

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

THE JAMES MADISON PROJECT,  
et al.,

Plaintiffs,

v.

DEPARTMENT OF JUSTICE

Defendant.

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Civil Action No. 17-597 (APM)

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**NOTICE OF SUPPLEMENTAL INFORMATION**

The Plaintiffs, The James Madison Project and Brad Heath (“Plaintiffs”), respectfully submit to this Court for consideration the newest official disclosure of material information made public by the President of the United States via Twitter.

“The House of Representatives seeks contempt citations(?) against the JusticeDepartment and the FBI for withholding key documents and an FBI witness which could shed light on surveillance of associates of Donald Trump. Big stuff. Deep State. Give this information NOW! @foxnews”

<https://twitter.com/realDonaldTrump/status/936037938898636800> (last accessed November 29, 2017).<sup>1</sup>

For context, this tweet by the President appears to be in reference to a news report aired on Fox News this evening. <http://video.foxnews.com/v/5662667184001/?#sp=show-clips> (last accessed November 29, 2017). In the news report, Fox News anchor Bret Baier announces that investigators for the House of Representatives have recommended the issuance of contempt citations against the Department of Justice (“DOJ”) and Federal Bureau of Investigation (“FBI”). The basis for the contempt

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<sup>1</sup> The typo and syntax errors are from the original tweet.

citations concerns pending subpoenas served upon DOJ and FBI by the House Permanent Select Committee on Intelligence and that seek, among other things, “efforts to corroborate information provided by Mr. Steele” that were memorialized in the Steele Dossier. <http://i2.cdn.turner.com/cnn/2017/images/09/06/nunesletter.pdf> (last accessed November 29, 2017). In the Fox News report, reporter James Rosen notes the separate issue that allegations from the Steele Dossier were purportedly relied upon in some fashion as the factual justification to secure surveillance warrants targeting associates of President Trump. <http://video.foxnews.com/v/5662667184001/?#sp=show-clips> (last accessed November 29, 2017).

The President’s tweet this evening is a rather clear and concrete official acknowledgment of the existence of records responsive to the Plaintiffs’ FOIA requests. The President specifically and definitively stated that the “key documents” he is publicly ordering the FBI and DOJ to release to Congressional investigators “*could shed light on surveillance of associates of Donald Trump.*” This is more than sufficient to nullify at least in part, as a matter of law, the appropriateness of the Glomar responses categorically invoked by the DOJ in this present case.

Date: November 29, 2017

Respectfully submitted,

/s/

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