

EXHIBIT A

**The Protect -
Democracy
Project**

July 17, 2020

Via Online Portal

Douglas Hibbard
Chief, Initial Request Staff
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Department of Justice
6th Floor
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Via Email (CRT.FOIArequests@usdoj.gov)

Tink Cooper, Acting Chief
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Via Email (crm.foia@usdoj.gov)

Amanda M. Jones
Chief, FOIA/PA Unit
Criminal Division
Department of Justice
Suite 1127, Keeney Building
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Re: Freedom of Information Act request

To Whom It May Concern:

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):

Any and all communications with individuals in the United States Postal Inspection Service regarding participation in any DOJ voting or voting fraud task force.

The Protect Democracy Project, Inc.
2020 Pennsylvania Avenue NW, #163, Washington, DC 20006 • FOIA@protectdemocracy.org

The timeframe for this request is March 1, 2020 through the date that searches are conducted for records responsive to this FOIA request.

We ask that you search for records from all components of the Department of Justice that may be reasonably likely to produce responsive results, including but not limited to the Office of the Attorney General, the Office of the Deputy Attorney General, the Office of the Associate Attorney General, the Civil Rights Division, and the Criminal Division.

EXPEDITED PROCESSING REQUEST

We request that you expedite the processing of this request pursuant to 5 U.S.C. § 552(a)(6)(E) and 28 C.F.R. § 16.5(e). This request meets the criteria for expedited processing because it concerns “[a] matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity that affect public confidence,” 28 C.F.R. § 16.5(e)(1)(iv), and because there is an urgent need “to inform the public about an actual or alleged Federal Government activity” and the request is “made by a person who is primarily engaged in disseminating information,” 28 C.F.R. § 16.5(e)(1)(ii).

This request relates to potential political interference by the Department of Justice with the U.S. Postal Service’s preparations for processing the anticipated surge in voting by mail in light of the COVID-19 pandemic—an issue of utmost importance to the public. Free and fair elections are the bedrock of our democracy.

President Trump’s remarks regarding voting by mail raise questions about his administration’s integrity with regard to its dealings with the USPS, undermining public confidence. The President has called the Postal Service a “joke”¹ and, without evidence, has denigrated voting by mail as “corrupt” and “ripe for fraud.”² Echoing the President, Attorney General William Barr has floated baseless theories that voting by mail “opens the floodgates to fraud.”³ He has claimed without evidence that ballots can be stolen from mailboxes,⁴ that voting by mail eliminates the secret ballot,⁵ and that “right now, a foreign country could print tens of thousands of counterfeit ballots” that would be hard to detect.⁶ Attorney General Barr has a track

¹ Lisa Rein & Jacob Bogage, *Trump says he will block coronavirus aid for U.S. Postal Service if it doesn’t hike prices immediately*, Wash. Post (Apr. 24, 2020), <https://www.washingtonpost.com/us-policy/2020/04/24/trump-postal-service-loan-treasury/>.

² Amy Gardner & Elise Viebeck, *GOP pushes voting by mail—with restrictions—while Trump attacks it as ‘corrupt,’* Wash. Post (Apr. 13, 2020), https://www.washingtonpost.com/politics/gop-pushes-voting-by-mail--with-restrictions--as-trump-attacks-it-as-corrupt/2020/04/12/526057a4-7bf8-11ea-a130-df573469f094_story.html.

³ Paul Rosenzweig & Bryson Bort, *Trump and Barr are making false claims about mail-in ballots to scare us out of voting*, USA Today (Jul. 4, 2020), <https://www.usatoday.com/story/opinion/2020/07/04/attorney-general-bill-barr-wrong-mail-voting-open-floodgates-fraud-column/3258807001/>.

⁴ *Attorney General Bill Barr’s interview with ABC News: Transcript*, ABC News (Jul. 9, 2020), <https://abcnews.go.com/Politics/attorney-general-bill-barrs-interview-abc-news-transcript/story?id=71696291>.

⁵ Rosenzweig & Bort, *supra* note 3.

⁶ Caitlin Huey-Burns & Adam Brewster, *Trump and Barr say mail-in voting will lead to fraud. Experts say that’s not true*, CBS News (June 24, 2020), <https://www.cbsnews.com/news/mail-in-voting-ballot-election-fraud-claims/>.

record of meddling in the prosecutions of President Trump’s political allies and launching political investigations favorable to the President’s interests. For instance, he has overseen an unprecedented attempt by DOJ—over objections of the career prosecutor who handled the case—to drop the charge against Michael Flynn for lying to Congress, which Flynn had pled guilty to.⁷ He has also asked Connecticut U.S. Attorney John Durham to oversee an investigation of the investigators of Russian interference with the 2016 presidential election, despite the DOJ Inspector General’s finding that the Russia investigation was justified and valid.⁸

Even without DOJ interference, the USPS is at risk of falling short of carrying out its crucial responsibility in the upcoming election. The USPS has received no federal funds since 1982, relying on postal sales to keep revenue ahead of expenditures.⁹ At the end of 2019, the U.S. Government Accountability Office calculated that the USPS had \$160.9 billion in debt.¹⁰ COVID-19 has affected the volume of mail and significantly reduced revenue for the already beleaguered institution. In the first week of March, the volume of mail declined 30 percent. By the end of June, the USPS projects that volume will be down 50 percent. The agency could lose \$23 billion over the next 18 months.¹¹ USPS leadership told the House Oversight and Government Reform Committee in April that the agency needs \$75 billion to avoid forcing it to prioritize which vendors to pay and services to curtail,¹² and that it could be unable to make payroll and continue mail service uninterrupted past September.¹³ And although the CARES Act gave the Treasury Department authority to lend the USPS up to \$10 billion, that prospective loan may be subject to as yet unknown conditions to be set by Treasury.¹⁴ The newly appointed Postmaster General, Louis DeJoy, is a top donor to the President and the RNC who has no prior experience working at the Postal Service.¹⁵ He has already established major operational changes that could slow down mail delivery, including directing employees to leave mail behind in distribution centers if it delayed letter carriers from their routes.¹⁶

⁷ Joshua A. Geltzer, *Four ways William Barr is already subverting the 2020 elections*, Wash. Post (June 26, 2020), https://www.washingtonpost.com/outlook/barr-attorney-general-election/2020/06/26/7ad4fc7e-b6fb-11ea-a510-55bf26485c93_story.html.

⁸ *Id.*

⁹ Philip F. Rubio, *Save the Postal Service*, Atlantic (Apr. 24, 2020), <https://www.theatlantic.com/ideas/archive/2020/04/why-postal-service-worth-saving/610672/>.

¹⁰ Jacob Bogage, *The Postal Service needs a bailout. Congress is partly to blame.*, Wash. Post (Apr. 15, 2020), <https://www.washingtonpost.com/business/2020/04/15/postal-service-bailout-congress/>.

¹¹ *Id.*

¹² Jory Heckman, *USPS requests \$75B amid pandemic to recover from ‘steep’ drop in mail volume*, Fed. News Network (Apr. 9, 2020), <https://federalnewsnetwork.com/agency-oversight/2020/04/postmaster-general-usps-will-run-out-of-cash-this-fiscal-year-without-more-pandemic-funding/>.

¹³ Rein & Bogage, *supra* note 1.

¹⁴ Jacob Bogage & Lisa Rein, *Trump administration considers leveraging emergency coronavirus loan to force Postal Service changes*, Wash. Post (Apr. 23, 2020), <https://www.washingtonpost.com/business/2020/04/23/10-billion-treasury-loan-usps/>.

¹⁵ Alan Rappaport, *Postal Service Pick With Ties to Trump Raises Concerns Ahead of 2020 Election*, N.Y. Times (May 7, 2020), <https://www.nytimes.com/2020/05/07/us/politics/postmaster-general-louis-dejoy.html>.

¹⁶ Jacob Bogage, *Postal Service memos detail ‘difficult’ changes, including slower mail delivery*, Wash. Post (Jul. 14, 2020), <https://www.washingtonpost.com/business/2020/07/14/postal-service-trump-dejoy-delay-mail/>.

With the general election less than four months away, and early voting starting up to a month and a half beforehand in some states,¹⁷ preparations for the vote-by-mail surge ought to be in full swing right now. The public urgently needs to know whether the USPS is on track to carry out its role in enabling a free and fair election to proceed in November, and whether DOJ is in any way obstructing the Postal Service's efforts. The widespread media coverage of the issues relevant to this request is further proof of the "urgency to inform the public" and "widespread and exceptional public interest." *See, e.g., Protect Democracy Project v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 299 (D.D.C. 2017) (recognizing that media coverage is a factor relevant to the urgency analysis).

Finally, the Protect Democracy Project "easily" satisfies the requirement of 28 C.F.R. § 16.5(e)(1)(ii) that it be "primarily engaged in disseminating information." *See Protect Democracy Project*, 263 F. Supp. 3d at 298. The Protect Democracy Project regularly disseminates information and intends to disseminate the information obtained in response to this request. The Protect Democracy Project operates in the tradition of 501(c)(3) good government organizations that qualify under FOIA as "news media organizations." Like those 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." *Nat's Sec. Archive v. Dep't of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). Indeed, The Protect Democracy Project has routinely demonstrated the ability to disseminate information about its FOIA requests to a wide audience.¹⁸ The Protect Democracy Project will disseminate information and analysis about this request—and any information obtained in response—through its website (protectdemocracy.org); its Twitter feed (<https://twitter.com/protctdemocracy>), which has more than 36,000 followers; its email list of approximately 30,000 people; and sharing information with other members of the press.

In sum, this request satisfies the requirements of 5 U.S.C. § 552(a)(6)(E) and 28 C.F.R. § 16.5(e). It is therefore incumbent upon the government and urgent for your offices to share any responsive records in an expedited fashion.

Under penalty of perjury, and pursuant to 28 C.F.R. § 16.5(e)(3), I hereby affirm that the foregoing is true and correct to the best of my knowledge and belief.

¹⁷ *See, e.g.,* M.S.A. § 203B.081, 203B.085 (Minn.); N.J.S.A. § 19:63-6 (N.J.); S.D.C.L. § 12-19-2.1 (S.D.); Tit.17, § 2531 to 37 (Vt.); VA Code Ann. § 24.2-701.1 (Va.).

¹⁸ *See, e.g.,* Lisa Rein, *Watchdog group, citing "integrity of civil service," sues Trump to find out if feds are being bullied*, Wash. Post (Apr. 27, 2017), https://www.washingtonpost.com/news/powerpost/wp/2017/04/27/watchdog-group-citing-integrity-of-civil-service-sues-trump-to-find-out-if-feds-are-being-bullied/?utm_term=.8647ab128f3e; Ben Berwick, *Going to Court for Civil Servants*, Take Care (Apr. 28, 2017), <https://takecareblog.com/blog/going-to-court-for-civil-servants>; Charlie Savage, *Watchdog Group Sues Trump Administration, Seeking Legal Rationale Behind Syria Strike*, N.Y. Times (May 8, 2017), <https://nyti.ms/2pX82OV>; Justin Florence, *What's the Legal Basis for the Syria Strikes? The Administration Must Acknowledge Limits on its Power to Start a War*, Lawfare (May 8, 2017), <https://www.lawfareblog.com/whats-legal-basis-syria-strikes-administration-must-acknowledge-limits-its-power-start-war>.

FEE WAIVER

FOIA provides that any fees associated with a request are 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(a)(4)(A)(iii). The core mission of The Protect Democracy Project, a 501(c)(3) organization, is to inform public understanding on operations and activities of the government. As explained in support of the request for expedited processing, 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 interests.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, The Protect Democracy Project is entitled to a waiver of all fees except “reasonable standard charges for document duplication.” 5 U.S.C. § 552(a)(4)(A)(ii)(II). Federal law mandates that fees be limited to document duplication costs for any requester that qualifies as a representative of the news media. *Id.* As explained above, The Protect Democracy Project operates in the tradition of 501(c)(3) good government organizations that qualify under FOIA as “news media organizations.” Like those 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.” *Nat’l Sec. Archive v. Dep’t of Def.*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). Indeed, The Protect Democracy Project has routinely demonstrated the ability to disseminate information about its FOIA requests to a wide audience. *See supra* note 11. The Protect Democracy Project will disseminate information and analysis about this request – and any information obtained in response – through its website (protectdemocracy.org); its Twitter feed (@[protectdemocracy](https://twitter.com/protectdemocracy)), which has more than 35,000 followers; its email list of approximately 30,000 people; and sharing information with other members of the press.

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 media and formats. This includes, but is not limited to: agendas, manifests, calendars, schedules, notes, and any prepared documentation for meetings, calls, teleconferences, or other discussions responsive to our request; voicemails; e-mails; e-mail attachments; talking points; faxes; training documents and guides; tables of contents and contents of binders; documents pertaining to instruction and coordination of couriers; and any other materials. However, you need not produce 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).

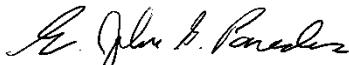
If you make a determination that any responsive record, or any segment within a record, is exempt from disclosure, we ask that you provide an index of those records at the time you

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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 that the remainder of the record to be provided, as required by 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 me at john.paredes@protectdemocracy.org or (202) 595-4299 if you require any additional information. We appreciate your cooperation and look forward to hearing from you very soon.

Sincerely,



John Paredes
Counsel
The Protect Democracy Project