit organization, requests records from the U.S. Department of Justice (“DOJ”) (1) Executive Office for United States Attorneys and Criminal Division regarding denaturalization under criminal statute 18 U.S.C. § 1425 and (2) the Civil Division regarding denaturalization under civil statute 8 U.S.C. § 1451. We also request records from the U.S. Department of Homeland Security (“DHS”) U.S. Citizenship and Immigration Services (“USCIS”) regarding deportation or removal of individuals denaturalized under both statutes, as well as information regarding the revocation of derivatives’ citizenship which was claimed through a naturalized citizen. Additionally, we request from all aforementioned agencies, information related to stateless persons (individuals who are not considered as citizens by any country under the operation of its law) and statelessness. We respectfully ask that requests contained herein be forwarded to any other component agency of the DOJ or the DHS as appropriate.

Expedited processing is requested pursuant to 5 U.S.C. § 552(a)(6)(E), as is a fee waiver, pursuant to 5 U.S.C. § 552(a)(4)(A)(iii).

I Background

Denaturalization of U.S. Citizens

Naturalized U.S. citizens should feel a sense of finality and security in the status of their citizenship and accompanying rights. While denaturalization became a legal possibility following the adoption of the 1906 Nationalization Act, over the years both law and policy has largely narrowed its application, reserving denaturalization for rare and exceptional cases—i.e. former Nazis and other war criminals attempting to evade prosecution by hiding out in the United States under false pretenses.¹ However, recent reporting and statements made by Trump administration officials indicate that the use of denaturalization is expanding in both scope and quantity.²

Between 2008 and 2016, DHS implemented Operation Targeting Groups of Inadmissible Subjects, which later became Operation Janus, and sought to identify individuals it believed had improperly obtained an immigration benefit (e.g., legal permanent resident status; U.S. citizenship). In 2016, DHS eliminated Operation Janus and disbanded its staff.³ That same year, the DHS’ Office of the Inspector General (“OIG”) reviewed these efforts and concluded that few of the individuals identified through these operations had “been investigated and subsequently denaturalized.”⁴

According to the OIG report, Operation Janus identified approximately 315,000 files in which fingerprint records were missing from the DHS Digital Fingerprint Repository (“IDENT”).⁵ Of these, 167,000 files were

¹ See generally, PATRICK WEIL, *THE SOVEREIGN CITIZEN: DENATURALIZATION AND THE ORIGINS OF THE AMERICAN REPUBLIC* (2012).

² See, e.g., Brittny Mejia, *Under Trump, the rare act of denaturalizing U.S. citizens on the rise*, L.A. TIMES (Aug. 12, 2018), <https://www.latimes.com/local/california/la-me-ln-denaturalization-20180812-story.html>; Nick Miroff, *Scanning immigrants’ old fingerprints, U.S. threatens to strip thousands of citizenship*, WASH. POST. (June 13, 2018), https://www.washingtonpost.com/world/national-security/scanning-immigrants-old-fingerprints-us-threatens-to-strip-thousands-of-citizenship/2018/06/13/2230d8a2-6f2e-11e8-afd5-778aca903bbe_story.html?noredirect=on&utm_term=.e05b30b8c9f0; Patricia Mazzei, *Congratulations, You Are Now a U.S. Citizen. Unless Someone Decides Later You’re Not*, N.Y. TIMES (July 23, 2018), <https://www.nytimes.com/2018/07/23/us/denaturalize-citizen-immigration.html>; Seth F. Wessler, *Is Denaturalization the Next Front in the Trump Administration’s War on Immigration?*, N.Y. TIMES MAG. (Dec. 19, 2018), <https://www.nytimes.com/2018/12/19/magazine/naturalized-citizenship-immigration-trump.html>.

³ OFFICE OF THE INSPECTOR GEN., U.S. DEP’T OF HOMELAND SEC., *POTENTIALLY INELIGIBLE INDIVIDUALS HAVE BEEN GRANTED U.S. CITIZENSHIP BECAUSE OF INCOMPLETE FINGERPRINT RECORDS 6* (2016), available at <https://www.oig.dhs.gov/assets/Mgmt/2016/OIG-16-130-Sep16.pdf>.

⁴ *Id.* at 7.

⁵ *Id.* at 4.

reviewed and fingerprint records were uploaded.⁶ In its recommendations, the OIG advised that the remaining 148,000 files be reviewed, digitized and uploaded into IDENT.⁷ The OIG further recommended the establishment of “a plan for evaluating the eligibility of each naturalized citizen whose fingerprint records reveal deportation orders under a different identity. The plan should include a review of the facts of each case and, if the individual is determined to be ineligible, a recommendation whether to seek denaturalization through criminal or civil proceedings.”⁸ DHS agreed with both recommendations and indicated that it would procure contractor services to help review the files and that such a review would be completed by the end of 2016.⁹

Currently, Operation Second Look—an initiative of Homeland Security Investigations, an investigatory division of DHS—is underway to “address leads received from Operation Janus” as well as review an estimated 700,000 files.¹⁰ In January 2018, USCIS stated that it had “dedicated a team to review...Operation Janus cases” and intended to refer approximately 1,600 cases to the DOJ for prosecution.¹¹

There are two distinct methods by which to denaturalize naturalized U.S. citizens—under the civil statute 8 U.S.C. § 1451 (*Revocation of naturalization*) or by way of the criminal statute 18 U.S.C. § 1425 (*Procurement of citizenship or naturalization unlawfully*). According to information released under the FOIA, ten civil denaturalization cases were filed on average between 1990 and 2015.¹² In 2016, 15 civil and 46 criminal denaturalization cases were filed.¹³

In some recent denaturalization cases, the DOJ and USCIS have issued press releases, containing specific information to the case at issue. Such releases often note, as mentioned above, that these agencies are actively and vigorously targeting additional individuals for denaturalization.¹⁴ A large portion of a 2017 U.S. Attorney Bulletin focused on the use of denaturalization, noting the DOJ’s “renewed commitment to criminal immigration enforcement” and a “greater focus on prosecuting cases of unlawful procurement of citizenship.”¹⁵

Derivative Citizenship

According to the Immigration and Nationality Act (“INA”):

“Any person who claims United States citizenship through the naturalization of a parent...in whose

⁶ *Id.*

⁷ *Id.* at 8.

⁸ *Id.*

⁹ *Id.*

¹⁰ U.S. IMMIGRATION & CUSTOMS ENF’T, U.S. DEP’T OF HOMELAND SEC., BUDGET OVERVIEW: FISCAL YEAR 2019 21 (2018), available at <https://www.dhs.gov/sites/default/files/publications/U.S.%20Immigration%20and%20Customs%20Enforcement.pdf>.

¹¹ *USCIS partners with Justice Department and Secures First Denaturalization As a Result of Operation Janus*, U.S. IMMIGRATION & CUSTOMS ENF’T (Jan. 10, 2018), <https://www.uscis.gov/news/news-releases/uscis-partners-justice-department-and-secures-first-denaturalization-result-operation-janus>.

¹² Matthew Hoppock (@MatthewHoppock), Twitter (June 13, 2018, 5:52 PM), <https://twitter.com/MatthewHoppock/status/1007017818309758978>.

¹³ *Id.*; Timothy M. Belsan, Danielle K. Schuessler & Sebastian Kielmanovich, *OIL-DCS Availability for Assistance and Support in Denaturalization Prosecutions under 18 U.S.C. § 1425*, 65 U.S. ATTORNEYS’ BULL. 26 (July 2017), available at <https://www.justice.gov/usao/pr/file/984701/download>.

¹⁴ See, e.g. Press Release, *Woman Sentenced And Denaturalized For Obtaining U.S. Citizenship By Lying To Officials*, DEP’T OF JUSTICE, U.S. ATTORNEY’S OFFICE, MIDDLE DISTRICT OF FLORIDA (Dec. 13, 2017), <https://www.justice.gov/usao-mdfl/pr/woman-sentenced-and-denaturalized-obtaining-us-citizenship-lying-officials> (“This investigation was a part of ‘Operation Second Look,’ a nationwide initiative of the Department of Homeland Security to review the files of hundreds of persons who have been ordered deported from the United States but have not left the country as directed.”); Press Release, *Justice Department Secures First Denaturalization As a Result of Operation Janus*, DEP’T OF JUSTICE, OFF. OF PUB. AFFAIRS (Jan. 9, 2018), <https://www.justice.gov/opa/pr/justice-department-secures-first-denaturalization-result-operation-janus> (“USCIS dedicated a team to review these Operation Janus cases, and the agency has stated its intention to refer approximately an additional 1,600 for prosecution.”).

¹⁵ Anthony D. Bianco, Paul Bullis & Troy Liggett, *Civil Denaturalization: Safeguarding the Integrity of U.S. Citizenship*, 65 U.S. ATTORNEYS’ BULL. 17 (July 2017), available at <https://www.justice.gov/usao/pr/file/984701/download>.

case there is a revocation and setting aside of the order admitting such parent...to citizenship...on the ground that the order and certificate of naturalization were procured by concealment of a material fact or by willful misrepresentation shall be deemed to have lost and to lose his citizenship and any right or privilege of citizenship which he may have, now has, or may hereafter acquire under and by virtue of such naturalization of such parent..."¹⁶

As explained by USCIS, "[i]n cases where the spouse or child loses his or her citizenship, the spouse or child loses any right or privilege of U.S. citizenship which he or she has, may have, or may acquire through the parent or spouse's naturalization."¹⁷ According to a 2008 ICE Denaturalization Investigation Handbook obtained through a FOIA request, agents are instructed to "[i]dentify family member(s) whose status is dependent on the naturalized subject."¹⁸ Data and information on the number of individuals who have lost their U.S. citizenship due to a parent or spouse's denaturalization is not publicly available.

Statelessness

Denaturalization creates a risk of statelessness for those who have lost any other citizenship (this may be due to loss following a period of years outside their country of former nationality or due to foreign laws prohibiting dual nationality, for example), meaning U.S. citizenship is the only nationality they now possess. If denaturalized, they will be without any nationality—i.e. stateless.

There is a lack of official information from the U.S. government regarding how it addresses and manages issues related to statelessness (*see* our report, "Citizens of Nowhere: Solutions for the Stateless in the U.S."),¹⁹ and more specifically in the context of denaturalization.

To better understand and clarify to the public the U.S. government's activities and policies on the aforementioned matters, the Justice Initiative seeks information beyond that which is explained above, including comprehensive records relating to both criminal and civil denaturalization, the revocation of citizenship claimed through a naturalized citizen, and policies and practice concerning statelessness in relation to denaturalization.

II Requested Information

A. The Justice Initiative requests disclosure of the following information:

Criminal Denaturalization

1. The number of criminal denaturalization cases filed (*see* 18 U.S.C. § 1425) from 1948-2018, disaggregated by year, for individuals who had successfully procured citizenship for oneself (excluding attempt or procuring naturalization for another person);
 - a. The corresponding number that resulted in conviction;
 - b. The corresponding number that resulted in acquittal;
 - c. The corresponding number that were dismissed;

¹⁶ INA § 340(d); 8 USC § 1451(d).

¹⁷ USCIS Policy Manual Chapter 3.C.1.

¹⁸ U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) OFFICE OF INVESTIGATIONS, DENATURALIZATION INVESTIGATION Handbook 11 (Jan. 15, 2008), *available at* <https://www.unicornriot.ninja/wp-conUSCISent/uploads/2018/02/Denaturalization-full-hsi.pdf>.

¹⁹ OPEN SOCIETY JUSTICE INITIATIVE & UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, CITIZENS OF NOWHERE: SOLUTIONS FOR THE STATELESS IN THE U.S. (2012), *available at* <https://www.opensocietyfoundations.org/sites/default/files/citizens-of-nowhere-solutions-for-the-stateless-in-the-us-20121213.pdf>.

- d. The corresponding number that resulted in denaturalization;²⁰
 - e. The corresponding number of convictions concluded by plea agreement or plea bargain;
 - f. The corresponding number of prosecutions in which a Judicial Order of Removal was requested;
 - g. The corresponding number of convictions in which a Judicial Order of Removal was granted;
 - h. The corresponding number of individuals deported/removed following conviction, including voluntary removal;
2. The nationalities of origin for criminal denaturalization cases filed from 1948-2018, disaggregated by year, for individuals who had successfully procured citizenship for oneself (excluding attempt or procuring naturalization for another person), indicating by number where more than one person of the same nationality of origin was charged;
 - a. The corresponding information for cases that resulted in convictions;
 - b. The corresponding information for cases that resulted in denaturalization;
 - c. The corresponding information regarding individuals who were subsequently deported/removed, including voluntary removal, and destination of deportation;

Civil Denaturalization

3. The number of civil denaturalization cases filed (*see* 8 U.S.C. § 1451) from 1948-2018, disaggregated by year;
 - a. The corresponding number found against the defendant;
 - b. The corresponding number found for the defendant;
 - c. The corresponding number that were dismissed;
 - d. The corresponding number that resulted in denaturalization;
 - e. The corresponding number decided in absentia;
 - f. The corresponding number decided on summary judgment;
 - g. The corresponding number concluded by consent judgment against the defendant/revoking naturalization or similar civil agreement;
 - h. The corresponding number of individuals deported/removed following judgment against the individual, including voluntary removal;
4. The nationalities of origin for civil denaturalization cases from 1948-2018, disaggregated by year, indicating by number where more than one person of the same nationality of origin was charged;
 - a. The corresponding information for cases found against the defendant;
 - b. The corresponding information for cases that resulted in denaturalization;
 - c. The corresponding information regarding individuals who were subsequently deported/removed, including voluntary removal, and destination of deportation;

Derivative Citizenship

5. The number of individuals whose citizenship has been revoked due to a spouse or parent's denaturalization from 1948-2018, disaggregated by year;
 - a. The corresponding information on the nationalities of origin of these individuals;
 - b. The corresponding information regarding the age of these individuals when citizenship was procured and the age when citizenship was revoked;
 - c. The corresponding number of individuals removed as a result of citizenship revocation and the destination of removal;

²⁰ Conviction of procuring naturalization unlawfully for oneself under 18 U.S.C. § 1425 automatically denaturalizes the person under 8 U.S.C. § 1451(e), as such this number should be the same as 1(a). "the corresponding number that resulted in conviction."

B. The Justice Initiative also requests disclosure of all records:²¹

Civil and Criminal Denaturalization

6. Prepared, received, transmitted, collected and/or maintained on or after January 20, 2017 related to denaturalization proceedings under 8 U.S.C. § 1451 and 18 U.S.C. § 1425;
7. Prepared, received, transmitted, collected and/or maintained on or after January 20, 2017 related to Judicial Orders of Removal;

Derivative Citizenship

8. All records pertaining to the practice of revoking citizenship of individuals whose spouse or parent was denaturalized.

Statelessness

9. Prepared, received, transmitted, collected and/or maintained related to denaturalization that include the following terms:
 - a. “stateless”
 - b. “statelessness”
 - c. “unknown nationality”
10. Prepared, received, transmitted, collected and/or maintained related to the denaturalization of U.S. citizens where such person, if denaturalized, would become stateless.
11. Prepared, received, transmitted, collected and/or maintained related to the removal/deportation of stateless persons.

III Application for Expedited Processing

We request expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E).²² There is a “compelling need” for the requested information because it is urgently needed by an organization “primarily engaged in disseminating information...to inform the public concerning actual or alleged Federal Government activity.” 5 U.S.C. § 552(a)(6)(E)(v)(II).²³

The records sought are urgently needed to inform the public about actual or alleged government activity.

The information and records requested are urgently needed to inform the public about actual or alleged government activity. *See* 5 U.S.C. § 552(a)(6)(E)(v)(II); 6 C.F.R. § 5.5(e)(1)(ii); 28 C.F.R. § 16.5(e)(1)(ii). While there is ongoing media attention on the government’s use of denaturalization, official information on the records we request has not been publicly disseminated or aggregated, and the processes and procedures employed by DHS and DOJ regarding denaturalization lack transparency.

As reflected in Section 1 above, information relating to denaturalization is a subject of urgent public debate.

²¹ For the purpose of this request, the term “records” includes, but is not limited to, any and all agendas, agreements; analyses; calendars; correspondence; data; databases; directives; documents; e-mails and e-mail attachments; examinations; faxes; files; guidance; guidelines; evaluations; instructions; letters; manifests; manuals; memoranda; notes; orders; prepared documentation for meetings, calls, teleconferences, or other discussions responsive to our request; policies; procedures; protocols; reports; rules; schedules; studies; tables of contents and contents of binders; talking points; technical specifications; training materials; voicemails; any other materials. In the event that such records once existed but have now been destroyed, please disclose any records that are integrally related to, summarize, or are interchangeable with said records. Press clippings and news articles that are unaccompanied by any commentary (e.g., an email forwarding a news article with no additional commentary in the email thread) need not be produced.

²² *See also* 6 C.F.R. § 5.5(e)(1); 28 C.F.R. § 16.5(e)(1).

²³ *See also* 6 C.F.R. § 5.5(e)(1)(ii); 28 C.F.R. § 16.5(e)(1)(ii).

There are over 21 million naturalized citizens in the United States,²⁴ and statements made by the government and its officials, together with media reporting and our own research, suggest that the use of denaturalization is increasing.²⁵

Denaturalization cases can result in periods of detention, as well as deportation and removal orders. In some cases, naturalized citizens are unaware that they have been denaturalized (i.e. in *absentia*). Without clarification regarding the U.S. government's implementation of denaturalization, public unease is, in turn, liable to increase.

Information regarding how denaturalization may affect derivative citizens is urgently needed in order to inform the public and potentially affected families about the government's activity in this area.

Furthermore, the current administration has denaturalized U.S. citizens whose country of origin may no longer consider the naturalized citizen as its national under the operation of its law. As such, that person concerned is likely stateless. As noted by the Supreme Court, statelessness is "a condition deplored in the international community of democracies."²⁶

The information requested herein is urgently needed for a public evaluation of the Federal Government's efforts to pursue the denaturalization of U.S. citizens in line with the U.S. Constitution. At present, the public is unable to meaningfully evaluate the Federal Government's denaturalization activities without access to more comprehensive, reliable information about its past and present undertakings.

The Open Society Justice Initiative is an organization primarily engaged in disseminating information in order to inform the public about actual or alleged government activity.

The Justice Initiative is "primarily engaged in disseminating information" within the meaning of the FOIA.²⁷ *Am. Civil Liberties Union v. Dep't of Justice*, 321 F. Supp. 2d 24, 29 n.5 (D.D.C. 2004) (finding that a non-profit, public interest group that "gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience" is "primarily engaged in disseminating information" within the meaning of the statute and regulations); *Cf. Elec. Privacy Info. Ctr.*, 241 F. Supp. 2d at 11-12 (finding that the Electronic Privacy Information Center was a representative of the news media based on its publication of seven books about national and international policies relating to privacy and civil rights); *see also Nat'l Sec. Archive v. U.S. Dep't of Def.*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (National Security Archive deemed a representative of the news media after publishing one book and indicating its intention to publish a set of documents on national and international politics and nuclear policy).

The Justice Initiative is an operational public interest law center dedicated to upholding human rights and the rule of law. It is part of the Open Society Foundations, a tax-exempt, not-for-profit organization. Disseminating information is among the Justice Initiative's core activities. To accomplish these goals, the Justice Initiative

²⁴ Jie Zong, Jeanne Batalova & Jeffrey Hallock, *Frequently Requested Statistics on Immigrants and Immigration in the United States*, MIGRATION POLICY INST. (Feb. 8, 2018), <https://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states>.

²⁵ *See, e.g.*, Stephanie deGooyer, *Why Trump's Denaturalization Task Force Matters*, THE NATION (July 10, 2018), <https://www.thenation.com/article/trumps-denaturalization-task-force-matters/> ("Fear, unlike a border wall or the travel ban, is inexpensive, and does not have to be passed through Congress or the courts. Fear also threads through people fast, and spreads quickly, especially online. After the immigration agency's announcement, many naturalized citizens were left questioning the validity of an immigration status they assumed would always be safe. Many others, afraid of being targeted or tripped up in a lie, may now never pursue naturalization at all, even if they are eligible."); Ruth E. Wasem, *Trump administration now has naturalized citizens in its sights*, THE HILL (July 17, 2018), <https://thehill.com/opinion/immigration/396923-trump-administration-now-has-naturalized-citizens-in-its-sights> ("This initiative fits into the Trump administration paradigm that views immigrants as criminals. Most disturbing, this initiative has a chilling effect on civic engagement.").

²⁶ *Trop v. Dulles*, 356 U.S. 86, 102 (1958).

²⁷ *See* 5 U.S.C. § 552(a)(6)(E)(v)(II). *See also* 6 C.F.R. § 5.5(e)(1)(ii); 28 C.F.R. § 16.5(e)(1)(ii).

maintains a website, <http://www.justiceinitiative.org>, through which it disseminates publications, articles and multimedia files relating to its mission. It also directly distributes hard copies of publications. An index of Justice Initiative publications (currently 377 in number) on a broad range of human rights issues is available at <https://osf.to/2Zr15cP>. In addition, the Justice Initiative disseminates information through quarterly email newsletters (*see e.g.*, <https://us1.campaign-archive.com/home/?u=52d98944f5466486ab8567329&id=80d33e3910>), blogs (*see* <https://www.opensocietyfoundations.org/voices>), Twitter (*see* <https://twitter.com/OSFJustice>) and Facebook (*see* <https://www.facebook.com/OpenSocietyFoundations>). The Justice Initiative focuses specifically on issues relating to citizenship and statelessness, contributing to the dissemination of information on these topics in particular through all the above listed platforms.

This Request is submitted to gather and distribute information that is likely to contribute significantly to the public understanding of the United States' actions related to denaturalization. The Justice Initiative plans to analyze and disseminate to the public the information gathered through this Request.

For all of the aforementioned reasons, this Request warrants expedited processing.

IV Application for Fee Waiver

We request a waiver of search, review and duplication fees on the grounds that disclosure of the requested 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(a)(4)(A)(iii).²⁸

As set forth in Section III above, the information and records at issue will contribute significantly to the public understanding of the government's activities and policies regarding the denaturalization of U.S. citizens. Moreover, the Justice Initiative, a non-profit entity, does not seek disclosure of these records for commercial gain and intends to disseminate the information disclosed from this request to the public at no cost.

In addition, for the same reasons that render it “primarily engaged in disseminating information,” *see* Section III *supra*, the Justice Initiative is also a “representative of the news media” within the meaning of the FOIA. As such, it is entitled to a fee waiver. *See* 5 U.S.C. § 552(a)(4)(A)(ii)(II); *see also* *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (recognizing Congress's intent that FOIA's fee waiver provision is to be “liberally construed in favor of waivers for noncommercial requesters.”)

* * * * *

Pursuant to 5 U.S.C. § 552(a)(6)(E)(ii)(I) and 5 U.S.C. § 552(a)(6)(A)(i) respectively, we look forward to your reply to the request for expedited processing within 10 calendar days, and to the request for disclosure within twenty days.

We request that responsive records be provided electronically in their native file format, if possible. *See* 5 U.S.C. § 552(a)(3)(B). Alternatively, we request that the records be provided electronically in a text-searchable, static-image format (PDF), in the best image quality in the agency's possession, and that the records be provided in separate, Bates-stamped files.

If under applicable law any of the information is considered exempt, please describe in detail the nature of the information withheld and the specific exemption or privilege upon which the information is withheld. We seek the release of all segregable portions of otherwise exempt material, *see* 5 U.S.C. § 552(b).

If this Request is denied in whole or in part, we ask that you justify all deletions by reference to specific

²⁸ *See also* 6 C.F.R. § 5.11(k)(1); 28 C.F.R. § 16.10(k)(1)

exemptions of the FOIA. We also reserve the right to appeal any decision in relation to this Request.

Thank you for your prompt attention to this Request. Please furnish all applicable records to:

Laura Bingham
Senior Managing Legal Officer
Equality and Inclusion Division
Open Society Justice Initiative
224 West 57th Street
New York, New York 10019
laura.bingham@opensocietyfoundations.org

We affirm that the information provided supporting the request for expedited processing is true and correct to the best of our knowledge and belief.

Sincerely,



Laura Bingham
Open Society Justice Initiative
224 West 57th Street
New York, New York 10019
T: (212) 547 6999
laura.bingham@opensocietyfoundations.org

Natasha Arnpriester
Open Society Justice Initiative
224 West 57th Street
New York, New York 10019
T: (212) 547 6929
natasha.arnpriester@opensocietyfoundations.org

James Goldston
Open Society Justice Initiative
224 West 57th Street
New York, New York 10019
T: (212) 548 0118
james.goldston@opensocietyfoundations.org