

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AMERICAN OVERSIGHT,
1030 15th Street NW, B255
Washington, DC 20005

Plaintiff,

v.

Case No. 17-727

U.S. DEPARTMENT OF JUSTICE,
950 Pennsylvania Avenue NW
Washington, DC 20530

and

FEDERAL BUREAU OF INVESTIGATION,
935 Pennsylvania Avenue NW
Washington, DC 20535

Defendants.

COMPLAINT

1. Plaintiff American Oversight brings this action against the U.S. Department of Justice and the Federal Bureau of Investigation under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA), and the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, seeking declaratory and injunctive relief to compel compliance with the requirements of FOIA.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §§ 1331, 2201, and 2202.

3. Venue is proper in this district pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

4. Because Defendants have failed to comply with the applicable time-limit provisions of the FOIA, American Oversight is deemed to have exhausted its administrative remedies pursuant to 5 U.S.C. § 552(a)(6)(C)(i) and is now entitled to judicial action enjoining the agency from continuing to withhold agency records and ordering the production of agency records improperly withheld.

PARTIES

5. Plaintiff American Oversight is a nonpartisan organization committed to the promotion of transparency in government, the education of the public about government activities, and ensuring the accountability of government officials. Through research and FOIA requests, American Oversight will use the information gathered, and its analysis of it, to educate the public about the activities and operations of the federal government through reports, published analyses, press releases, and other media. The organization is incorporated under the laws of the District of Columbia.

6. Defendant U.S. Department of Justice (DOJ) is a department of the executive branch of the U.S. government headquartered in Washington, DC, and an agency of the federal government within the meaning of 5 U.S.C. § 552(f)(1). DOJ has possession, custody, and control of the records that American Oversight seeks.

7. Defendant Federal Bureau of Investigation (FBI) is a component of DOJ and is also headquartered in Washington, DC, with field offices across the country. The FBI has possession, custody, and control of the records that American Oversight seeks.

STATEMENT OF FACTS

Relevant Trump Administration Positions Regarding Contacts with Russia

8. As described below, American Oversight filed two FOIA requests seeking documents that would shed light on a matter of significant public concern: the extent to which individuals associated with Donald Trump's presidential campaign communicated with Russian officials and the steps the Trump administration allegedly took to downplay or rebut such communications.

9. In early summer 2016, allegations of Russian interference in the U.S. presidential election began to surface.

10. On February 14, 2017, the *New York Times* and other news outlets began reporting that associates affiliated with then-candidate Trump's presidential campaign had had contact with Russian intelligence officials.

11. The White House denied the allegations.

12. The following week, it was reported that White House Chief of Staff Reince Priebus had contacted the FBI to ask the agency "to publicly knock down media reports about communications between Donald Trump's associates and Russians known to US intelligence during the 2016 presidential campaign."

13. If true, such contact between the White House Chief of Staff and the FBI would be inconsistent with DOJ policy.

14. In May 2009, then-Attorney General Eric Holder issued a memorandum to the heads of all DOJ components (including the FBI) and all U.S. Attorneys entitled, "Communications with the White House and Congress."

15. The memorandum reads in relevant part: “Initial communications between the Department and the White House concerning pending or contemplated criminal investigations or cases will involve only the Attorney General or the Deputy Attorney General, from the side of the Department, and the Counsel to the President, the Principal Deputy Counsel to the President, the President or the Vice President, from the side of the White House.”

16. There have been no reports that the memorandum has been rescinded or revised.

17. As described below, American Oversight submitted a FOIA request for information related to Mr. Priebus’s contacts with the FBI.

18. Subsequent to the reporting about Mr. Priebus’s contacts with the FBI, additional news stories regarding Russia-Trump campaign communications continued to surface.

19. On March 1, 2017, three weeks after Jeff Sessions was confirmed as attorney general, *The Washington Post* reported that in 2016 then-Senator Sessions met with Russian Ambassador Sergey Kislyak on at least two occasions.

20. That report raised questions about the truthfulness of Mr. Sessions’s testimony to Congress during his confirmation hearing.

21. At the hearing, Mr. Sessions testified that he “did not have communications with the Russians.”

22. During that testimony, Mr. Sessions also noted that he had “been called a [Trump campaign] surrogate at a time or two.”

23. While Mr. Sessions has defended the propriety of his statements to Congress, it remains unknown to the public whether he reported his Russian contacts in other contexts, including his security clearance vetting for the position of attorney general.

24. On information and belief, in connection with his background investigation Mr. Sessions completed Standard Form 86 (SF-86), which requires disclosure of all contacts with foreign government officials.

25. As described below, American Oversight submitted a FOIA request for discrete and specific information related to Mr. Sessions's SF-86 form.

Priebus FOIA

26. On March 9, 2017, American Oversight submitted a FOIA request ("Priebus FOIA") to the FBI seeking access to the following records:

- 1) All communications between White House Chief of Staff Reince Priebus or any individuals acting on Priebus's behalf, and any personnel at the FBI regarding February 2017 news reports of an FBI investigation dating back to summer 2016 into affiliations between then-candidate Donald J. Trump (and his associates) and Russians known to intelligence officials;
- 2) All communications since November 8, 2016, between the FBI and the news media regarding an FBI investigation dating back to summer 2016 into affiliations between then-candidate Donald J. Trump (and his associates) and Russians known to intelligence officials;
- 3) All communications between the FBI and the news media regarding the alleged White House conversations about what the FBI should say about its investigation; and
- 4) All communications between the FBI and any member of Congress or congressional staff, regarding the alleged White House conversations about what the FBI should say about its investigation.

A copy of the Priebus FOIA is attached hereto as Exhibit A and incorporated herein.

27. American Oversight sought expedited processing of its Priebus FOIA request under 28 C.F.R. § 16.5(e)(1)(iv).

28. American Oversight's Priebus FOIA request relates to "[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).

29. The Priebus FOIA request involves a matter of widespread and exceptional media interest.

30. There has been widespread news coverage across media platforms addressing Mr. Priebus's conduct, in his role as White House Chief of Staff, allegedly involving himself in connection with the FBI's interaction with the media and Congress regarding Russian contacts with Mr. Trump's campaign as well as Russian interference in the 2016 presidential election, including, for example, several news articles cited in the Priebus FOIA request.

31. The subject of the Priebus FOIA request speaks to questions about the government's integrity that affect public confidence.

32. Records responsive to this request could reveal whether the White House violated long-standing DOJ protocol and attempted to interfere with and/or influence how the FBI discusses its ongoing investigations.

33. American Oversight received confirmation of its electronic submission of the Priebus FOIA on March 9, 2017. The FBI's eFOIPA submission portal auto-designated the Priebus FOIA request with the identification 3217764.

34. The FBI posted to the eFOIPA submission portal a letter dated March 30, 2017, linked to the 3217764 designation, formally acknowledging receipt of American Oversight's Priebus FOIA request; the FBI assigned the request tracking number 1369944-000.

35. American Oversight has received no further communication from the FBI or DOJ regarding the processing of the Priebus FOIA request.

Sessions FOIA

36. On March 20, 2017, American Oversight submitted a FOIA request (“Sessions FOIA”) to the FBI seeking access to the following records:

- 1) A copy of the Standard Form 86 (SF-86) form prepared by or on behalf of Mr. Sessions in connection with his security clearance or background investigation for his appointment to the position of United States Attorney General.

American Oversight seeks only the information contained in Section 20B.6 of the SF-86 form relating to contacts with any official of the Russian government. American Oversight has no objection to the redaction of any other personal information contained in Mr. Session’s SF-86 aside from Mr. Sessions’s name, the signature line, signature date, and any disclosures regarding contacts with any official of the Russian government contained in his response to Section 20B.6 of SF-86.

- 2) A copy of any interview notes or summary prepared during the course of Mr. Sessions’s background check in which Mr. Sessions or other sources interviewed disclosed any contacts between Mr. Sessions and any official of the Russian government.

American Oversight seeks only the portion of the interview notes or summaries that disclose Mr. Sessions’s contacts with officials of the Russian government, the date of the interview, and the name of the interview subject making the disclosure. American Oversight has no objection to the redaction of any other personal information regarding Mr. Sessions contained in the background interview notes or summaries aside from any disclosures regarding contacts with any official of the Russian government, the date of the interview, and the name of the interview subject.

A copy of the Sessions FOIA is attached hereto as Exhibit B and incorporated herein.

37. American Oversight sought expedited processing of its Sessions FOIA request under 28 C.F.R. § 16.5(e)(1)(iv).

38. American Oversight’s Sessions FOIA request relates to “[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).

39. The Sessions FOIA request involves a matter of widespread and exceptional media interest.

40. There has been widespread media coverage addressing both the allegations of Mr. Sessions's Russian contacts and the possibility that Mr. Sessions provided less-than-truthful testimony during his confirmation hearing to be the nation's top prosecutor, including, for example, several articles cited in the Sessions FOIA request.

41. The very limited information American Oversight seeks regarding Mr. Sessions's SF-86 and what he disclosed regarding his contacts with Russian representatives is of significant media and public interest.

42. The subject of the Sessions FOIA request addresses questions about the government's integrity that affect public confidence.

43. Questions have already been raised about the integrity of the 2016 presidential election and the veracity of Mr. Sessions's testimony during his confirmation hearing.

44. Mr. Sessions acted as a surrogate for Mr. Trump's campaign.

45. The limited information American Oversight seeks from Mr. Sessions's SF-86 has the potential to restore public confidence both with regard to the extent of Russian contact with the Trump campaign and to the truthfulness of Mr. Sessions's testimony before Congress.

46. The limited information American Oversight seeks from Mr. Sessions's SF-86 also would address a significant question regarding the integrity of a senior government official responsible for directing government operations, including law enforcement and national security operations with a high level of sensitivity.

47. The limited information American Oversight seeks from Mr. Sessions's SF-86 might also uncover unlawful conduct by a senior government official, if the information

disclosed in response to the Sessions FOIA request were to reveal that Mr. Sessions failed to disclose his contacts with Russian government officials in his SF-86 while also certifying that his statements in the SF-86 were true and complete. In signing his SF-86, Mr. Sessions would have acknowledged that a willful false statement on the SF-86 could be punished by fine or imprisonment or both under 18 U.S.C. § 1001.

48. American Oversight received confirmation of its electronic submission of the Sessions FOIA on March 20, 2017. The FBI's eFOIPA submission portal auto-designated the Sessions FOIA request with the identification 7cca925.

49. The FBI has yet to formally acknowledge receipt of American Oversight's Sessions FOIA.

50. American Oversight has received no further communication from the FBI or DOJ regarding the processing of the Sessions FOIA request.

Agency Inaction

51. The FBI has not responded to American Oversight's FOIA requests described in paragraphs 26 and 36, notwithstanding the obligation of the agency under FOIA to respond within twenty working days.

52. Through the FBI's failure to make determinations as to American Oversight's requests for expedition or to respond to American Oversight's FOIA requests within the time period required by law, American Oversight has constructively exhausted its administrative remedies and seeks immediate judicial review.

COUNT I
Violation of FOIA, 5 U.S.C. § 552
Failure to Grant Expedited Processing of Priebus FOIA

53. American Oversight repeats the allegations in the foregoing paragraphs and incorporates them as though fully set forth herein.

54. American Oversight properly requested records within the possession, custody, and control of the Defendants on an expedited basis.

55. Defendants are an agency and a component thereof subject to FOIA and must process FOIA requests on an expedited basis pursuant to the requirements of 5 U.S.C. § 552(a)(6)(E) and 28 C.F.R. § 16.5(e).

56. The records sought by American Oversight's Priebus FOIA request relate to a matter of widespread and exceptional media interest in which there exist possible questions concerning the government's integrity that affect public confidence, and therefore justify expedited processing under 28 C.F.R. § 16.5(e)(1)(iv).

57. Defendants failed to ensure that a determination of whether to provide expedited processing was made and notice of the determination was provided to American Oversight within ten days after the date of the Priebus FOIA request.

58. Defendants' failure to grant expedited processing violates FOIA and DOJ regulations.

59. Plaintiff American Oversight is therefore entitled to injunctive and declaratory relief requiring Defendants to grant expedited processing of American Oversight's Priebus FOIA request.

COUNT II

Violation of FOIA, 5 U.S.C. § 552

Failure to Conduct Adequate Search for Records Responsive to Priebus FOIA

60. American Oversight repeats the allegations in the foregoing paragraphs and incorporates them as though fully set forth herein.

61. American Oversight properly requested records within the possession, custody, and control of the Defendants.

62. Defendants are an agency and a component thereof subject to FOIA and must therefore make reasonable efforts to search for requested records.

63. Defendants have failed to review promptly agency records for the purpose of locating those records which are responsive to American Oversight's Priebus FOIA request.

64. Defendants' failure to search for responsive records violates FOIA.

65. Plaintiff American Oversight is therefore entitled to injunctive and declaratory relief requiring Defendants to promptly make reasonable efforts to search for records responsive to American Oversight's Priebus FOIA request.

COUNT III

Violation of FOIA, 5 U.S.C. § 552

Wrongful Withholding of Non-Exempt Records Responsive to Priebus FOIA

66. American Oversight repeats the allegations in the foregoing paragraphs and incorporates them as though fully set forth herein.

67. American Oversight properly requested records within the possession, custody, and control of the Defendants.

68. Defendants are an agency and a component thereof subject to FOIA and must therefore release in response to a FOIA request any disclosable records and provide a lawful reason for withholding any materials.

69. Defendants are wrongfully withholding agency records requested by American Oversight by failing to produce records responsive to its Priebus FOIA request.

70. Defendants' failure to provide all responsive records violates FOIA.

71. Plaintiff American Oversight is therefore entitled to injunctive and declaratory relief requiring Defendants to promptly produce all non-exempt records responsive to its Priebus FOIA request and provide a *Vaughn* index of any responsive records withheld under claim of exemption.

COUNT IV
Violation of FOIA, 5 U.S.C. § 552
Failure to Grant Expedited Processing of Sessions FOIA

72. American Oversight repeats the allegations in the foregoing paragraphs and incorporates them as though fully set forth herein.

73. American Oversight properly requested records within the possession, custody, and control of the Defendants on an expedited basis.

74. Defendants are an agency and a component thereof subject to FOIA and must process FOIA requests on an expedited basis pursuant to the requirements of 5 U.S.C. § 552(a)(6)(E) and 28 C.F.R. § 16.5(e).

75. The records sought by American Oversight's Sessions FOIA request relate to a matter of widespread and exceptional media interest in which there exist possible questions concerning the government's integrity that affect public confidence, and therefore justify expedited processing under 28 C.F.R. § 16.5(e)(1)(iv).

76. Defendants failed to ensure that a determination of whether to provide expedited processing was made and notice of the determination was provided to American Oversight within ten days after the date of the Sessions FOIA request.

77. Defendants' failure to grant expedited processing violates FOIA and DOJ regulations.

78. Plaintiff American Oversight is therefore entitled to injunctive and declaratory relief requiring Defendants to grant expedited processing of American Oversight's Sessions FOIA request.

COUNT V

Violation of FOIA, 5 U.S.C. § 552

Failure to Conduct Adequate Search for Records Responsive to Sessions FOIA

79. American Oversight repeats the allegations in the foregoing paragraphs and incorporates them as though fully set forth herein.

80. American Oversight properly requested records within the possession, custody, and control of the Defendants.

81. Defendants are an agency and a component thereof subject to FOIA and must therefore make reasonable efforts to search for requested records.

82. Defendants have failed to review promptly agency records for the purpose of locating those records which are responsive to American Oversight's Sessions FOIA request.

83. Defendants' failure to search for responsive records violates FOIA.

84. Plaintiff American Oversight is therefore entitled to injunctive and declaratory relief requiring Defendants to promptly make reasonable efforts to search for records responsive to American Oversight's Sessions FOIA request.

COUNT VI

Violation of FOIA, 5 U.S.C. § 552

Wrongful Withholding of Non-Exempt Records Responsive to Sessions FOIA

85. American Oversight repeats the allegations in the foregoing paragraphs and incorporates them as though fully set forth herein.

86. American Oversight properly requested records within the possession, custody, and control of the Defendants.

87. Defendants are an agency and a component thereof subject to FOIA and must therefore release in response to a FOIA request any disclosable records and provide a lawful reason for withholding any materials.

88. Defendants are wrongfully withholding agency records requested by American Oversight by failing to produce records responsive to its Sessions FOIA request.

89. Defendants' failure to provide all responsive records violates FOIA.

90. Plaintiff American Oversight is therefore entitled to injunctive and declaratory relief requiring Defendants to promptly produce all non-exempt records responsive to its Sessions FOIA request and provide a *Vaughn* index of any responsive records withheld under claim of exemption.

REQUESTED RELIEF

WHEREFORE, American Oversight respectfully requests the Court to:

- (1) Order Defendants to conduct a search reasonably calculated to uncover all records responsive to American Oversight's FOIA requests submitted to the FBI on March 9 and March 20, 2017;
- (2) Order Defendants to produce, within twenty days of the Court's order, any and all non-exempt records responsive to American Oversight's FOIA requests and *Vaughn* indexes of any responsive records withheld under claim of exemption;
- (3) Enjoin Defendants from continuing to withhold any and all non-exempt records responsive to American Oversight's FOIA requests;

- (4) Award American Oversight the costs of this proceeding, including reasonable attorneys' fees and other litigation costs reasonably incurred in this action, pursuant to 5 U.S.C. § 552(a)(4)(E); and
- (5) Grant American Oversight such other relief as the Court deems just and proper.

Dated: April 19, 2017

Respectfully submitted,

/s/ Cerissa Cafasso

Cerissa Cafasso

D.C. Bar No. 1011003

AMERICAN OVERSIGHT

1030 15th Street NW, B255

Washington, DC 20005

(202) 869-5246

cerissa.cafasso@americanoversight.org

Counsel for Plaintiff

Exhibit A



March 9, 2017

VIA ELECTRONIC SUBMISSION PORTAL

David M. Hardy, Chief
Record/Information Dissemination Section
Records Management Division
Federal Bureau of Investigation
Department of Justice
170 Marcel Drive
Winchester, VA 22602-4843
Online Request via <https://efoia.fbi.gov>

Re: Expedited Freedom of Information Act Request

Dear Mr. Hardy:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552 *et seq.*, and the Department of Justice's implementing regulations, 28 CFR Part 16, American Oversight makes the following request for records.

On February 14, 2017, the *New York Times* and other news outlets began reporting that associates affiliated with Mr. Trump's presidential campaign had contact with Russian intelligence officials.¹ The White House denied the allegation.² The following week reports began to emerge that White House Chief of Staff Reince Priebus had contacted the Federal Bureau of Investigation (FBI) to ask the agency "to publicly knock down media reports about communications between Donald Trump's associates and Russians known to US intelligence during the 2016 presidential campaign."³

In May 2009, then-Attorney General Eric Holder issued a memorandum to the heads of all Department of Justice components (including the FBI) and all U.S. Attorneys entitled, "Communications with the White House and Congress." The memo reads in relevant part: "Initial

¹ See Michael Schmidt *et al.*, *Trump Campaign Aides Had Repeated Contacts with Russian Intelligence*, N.Y. TIMES, Feb. 14, 2017, <https://www.nytimes.com/2017/02/14/us/politics/russia-intelligence-communications-trump.html>.

² See Edward Helmore, *White House Denies Reports of Russian Contacts Amid Search to Replace Flynn*, THE GUARDIAN, Feb. 19, 2017, <https://www.theguardian.com/us-news/2017/feb/19/trump-administration-russia-reince-priebus>.

³ See Jim Sciutto *et al.*, *FBI Refused White House Request to Knock Down Recent Trump-Russia Stories*, CNN (Feb. 24, 2017, 12:19 AM), <http://www.cnn.com/2017/02/23/politics/fbi-refused-white-house-request-to-knock-down-recent-trump-russia-stories/>.

communications between the Department and the White House concerning pending or contemplated criminal investigations or cases will involve **only** the Attorney General or the Deputy Attorney General, from the side of the Department, and **the Counsel to the President, the Principal Deputy Counsel to the President, the President or the Vice President, from the side of the White House.**"⁴ There have been no reports that the memo has been rescinded or revised. The public has a right to know whether the White House Chief of Staff is acting consistent with long-standing DOJ protocol. Moreover, the public deserves information regarding whether and to what extent the FBI may have agreed or acquiesced to disregarding DOJ protocol.

Requested Records

American Oversight requests that FBI produce the following within twenty business days and seeks expedited review of this request for the reasons identified below:

1. All communications between White House Chief of Staff Reince Priebus or any individuals acting on Priebus's behalf, and any personnel at the FBI regarding February 2017 news reports of an FBI investigation dating back to summer 2016 into affiliations between then-candidate Donald J. Trump (and his associates) and Russians known to intelligence officials;
2. All communications since November 8, 2016, between the FBI and the news media regarding an FBI investigation dating back to summer 2016 into affiliations between then-candidate Donald J. Trump (and his associates) and Russians known to intelligence officials;
3. All communications between the FBI and the news media regarding the alleged White House conversations about what the FBI should say about its investigation; and
4. All communications between the FBI and any member of Congress or congressional staff, regarding the alleged White House conversations about what the FBI should say about its investigation.

Please provide all responsive records through the date the search is conducted.

In addition to the records requested above, American Oversight also requests records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe

⁴ Office of the Attorney General, Memorandum for Heads of Department Components & All United States Attorneys, "Communications with the White House and Congress" (May 11, 2009), available at <https://lawfare.s3-us-west-2.amazonaws.com/staging/2017/2009%20Eric%20Holder%20memo.pdf> (emphasis added); see also Jane Chong, *White House Interference with Justice Department Investigations? That 2009 Holder Memo*, LAWFARE (Feb. 22, 2017, 4:12 PM), <https://www.lawfareblog.com/white-house-interference-justice-department-investigations-2009-holder-memo>.

how they conducted searches, we also request any such records prepared in connection with the processing of this request.

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions. Our request includes any attachments to these records. **No category of material should be omitted from search, collection, and production.**

Please search all records regarding agency business. **You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts.** Records of official business conducted using unofficial systems or stored outside of official files is subject to the Federal Records Act and FOIA.⁵ **It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; American Oversight has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, through negligence or willfulness, failed to meet their obligations.**⁶

In addition, please note that in conducting a “reasonable search” as required by law, you must employ the most up-to-date technologies and tools available, in addition to searches by individual custodians likely to have responsive information. Recent technology may have rendered the FBI’s prior FOIA practices unreasonable. **In light of the government-wide requirements to manage information electronically by the end of 2016, it is no longer reasonable to rely exclusively on custodian-driven searches.**⁷ Furthermore, agencies that have adopted the National Archives and Records Agency (NARA) Capstone program, or similar policies, now maintain emails in a form

⁵ See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149–50 (D.C. Cir. 2016); cf. *Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955–56 (D.C. Cir. 2016).

⁶ See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016) (“The Government argues that because the agency had a policy requiring [the official] to forward all of his emails from his [personal] account to his business email, the [personal] account only contains duplicate agency records at best. Therefore, the Government claims that any hypothetical deletion of the [personal account] emails would still leave a copy of those records intact in [the official’s] work email. However, policies are rarely followed to perfection by anyone. At this stage of the case, the Court cannot assume that each and every work related email in the [personal] account was duplicated in [the official’s] work email account.” (citations omitted)).

⁷ Presidential Memorandum—Managing Government Records, 76 Fed. Reg. 75,423 (Nov. 28, 2011), available at <https://obamawhitehouse.archives.gov/the-press-office/2011/11/28/presidential-memorandum-managing-government-records>; Office of Mgmt. & Budget, Exec. Office of the President, Memorandum for the Heads of Executive Departments & Agencies & Independent Agencies, “Managing Government Records Directive,” M-12-18 (Aug. 24, 2012), available at <https://www.archives.gov/files/records-mgmt/m-12-18.pdf>.

that is reasonably likely to be more complete than individual custodians' files. For example, a custodian may have deleted a responsive email from his or her email program, but the archiving tools of the FBI would capture that email under Capstone. Accordingly, American Oversight insists that you use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. American Oversight is available to work with you to craft appropriate search terms. **However, custodian searches are still required; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

Under the FOIA Improvement Act of 2016, agencies must adopt a presumption of disclosure, withholding information “only if . . . disclosure would harm an interest protected by an exemption” or “disclosure is prohibited by law.”⁸ If it is your position that any portion of the requested records is exempt from disclosure, American Oversight requests that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). As you are aware, a *Vaughn* index must describe each document claimed as exempt with sufficient specificity “to permit a reasoned judgment as to whether the material is actually exempt under FOIA.”⁹ Moreover, the *Vaughn* index “must describe *each* document or portion thereof withheld, and for *each* withholding it must discuss the consequences of disclosing the sought-after information.”¹⁰ Further, “the withholding agency must supply ‘a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.’”¹¹

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document.¹² Claims of nonsegregability must be made with the same degree of detail as required for claims of exemptions in a *Vaughn* index. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

You should institute a preservation hold on information responsive to this request. American Oversight intends to pursue all legal avenues to enforce its right of access under FOIA, including litigation if necessary. Accordingly, the FBI is on notice that litigation is reasonably foreseeable.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or

⁸ FOIA Improvement Act of 2016 § 2 (Pub. L. No. 114-185).

⁹ *Founding Church of Scientology v. Bell*, 603 F.2d 945, 949 (D.C. Cir. 1979).

¹⁰ *King v. U.S. Dep’t of Justice*, 830 F.2d 210, 223–24 (D.C. Cir. 1987) (emphasis in original).

¹¹ *Id.* at 224 (citing *Mead Data Central, Inc. v. U.S. Dep’t of the Air Force*, 566 F.2d 242, 251 (D.C. Cir. 1977)).

¹² *Mead Data Central*, 566 F.2d at 261.

duplication costs. By working together at the outset, American Oversight and the FBI can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street, NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on rolling basis.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and 28 C.F.R. § 16.10(k), American Oversight requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes. 5 U.S.C. § 552(a)(4)(A)(iii).¹³

American Oversight requests a waiver of fees because disclosure of the requested information is “in the public interest because it is likely to contribute significantly to public understanding” of government operations and is not “primarily in the commercial interest of the requester.”¹⁴ The disclosure of the information sought under this request will document and reveal the operations of the federal government, including how public funds are spent and how officials conduct the public’s business.

As discussed above, Mr. Priebus’s reported contacts with the FBI regarding pending investigations raise serious questions about whether Mr. Priebus acted inconsistently with longstanding protocols and the governing White House contacts policy. The requested documents will shed light on this issue of considerable interest to the public regarding the operations of the federal government.

This request is primarily and fundamentally for non-commercial purposes. As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight’s financial interest. American Oversight’s mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight will use the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight will also make materials it gathers available on our public website.

Accordingly, American Oversight qualifies for a fee waiver.

¹³ See, e.g., *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

¹⁴ 5 U.S.C. § 552(a)(4)(A)(iii); 28 C.F.R. §16.10(k).

Application for Expedited Processing

Pursuant to 5 U.S.C. § 552(a)(6)(E)(1) and 28 C.F.R. § 16.5(b), (e)(1)(iv), American Oversight requests that the FBI expedite the processing of this request.

I certify to be true and correct to the best of my knowledge and belief, that there is widespread and exceptional media interest and there exist possible questions concerning the government's integrity, which affect public confidence. As discussed above, Mr. Priebus's reported contacts with the FBI regarding pending investigations raise serious questions about whether Mr. Priebus acted inconsistently with longstanding protocols and the governing White House contacts policy. The requested documents will shed light on these issues of considerable interest to the public. The nature of Mr. Priebus's contacts with the FBI are a quintessential example of "[a] matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence."¹⁵

This matter already has been the subject of widespread media interest and attention. *See, e.g.*, Isaac Arnsdorf, *Priebus Request to FBI Violated Norms If Not Rules*, POLITICO (Feb. 24, 2017, 12:49 PM), <http://www.politico.com/story/2017/02/reince-priebus-fbi-contact-trump-235351>; Bryan Naylor, *White House Asked FBI To Publicly Refute Reports Trump Associates Had Russia Contacts*, NAT'L PUBLIC RADIO (Feb. 24, 2017, 11:42 AM), <http://www.npr.org/2017/02/24/517011779/white-house-asked-fbi-to-publicly-refute-reports-trump-associates-had-russia-con>; Chris Perez, *FBI Rejected White House Request to Publicly Slam Trump-Russia Reports*, N.Y. POST, Feb. 23, 201, <http://nypost.com/2017/02/23/fbi-rejected-white-house-request-to-publicly-slam-trump-russia-reports>; Michael Schmidt *et al.*, N.Y. TIMES, Feb. 14, 2017, Edward Helmore, THE GUARDIAN, Feb. 19, 2017.

Accordingly, American Oversight's request satisfies the criteria for expedition.

Conclusion

We share a common mission to promote transparency in government. American Oversight looks forward to working with you on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact us at foia@americanoversight.org. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,



Austin R. Evers
Executive Director

cc: Sarah Isgur Flores, Director, Office of Public Affairs

¹⁵ 28 C.F.R. § 16.5(e)(1)(iv).

Exhibit B



March 20, 2017

VIA ONLINE REQUEST FORM

David M. Hardy, Chief
Record/Information Dissemination Section
Records Management Division
Federal Bureau of Investigation
Department of Justice
170 Marcel Drive
Winchester, VA 22602-4843
Online Request via <https://efoia.fbi.gov>

Re: Expedited Freedom of Information Act Request

Dear Mr. Hardy:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552 *et seq.*, and Department of Justice (DOJ) implementing regulations, 28 C.F.R. Part 16, American Oversight makes the following request for records.

On the evening of March 1, 2017, *The Washington Post* reported that then-Senator Jeff Sessions met with Russian Ambassador Sergey Kislyak on at least two occasions in 2016.¹ Soon after the conversations were reported, questions arose as to the truthfulness of Mr. Sessions's testimony to Congress during his confirmation hearing to lead the DOJ as Attorney General.² The standard form that individuals must complete when seeking a national security clearance requires disclosure

¹ Adam Entous et al., *Sessions Met with Russian Envoy Twice Last Year, Encounters He Later Did Not Disclose*, WASH. POST, Mar. 1, 2017, https://www.washingtonpost.com/world/national-security/sessions-spoke-twice-with-russian-ambassador-during-trumps-presidential-campaign-justice-officials-say/2017/03/01/77205eda-feac-11e6-99b4-9e613afeb09f_story.html.

² See Brooke Seipel, *Bush's Ethics Lawyer On Sessions Talks with Russia Ambassador: 'Good Way To Go To Jail'*, THE HILL BLOG (Mar. 1, 2017, 10:34 PM), <http://thehill.com/blogs/blog-briefing-room/news/321936-ethics-lawyer-to-george-w-bush-on-sessions-talks-with-russia>; Press Release, Rep. Elijah E. Cummings, Ranking Member of the House Committee on Oversight and Government Reform, "Cummings Calls for Attorney General's Resignation After Revelation about Communications with Russians" (Mar. 1, 2017), *available at* <https://democrats-oversight.house.gov/news/press-releases/cummings-calls-for-attorney-generals-resignation-after-revelation-about>; Press Release, Sen. Al Franken, Member of the Senate Committee on the Judiciary, "Sen. Franken's Statement on Report that Attorney General Jeff Sessions Misled American Public Under Oath During Confirmation Hearing About His Contact with Russian Officials" (Mar. 2, 2017), *available at* https://www.franken.senate.gov/?p=press_release&id=3632.



of all contacts with foreign government officials.³ In light of Mr. Sessions's apparent failure to disclose his contacts with the Russian government as part of his Senate testimony, American Oversight is seeking records to determine whether Mr. Sessions properly disclosed these contacts in connection with seeking a security clearance to serve as Attorney General.

Requested Records

American Oversight requests that the FBI produce the following within twenty business days and seeks expedited review of this request for the reasons identified below:

1. A copy of the Standard Form 86 (SF-86) form prepared by or on behalf of Mr. Sessions in connection with his security clearance or background investigation for his appointment to the position of United States Attorney General.

American Oversight seeks only the information contained in Section 20B.6 of the SF-86 form relating to contacts with any official of the Russian government. American Oversight has no objection to the redaction of any other personal information contained in Mr. Session's SF-86 aside from Mr. Sessions's name, the signature line, signature date, and any disclosures regarding contacts with any official of the Russian government contained in his response to Section 20B.6 of SF-86.

2. A copy of any interview notes or summary prepared during the course of Mr. Sessions's background check in which Mr. Sessions or other sources interviewed disclosed any contacts between Mr. Sessions and any official of the Russian government.

American Oversight seeks only the portion of the interview notes or summaries that disclose Mr. Sessions's contacts with officials of the Russian government, the date of the interview, and the name of the interview subject making the disclosure. American Oversight has no objection to the redaction of any other personal information regarding Mr. Sessions contained in the background interview notes or summaries aside from any disclosures regarding contacts with any official of the Russian government, the date of the interview, and the name of the interview subject.

The collection, maintenance, and disclosure of the SF-86 used in background investigations, as well as background investigation materials, are governed by the Privacy Act. Consistent with the terms on the face of the SF-86 itself, the Privacy Act permits the disclosure "[t]o the news media or the general public" of "factual information the disclosure of which would be in the public interest

³ See U.S. Office of Personnel Management, Standard Form 86, "Questionnaire for National Security Positions," Question 20B.6 at 76, *available at* https://www.opm.gov/forms/pdf_fill/sf86-non508.pdf.

and which would not constitute an unwarranted invasion of personal privacy.”⁴ American Oversight seeks only the disclosure of information in one sub-part of Mr. Sessions’s SF-86 form and related disclosures during the background check process. Moreover, at least some information regarding Mr. Sessions’s contacts with officials of the Russian government is already public. Consequently, the requested disclosures would not constitute an unwarranted invasion of privacy. Additionally, because Mr. Sessions’s truthfulness in the course of his Senate confirmation process regarding such contacts has already been called into question, the disclosure of this information is in the public interest. Because public interest balancing favors disclosure, if the FBI asserts exemptions with respect to disclosures regarding Mr. Sessions’s contact with officials of the Russian government, American Oversight will challenge those withholdings in court. Please clearly mark any redactions with any asserted exemptions, or as nonresponsive if the redacted material does not relate to Mr. Sessions’s contacts with officials of the Russian government.

Under the FOIA Improvement Act of 2016, agencies must adopt a presumption of disclosure, withholding information “only if . . . disclosure would harm an interest protected by an exemption” or “disclosure is prohibited by law.”⁵ If it is your position that any portion of the requested records is exempt from disclosure, American Oversight requests that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). As you are aware, a *Vaughn* index must describe each document claimed as exempt with sufficient specificity “to permit a reasoned judgment as to whether the material is actually exempt under FOIA.”⁶ Moreover, the *Vaughn* index “must describe *each* document or portion thereof withheld, and for *each* withholding it must discuss the consequences of disclosing the sought-after information.”⁷ Further, “the withholding agency must supply ‘a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.’”⁸

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document.⁹ Claims of nonsegregability must be made with the same degree of detail as required for claims of exemptions in a *Vaughn* index. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

⁴ U.S. Office of Personnel Management, Standard Form 86, “Questionnaire for National Security Positions,” available at https://www.opm.gov/forms/pdf_fill/sf86-non508.pdf.

⁵ FOIA Improvement Act of 2016 § 2 (Pub. L. No. 114-185).

⁶ *Founding Church of Scientology v. Bell*, 603 F.2d 945, 949 (D.C. Cir. 1979).

⁷ *King v. U.S. Dep’t of Justice*, 830 F.2d 210, 223–24 (D.C. Cir. 1987) (emphasis in original).

⁸ *Id.* at 224 (citing *Mead Data Central, Inc. v. U.S. Dep’t of the Air Force*, 566 F.2d 242, 251 (D.C. Cir. 1977)).

⁹ *Mead Data Central*, 566 F.2d at 261.

You should institute a preservation hold on information responsive to this request. American Oversight intends to pursue all legal avenues to enforce its right of access under FOIA, including litigation if necessary. Accordingly, the FBI is on notice that litigation is reasonably foreseeable.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and the FBI can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street, NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on rolling basis.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and 28 C.F.R. § 16.10(k), American Oversight requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes. 5 U.S.C. § 552(a)(4)(A)(iii).¹⁰

American Oversight requests a waiver of fees because disclosure of the requested information is “in the public interest because it is likely to contribute significantly to public understanding” of government operations and “is not primarily in the commercial interest of the requester.”¹¹ The disclosure of the information sought under this request will document and reveal the operations of the federal government, including how public funds are spent and how officials conduct the public’s business.

Allegations of Russian interference in the U.S. election and the Trump campaign’s closeness to Russian officials has been the subject of significant media coverage. On August 27, 2016, then-Senate Minority Leader Harry Reid wrote to FBI Director James Comey asking Mr. Comey to investigate evidence of planned tampering by the Russians.¹² Then on September 8, 2016, the same day as Mr. Sessions’s reported one-on-one meeting with Mr. Kislyak, the *New York Times*

¹⁰ See, e.g., *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

¹¹ 5 U.S.C. § 552(a)(4)(A)(iii); 28 C.F.R. § 16.10(k).

¹² David E. Sanger, *Harry Reid Cites Evidence of Russian Tampering in U.S. Vote, and Seeks F.B.I. Inquiry*, N.Y. TIMES, Aug. 29, 2016, <https://www.nytimes.com/2016/08/30/us/politics/harry-reid-russia-tampering-election-fbi.html>.

published an article quoting Mr. Sessions in which Mr. Trump's campaign reaffirmed its embrace of Russian president Vladimir Putin.¹³

A week prior to Mr. Trump's inauguration, reports surfaced that Michael T. Flynn, Mr. Trump's first National Security Advisor, spoke with Mr. Kislyak the day before the Obama administration imposed sanctions on Russia as retaliation for the election interference.¹⁴ Members of Congress began pressing for an investigation into Mr. Flynn, Mr. Trump's campaign, and Russia ties. During his confirmation process, Mr. Sessions answered written and oral questions from the Senate Committee on the Judiciary on the campaign's communications with Russia and Mr. Sessions's position on recusal from any investigation into the matter.¹⁵ During the inquiries, Mr. Sessions stated that he "did not have communications with the Russians."¹⁶

The *Post's* reporting reveals that Mr. Sessions's responses were not wholly truthful. Mr. Sessions's eventual recusal from any investigations related to the 2016 presidential campaign further calls into question his truthfulness on this issue. The American people deserve to know whether Mr. Sessions properly disclosed his contacts with the Russian government in other contexts, including his security clearance paperwork or background investigation.

This request is primarily and fundamentally for non-commercial purposes. As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight's financial interest. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight will use the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight will also make materials it gathers available on our public website.

Accordingly, American Oversight qualifies for a fee waiver.

¹³ Jonathan Martin & Amy Chozick, *Donald Trump's Campaign Stands By Embrace of Putin*, N.Y. TIMES, Sept. 8, 2016, <https://www.nytimes.com/2016/09/09/us/politics/hillary-clinton-donald-trump-putin.html>.

¹⁴ Julie Hirschfeld Davis et al., *Trump National Security Adviser Called Russian Envoy Day Before Sanctions Were Imposed*, N.Y. TIMES, Jan. 13, 2017, <https://www.nytimes.com/2017/01/13/us/politics/donald-trump-transition.html>.

¹⁵ Seung Min Kim, *Sessions Won't Recuse Himself from DOJ Trump Probes*, POLITICO (Jan. 23, 2017, 8:38 PM), <http://www.politico.com/story/2017/01/jeff-sessions-trump-probes-234087>; Faith Karimi, *What Jeff Sessions Said About Russia Ties During Confirmation Hearings*, CNN (Mar. 3, 2017, 11:42 AM) <http://www.cnn.com/2017/03/02/politics/russia-jeff-sessions-confirmation-hearing/>.

¹⁶ Faith Karimi, *What Jeff Sessions Said About Russia Ties During Confirmation Hearings*, CNN (Mar. 3, 2017, 11:42 AM) <http://www.cnn.com/2017/03/02/politics/russia-jeff-sessions-confirmation-hearing/>.

Application for Expedited Processing

Pursuant to 5 U.S.C. § 552(a)(6)(E)(1) and 28 C.F.R. § 16.5(b), (e)(1)(iv), American Oversight requests that the FBI expedite the processing of this request.

I certify to be true and correct to the best of my knowledge and belief, that there is widespread and exceptional media interest and there exist possible questions concerning the government's integrity, which affect public confidence. As discussed above, media reporting raises significant questions regarding the truthfulness of Mr. Sessions's testimony before the Senate and the relationship between Russia and persons affiliated with Mr. Trump's campaign. Mr. Sessions's decision to recuse himself from any investigations into Mr. Trump's campaign raises further questions about his truthfulness in those hearings. The requested documents will shed light on these issues of considerable interest to the public. The truthfulness of the Attorney General is a quintessential example of "[a] matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence."¹⁷

Accordingly, American Oversight's request satisfies the criteria for expedition.

¹⁷ 28 C.F.R. § 16.5(e)(1)(iv); see, e.g., Adam Entous et al., *Sessions Met with Russian Envoy Twice Last Year, Encounters He Later Did Not Disclose*, WASH. POST, Mar. 1, 2017, https://www.washingtonpost.com/world/national-security/sessions-spoke-twice-with-russian-ambassador-during-trumps-presidential-campaign-justice-officials-say/2017/03/01/77205eda-feac-11e6-99b4-9e613afeb09f_story.html; Brooke Seipel, *Bush's Ethics Lawyer On Sessions Talks with Russia Ambassador: 'Good Way To Go To Jail'*, THE HILL BLOG (Mar. 1, 2017, 10:34 PM), <http://thehill.com/blogs/blog-briefing-room/news/321936-ethics-lawyer-to-george-w-bush-on-sessions-talks-with-russia>; David E. Sanger, *Harry Reid Cites Evidence of Russian Tampering in U.S. Vote, and Seeks F.B.I. Inquiry*, N.Y. TIMES, Aug. 29, 2016, <https://www.nytimes.com/2016/08/30/us/politics/harry-reid-russia-tampering-election-fbi.html>; Julie Hirschfeld Davis et al., *Trump National Security Adviser Called Russian Envoy Day Before Sanctions Were Imposed*, N.Y. TIMES, Jan. 13, 2017, <https://www.nytimes.com/2017/01/13/us/politics/donald-trump-transition.html>; Seung Min Kim, *Sessions Won't Recuse Himself from DOJ Trump Probes*, POLITICO (Jan. 23, 2017, 8:38 PM), <http://www.politico.com/story/2017/01/jeff-sessions-trump-probes-234087>; Faith Karimi, *What Jeff Sessions Said about Russia Ties During Confirmation Hearings*, CNN (Mar. 3, 2017, 11:42 AM) <http://www.cnn.com/2017/03/02/politics/russia-jeff-sessions-confirmation-hearing/>; Margaret Hartmann, *What We Know About the Investigations Into Trump's Russia Scandal*, N.Y. MAG. (Mar. 7, 2017), <http://nymag.com/daily/intelligencer/2017/03/what-we-know-about-the-probes-into-trumps-russia-scandal.html>; Karen Demirjian et al., *Attorney General Jeff Sessions Will Recuse Himself from Any Probe Related to 2016 Presidential Campaign*, WASH. POST (Mar. 2, 2017), https://www.washingtonpost.com/powerpost/top-gop-lawmaker-calls-on-sessions-to-recuse-himself-from-russia-investigation/2017/03/02/148c07ac-ff46-11e6-8ebe-6e0dbe4f2bca_story.html?hpid=hp_hp-top-table-main_gopreax-840a%3Ahomepage%2Fstory&tid=ptv_rellink&utm_term=.8ad634d0414c.

Conclusion

We share a common mission to promote transparency in government. American Oversight looks forward to working with you on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Sara Creighton at foia@americanoversight.org or 202-869-5246. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

A handwritten signature in blue ink, appearing to read "Austin R. Evers", with a long horizontal flourish extending to the left.

Austin R. Evers
Executive Director
American Oversight

cc: Sarah Isgur Flores, Director, Office of Public Affairs