

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

BENJAMIN WITTES,
1775 Massachusetts Avenue NW
Washington, DC 20036, and

SCOTT R. ANDERSON,
1775 Massachusetts Avenue NW
Washington, DC 20036,

Plaintiffs,

v.

U.S. FEDERAL BUREAU OF
INVESTIGATION
935 Pennsylvania Avenue, NW
Washington, D.C. 20535,

Defendant.

Civil Action No. _____

COMPLAINT

1. Plaintiffs Benjamin Wittes and Scott R. Anderson bring this action against the Federal Bureau of Investigations (“FBI”) to compel compliance with the Freedom of Information Act (“FOIA”) by releasing records relating to allegations of inconsistent discipline of FBI personnel in response to the personal expression of political views that are generating significant public concern. *See* 5 U.S.C. § 552. Plaintiffs allege as follows:

2. Throughout his more than two-decade career as an FBI agent, Peter Strzok was involved in numerous high-profile and sensitive investigations, including the criminal investigation into former Secretary Hillary Clinton’s use of a private email server and

investigations into Russian interference in the 2016 Presidential election.¹ On June 15, 2018, the FBI proposed to fire Mr. Strzok from his position as an FBI agent in response to recently discovered private communications between Mr. Strzok and an FBI attorney, Lisa Page, from prior years that were critical of then-candidate, now President, Donald Trump. Despite a negotiated agreement from the FBI's Office of Professional Responsibility ("OPR") on August 8, 2018 determining that Mr. Strzok should be demoted and receive a 60-day suspension, the FBI abruptly fired Mr. Strzok the following day, August 9, 2018.²

3. On August 6, 2019, Mr. Strzok filed a lawsuit against DOJ, alleging that he was subject to viewpoint discrimination by the FBI and was treated differently than others because his communications were critical of President Trump. Mr. Strzok alleges that while he and others who expressed negative views of President Trump have been subject to discipline, the FBI has not taken any action against agents who have expressed negative views of Secretary Clinton, specifically during the 2016 presidential campaign.³

4. It has been publicly reported that the FBI maintains an internal database that tallies discipline of FBI personnel. In a May 2009 report entitled "Review of the Federal Bureau of Investigation's Disciplinary System," the Justice Department's Office of the Inspector General described the FBI's use of the Case Management System as follows: "The FBI implemented the Case Management System to track allegations, investigations, adjudications, and appeals in a

¹Aruna Viswanatha, *Former FBI Agent Sues Justice Department Over Firing*, The Wall Street Journal (Aug. 6, 2019), <https://www.wsj.com/articles/former-fbi-agent-sues-justice-department-over-firing-11565116096?mod=searchresults&page=1&pos=4>; Del Quentin Wilber, *Inside the FBI Life of Peter Strzok and Lisa Page, as Told in Their Text Messages*, The Wall Street Journal (Feb. 2, 2018), <https://www.wsj.com/articles/inside-the-fbi-life-of-peter-strzok-and-lisa-page-as-told-in-their-text-messages-1517589380>; Alex Hosenball, Mike Levin, and Pierre Thomas, *Special counsel Robert Mueller has assembled a team of 16 seasoned prosecutors*, ABC News (Sept. 29, 2017), <https://abcnews.go.com/Politics/special-counsel-robert-mueller-assembled-team-16-seasoned/story?id=50186443>.

² Complaint, *Peter Strzok v. Attorney General William F. Barr, et. al.*, 1:19-CV-2367 (D.D.C. Aug. 6, 2019).

³ *Id.*

database in November 2004. One section of the Case Management System tracks precedent decisions for each offense.”⁴

5. Federal regulations covering FBI personnel state that an FBI employee has the right to “[e]xpress his or her opinion as an individual privately and publicly on political subjects and candidates.” 5 C.F.R. § 734.402(a).

6. Upon information and belief, the FBI has used Mr. Strzok’s case as a training example. Upon information and belief, in or about August 2018, the FBI held an ethics training for senior executives that incorporated Mr. Strzok’s communications that led to his firing. It is unclear how the training program defined the rights employees have to privately express their views on investigative subjects and when such views constitute fireable offenses.

7. Accordingly, on August 14, 2019 and August 19, 2019, Plaintiffs submitted seventeen FOIA requests for records from the Case Management System (“CMS”) that the FBI uses to track misconduct cases against FBI employees. Eight of the requests seek records concerning misconduct allegations against FBI employees for making inappropriate comments, either positive or negative, about the four most recent presidential nominees: Donald Trump, Barack Obama, Hillary Clinton, and Mitt Romney. An additional eight FOIA requests seek records pertaining to any penalties related to such misconduct allegations. The seventeenth request seeks records that the FBI may have concerning allegations and related penalties against FBI personnel who may make inappropriate political comments, including statistics on the total number of cases. Plaintiffs also submitted an eighteenth FOIA request, on August 14, 2019, seeking a copy of the August 2018 ethics presentation to senior FBI executives, including any materials related thereto.

⁴ U.S. Dep’t of Justice Office of the Inspector General Evaluation and Inspections Division, *Review of the Federal Bureau of Investigation’s Disciplinary System*, at 28 (May 2009), <https://oig.justice.gov/reports/FBI/e0902/final.pdf>.

JURISDICTION AND VENUE

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

9. Venue is proper pursuant to 5 U.S.C. § 552(a)(4)(B).

PARTIES

A. Plaintiffs

10. Plaintiff Benjamin Wittes is the Editor-in-Chief of *Lawfare*, an online publication published by The Lawfare Institute, a 501(c)(3) not-for-profit educational organization, and a Senior Fellow in Governance Studies at the Brookings Institution. Lawfare is dedicated to informing public understanding on the operations and activities of the federal government.

11. Plaintiff Scott R. Anderson is a Senior Editor of *Lawfare* and Fellow in Governance Studies at the Brookings Institution.

12. Plaintiffs intend to make public records obtained through these FOIA requests and provide information about and analysis of the records as appropriate on *Lawfare's* website, www.lawfareblog.com.

B. Defendant

13. Defendant Federal Bureau of Investigation is an agency of the executive branch of the federal government of the United States. Defendant is headquartered at 935 Pennsylvania Ave. NW, Washington, DC 20535. Defendant has possession, custody, and control of the records that Plaintiffs seek.

FACTUAL ALLEGATIONS

14. On August 14, 2019, Plaintiffs sent a FOIA request (the "First Request") to Defendant using their online eFOIPA Request System, seeking the following records:

1. Any records relating to any case in which an FBI employee was accused of misconduct relating to any partisan or political statements he or she may have made, including positive or negative statements he or she may have made about any candidates in elections or elected officials;
2. Any records relating to any oral reprimand, letter of censure, suspension, demotion, removal, or any other adverse or non-adverse action that an FBI employee received for alleged misconduct relating to any partisan or political statements he or she may have made, including positive or negative statements he or she may have made about any candidates in elections or elected officials; and
3. Any records indicating the actual or approximate number of FBI employees who: (a) have been accused of misconduct as described in paragraph 1 above; or (b) received any adverse or non-adverse action for alleged misconduct as described in paragraph 2 above in any given time period.

That same day, Plaintiffs received an email receipt confirming submission of this request. A true and correct copy of the email confirmation for Plaintiffs' First Request is attached as Exhibit A.

15. On August 14, 2019, Plaintiffs sent an additional FOIA request (the "Second Request") to Defendant using their online eFOIPA Request System, seeking the following records:

1. A copy of all slides from any powerpoint presentation given to members of the Senior Executive Service ("SES") in August 2018 that made specific reference to Peter Strzok or Lisa Page, including but not limited to those entitled "FBI Fundamentals: Doing the Right Thing the Right Way," or anything similar, and those presented by personnel from the FBI's Office of Professional Responsibility ("OPR") or Office of Integrity and Compliance ("OIC");
2. Any audio or video recording of any presentations identified in paragraph 1;
3. Any handouts, readings, or other written materials Disseminated electronically or in hard copy in association with any presentations identified in paragraph 1; and

4. Any e-mail communications discussing the development, review, and clearance of any powerpoint presentations identified in paragraph 1.

That same day, plaintiffs received an email receipt confirming submission of this request. A true and correct copy of the email confirmation for Plaintiffs' Second Request is attached as Exhibit B.

16. On August 19, 2019, Plaintiffs sent eight additional FOIA requests to Defendant using their online eFOIPA Request System, requesting any records in the FBI's Case Management System for disciplinary measures, or any successor system, indicating that an FBI employee was accused of misconduct relating to: (1) negative statements he or she made about Barack H. Obama (the "Third Request"); (2) positive statements he or she made about Barack H. Obama (the "Fourth Request"); (3) negative statements he or she made about Willard Mitt Romney (the "Fifth Request"); (4) negative statements he or she made about Hillary R. Clinton (the "Sixth Request"); (5) negative statements he or she made about Donald J. Trump (the "Seventh Request"); (6) positive statements he or she made about Donald J. Trump (the "Eighth Request"); (7) positive statements he or she made about Hillary R. Clinton (the "Ninth Request"); and (8) positive statements he or she made about Willard Mitt Romney (the "Tenth Request"). That same day, plaintiffs received email receipts confirming submission of these requests. True and correct copies of the email confirmations for Plaintiffs' Third through Tenth Requests are attached as Exhibit C, Exhibit D, Exhibit E, Exhibit F, Exhibit G, Exhibit H, Exhibit I, and Exhibit J.

17. On August 19, 2019, Plaintiffs sent eight additional FOIA requests to Defendant using their online eFOIPA Request System, requesting any records in the FBI's Case Management System for disciplinary measures, or any successor system, indicating that an FBI

employee was the subject of an oral reprimand, letter of censure, suspension, demotion, removal, or any other adverse or non-adverse action for alleged misconduct relating to: (1) negative statements he or she made about Barack H. Obama (the “Eleventh Request”); (2) positive statements he or she made about Barack H. Obama (the “Twelfth Request”); (3) negative statements he or she made about Willard Mitt Romney (the “Thirteenth Request”); (4) positive statements he or she made about Willard Mitt Romney (the “Fourteenth Request”); (5) negative statements he or she made about Hillary R. Clinton (the “Fifteenth Request”); (6) positive statements he or she made about Hillary R. Clinton (the “Sixteenth Request”); (7) negative statements he or she made about Donald J. Trump (the “Seventeenth Request”); and (8) positive statements he or she made about Donald J. Trump (the “Eighteenth Request”). That same day, plaintiffs received email receipts confirming submission of these requests. True and correct copies of the email confirmations for Plaintiffs’ Eleventh through Eighteenth Requests are attached as Exhibit K, Exhibit L, Exhibit M, Exhibit N, Exhibit O, Exhibit P, Exhibit Q, and Exhibit R.

18. Plaintiffs sought fee waivers pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 28 C.F.R. § 16.10(k). *See* Exhibits A through R.

19. Plaintiffs demonstrated that they satisfy the requirements for fee waivers based on their status as representatives of the media and because disclosure of the information “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)(ii)-

(iii). Significant public concern exists regarding the FBI's discipline of Mr. Strzok, and the information sought via Plaintiffs' FOIA requests is central to such concerns.⁵

20. Plaintiffs also requested expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E) and 28 C.F.R. § 16.5(e). Exhibits A through R. Plaintiffs' requests were narrowly tailored to make it easy for the FBI and DOJ to respond to them in an expedited fashion.

21. Plaintiffs demonstrated that they satisfy the requirement for expedited processing based on the "urgency to inform the public about an actual or alleged Federal Government activity" and because the requests concern 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)(ii), (iv). The matter at issue has generated substantial media coverage and continues to call into question the integrity of the FBI's investigations as well as its discipline of Mr. Strzok and Lisa Page.⁶ With the December 9, 2019 release of the Office of the Inspector General's report on the FBI's investigation into Russian interference in the 2016 election, which noted that certain FBI agents involved in the investigation exchanged personal communications that were favorable to President Trump, extensive headline news coverage on this subject has persisted.⁷

⁵ Patricia Ravalgi, *Once-Heroic Agents Have Helped Trump's Effort to Divide and Conquer the FBI*, The Daily Beast (Dec. 2, 2019), <https://www.thedailybeast.com/under-trump-once-heroic-fbi-agents-have-helped-potus-efforts-to-divide-and-conquer-the-bureau>; Gerald F. Seib, *American Institutions Become Collateral Damage Amid Impeachment Fight*, The Wall Street Journal, (Nov. 18, 2019), <https://www.wsj.com/articles/collateral-damage-american-institutions-hurt-amid-impeachment-fight-11574088848?mod=searchresults&page=1&pos=1>; Courtney Buble, *Former FBI Agent Peter Strzok's Lawsuit Highlights a Gray Area in the Hatch Act*, Government Executive (Aug. 9, 2019), <https://www.govexec.com/workforce/2019/08/former-fbi-agent-peter-strzoks-lawsuit-highlights-gray-area-hatch-act/159075/>.

⁶ *Id.*

⁷ U.S. Dep't of Justice Office of the Inspector General, *Review of Four FISA Applications and Other Aspects of the FBI's Crossfire Hurricane Investigation*, at p. 339 FN 447 (Dec. 2019), <https://www.justice.gov/storage/120919-examination.pdf>; see also Aaron Blake, *4 takeaways from the Horowitz report on the Russia investigation*, The Washington Post, (Dec. 9, 2019), <https://www.washingtonpost.com/politics/2019/12/09/takeaways-horowitz-report-russia-investigation/>.

22. On August 28, 2019, Defendant acknowledged receipt of Plaintiffs' Third Request and, in separate correspondence, denied expedited processing on the ground that Plaintiffs "ha[d] not provided enough information concerning the statutory requirements for expedition[.]" True and correct copies of these letters from the Defendant are attached as Exhibits S and T. Both letters reference "FOIPA Request No. 1445323-000," which is not clearly associated with any of Plaintiffs' requests. That said, the FBI's online eFOIPA Request System associates both letters with the Plaintiffs' Third Request, which it identifies using the internal reference number "07396d0." A screenshot of the eFOIPA Request System showing the two eFOIPA files in response to "Submission: 07396d0" is attached as Exhibit U.

23. Pursuant to FOIA, "[e]ach agency, upon any request for records [under FOIA], shall . . . determine within 20 days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request whether to comply with such request and shall immediately notify the person making such request" 5 U.S.C. § 552(a)(6)(A)(i). "Any person making a request to any agency for records under [FOIA] shall be deemed to have exhausted his administrative remedies with respect to such request if the agency fails to comply with the applicable time limit provisions" 5 U.S.C. § 552(a)(6)(C)(i). Plaintiffs submitted two FOIA requests on August 14, 2019 and the remaining sixteen FOIA requests on August 19, 2019, respectively. The 20-day deadline for the former requests thus expired on September 12, 2019, and for the latter requests on September 17, 2019.

24. To date, Defendant has failed to make any of the determinations or notifications required by 5 U.S.C. § 552(a)(6)(A)(i) in relation to any of Plaintiffs' eighteen requests. Nor has Defendant responded to any of the Plaintiffs' requests for fee waivers or seventeen of the Plaintiffs' eighteen requests for expedited processing.

25. Defendant has no lawful basis for failing to produce any responsive records requested by Plaintiffs.

**FIRST CLAIM FOR RELIEF
(Violation of FOIA, 5 U.S.C. § 552)**

26. Plaintiffs re-allege and incorporate by reference all other paragraphs.

27. Defendant FBI is in violation of FOIA by failing to respond to Plaintiffs' requests within the statutorily prescribed time limit and by unlawfully withholding records responsive to Plaintiffs' requests.

28. Accordingly, Plaintiffs are entitled to an order compelling the FBI to grant Plaintiffs' requests for records and to release, as soon as practicable, any responsive records.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court:

- a. Declare that Plaintiffs are entitled to fee waivers under 5 U.S.C. § 552(a)(4)(A)(iii) and 28 C.F.R. § 16.10(k);
- b. Declare that the records sought by Plaintiffs in their FOIA requests are public records under 5 U.S.C. § 552(a)(2)(D), which should be disclosed pursuant to 5 U.S.C. §§ 552(a)(6)(A) and 552(a)(3)(A) and Defendant's corresponding regulations;
- c. Order Defendant to grant Plaintiffs' requests for fee waivers;
- d. Order Defendant, by a date certain, to conduct an adequate search that is reasonably likely to lead to the discovery of any and all records responsive to Plaintiffs' requests;
- e. Order Defendants, by a date certain, to produce to Plaintiffs any and all non-exempt records or portions of records responsive to Plaintiffs' request, as well as a *Vaughn* index of any records or portions of records withheld due to a claim of exemption;
- f. Award Plaintiffs attorneys' fees and other reasonable costs incurred in this action, *see* 5 U.S.C. § 552(a)(4)(E);
- g. Grant Plaintiffs such other relief as the Court deems appropriate.

Dated: December 18, 2019

Respectfully submitted,

By: /s/ Robert S. Litt

Robert S. Litt (DC Bar No. 312470)
MORRISON & FOERSTER LLP
2000 Pennsylvania Avenue, NW
Suite 6000
Washington, DC 20006
(202) 887-1588
rlitt@mofo.com

Counsel for Plaintiffs

Exhibit A

eFOIA Request Received

efoia@subscriptions.fbi.gov <efoia@subscriptions.fbi.gov>
To: scott.anderson@lawfareblog.com

Wed, Aug 14, 2019 at 5:09 PM

Organization Representative Information

Organization Name

Prefix

First Name

Middle Name

Last Name

Suffix

Email

Phone

Location

Domestic Address

Address Line 1

Address Line 2

City Washington

State District of Columbia

Postal 20036

Agreement to Pay

How you will pay I am requesting a fee waiver for my request and have reviewed the FOIA reference guide. If my fee waiver is denied, I am willing to pay additional fees and will enter that maximum amount in the box below.

Allow up to \$ 500

Proof Of Affiliation for Fee Waiver

Waiver Explanation

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. Â§ 552(a)(4)(A)(iii).

We are the editor-in-chief and senior editor for Lawfare, an online publication dedicated to informing public understanding on operations and activities of the government. Lawfare is published by The Lawfare Institute, a 501(c)(3) not-for-profit educational organization, and in cooperation with The Brookings Institution, a 501(c)(3) nonprofit public policy organization.

This request is submitted in connection with Lawfare's mission to publish information that is likely to contribute significantly to the public understanding of federal agency activities related to law and national security. A former senior FBI official who was the subject of disciplinary action due to certain private communications recently accused

the FBI and Justice Department of "treat[ing] [him] more harshly than they would have treated similar communications because the content of [his] communications was critical of President Trump." This request is intended to help determine whether this allegation is true and FBI personnel may be under inappropriate political pressures as a result.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, we are entitled to a waiver of all fees except "reasonable standard charges for document duplication." 5 U.S.C. Â§ 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. Lawfare is a "news media organization[]" that "gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience." Nat'l Sec. Archive v. Dep't of Defense, 880 F.2d 1381, 1387 (D.C. Cir. 1989). We intend to give the public access to documents transmitted via FOIA on our website, <https://www.lawfareblog.com>, and to provide information about and analysis of those documents as appropriate.

Documentation Files

Non-Individual FOIA Request

Request Information

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. Â§ 552, we hereby request that your office produce the following records within 20 business days:

1. Any records relating to any case in which an FBI employee was accused of misconduct relating to any partisan or political statements he or she may have made, including positive or negative statements he or she may have made about any candidates in elections or elected officials;
2. Any records relating to any oral reprimand, letter of censure,

suspension, demotion, removal, or any other adverse or non-adverse action that an FBI employee received for alleged misconduct relating to any partisan or political statements he or she may have made, including positive or negative statements he or she may have made about any candidates in elections or elected officials; and

3. Any records indicating the actual or approximate number of FBI employees who: (a) have been accused of misconduct as described in paragraph 1 above; or (b) received any adverse or non-adverse action for alleged misconduct as described in paragraph 2 above in any given time period.

This request is for documents held by, or accessible to, the FBI's Internal Investigations Section (IIS) or Office of Professional Responsibility (OPR) dating from November 20, 2011, to the present. We are not requesting the names or any other personally identifiable information about the subjects of these notices and do not object if such information is redacted. We do not believe this request falls within the scope of any existing FOIA exemptions. See *Department of the Air Force v. Rose*, 425 U.S. 352 (1976).

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

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 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(a)(8)(A)(ii) & 552(b).

Expedite

Expedite Reason

FOIA provides for expedited processing where a requestor “demonstrates a compelling need.” 5 U.S.C. Â§ 552(a)(6)(E)(i). It defines “compelling need” to include situations where a “request [is] made by a person primarily engaged in disseminating information” and there exists an “urgency to inform the public concerning actual or alleged Federal Government activity.” Id. Â§ 552(a)(6)(E)(v).

Lawfare is an organization primarily engaged in the dissemination of information. If FBI personnel are being disproportionately punished due to their political opinions, then this risks compromising a range of important law enforcement and national security investigations. There is an urgent need to inform the public whether these allegations are accurate so that they may encourage their political leaders to correct this behavior and avoid further compromising any ongoing investigations.

[Quoted text hidden]

Exhibit B

eFOIA Request Received

efoia@subscriptions.fbi.gov <efoia@subscriptions.fbi.gov>
To: scott.anderson@lawfareblog.com

Wed, Aug 14, 2019 at 4:45 PM

Organization Representative Information

Organization Name

Prefix

First Name

Middle Name

Last Name

Suffix

Email

Phone

Location

Domestic Address

Address Line 1

Address Line 2

City Washington

State District of Columbia

Postal 20036

Agreement to Pay

How you will pay

I am requesting a fee waiver for my request and have reviewed the FOIA reference guide. If my fee waiver is denied, I am willing to pay additional fees and will enter that maximum amount in the box below.

Allow up to \$

500

Proof Of Affiliation for Fee Waiver

Waiver Explanation

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).

We are the editor-in-chief and senior editor for Lawfare, an online publication dedicated to informing public understanding on operations and activities of the government. Lawfare is published by The Lawfare Institute, a 501(c)(3) not-for-profit educational organization, and in cooperation with The Brookings Institution, a 501(c)(3) nonprofit public policy organization. This request is submitted in connection with Lawfare's mission to publish information that is likely to contribute significantly to the public understanding of federal agency activities related to law and national security. Current and former FBI employees have indicated that a presentation made to members of the FBI's SES in August 2018 misrepresented relevant facts relating to Strzok and Page, as well as legal and policy limitations on the political activities of FBI personnel. This request is intended to determine whether these allegations are true.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, we are 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. Lawfare is a news media organization that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. Nat'l Sec. Archive v. Dep't of Defense, 880 F.2d 1381, 1387 (D.C. Cir. 1989). We intend to give the public access to documents transmitted via FOIA on our website, <https://www.lawfareblog.com>, and to provide information about and analysis of those documents as appropriate.

Documentation Files

Non-Individual FOIA Request

Request Information

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. Â§ 552, we hereby request that your office produce the following records within 20 business days:

1. A copy of all slides from any powerpoint presentation given to members of the Senior Executive Service (â€œSESâ€) in August 2018 that made specific reference to Peter Strzok or Lisa Page, including but not limited to those entitled â€œFBI Fundamentals: Doing the Right Thing the Right Wayâ€ or anything similar, and those presented by personnel from the FBIâ€™s Office of Professional Responsibility (â€œOPRâ€) or Office of Integrity and Compliance (â€œOICâ€);
2. Any audio or video recording of any presentations identified in paragraph 1;
3. Any handouts, readings, or other written materials disseminated electronically or in hard copy in association with any presentations identified in paragraph 1; and
4. Any e-mail communications discussing the development, review, and clearance of any powerpoint presentations identified in paragraph 1.

We do not believe this request falls within the scope of any existing FOIA exemptions. See *Department of the Air Force v. Rose*, 425 U.S. 352 (1976).

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

processing of
this request.

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 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(a)(8)(A)(ii) & 552(b).

Expedite

Expedite Reason

FOIA provides for expedited processing where a requestor "demonstrates a compelling need." 5 U.S.C. § 552(a)(6)(E)(i). It defines "compelling need" to include situations where a "request [is] made by a person primarily engaged in disseminating information" and there exists an "urgency to inform the public concerning actual or alleged Federal Government activity." Id. § 552(a)(6)(E)(v).

Lawfare is an organization primarily engaged in the dissemination of information. FBI personnel who have been misinformed regarding relevant legal and policy restrictions may be unnecessarily curtailing their valid and permissible political activities. Further, an effort to misrepresent the facts surrounding Strzok and Page may reflect a broader effort to misleadingly characterize that case. In either case, there would be an urgent need to publicly correct these misrepresentations and to inform members of the public of what has occurred so that they may encourage their political representatives to respond accordingly.

Please be advised that efoia@subscriptions.fbi.gov is a no-reply email address. Questions regarding your FOIA request may be directed to foipaquestions@fbi.gov. If you have received a FOIPA request number, please include this in all correspondence concerning your request. Please note eFOIPA requests are processed in the order that they are received. If you have not received a FOIPA request number, your request is in the process of being opened at which time it will be assigned a FOIPA request number and correspondence will be forthcoming.

**

Upon receipt of your FOIPA request number, you may check the status of your FOIPA request on the FBI's™ electronic FOIA Library (The Vault) on the FBI's™ public website, <http://vault.fbi.gov> by clicking on the "Check Status of Your FOI/PA Request"™ link. Status updates are performed on a weekly basis. If you receive a comment that your FOIPA request number was not located in the database, please check back at a later date.

Exhibit C

eFOIA Request Received

efoia@subscriptions.fbi.gov <efoia@subscriptions.fbi.gov>
To: scott.anderson@lawfareblog.com

Mon, Aug 19, 2019 at 1:21 PM

Organization Representative Information

Organization Name

Prefix

First Name

Middle Name

Last Name

Suffix

Email

Phone

Location

Domestic Address

Address Line 1

Address Line 2

City Washington

State District of Columbia

Postal 20033

Agreement to Pay

How you will pay I am requesting a fee waiver for my request and have reviewed the FOIA reference guide. If my fee waiver is denied, I am willing to pay additional fees and will enter that maximum amount in the box below.

Allow up to \$ 200

Proof Of Affiliation for Fee Waiver

Waiver Explanation

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. Â§ 552(a)(4)(A)(iii).

We are the editor-in-chief and senior editor for Lawfare, an online publication dedicated to informing public understanding on operations and activities of the government. Lawfare is published by The Lawfare Institute, a 501(c)(3) not-for-profit educational organization, and in cooperation with The Brookings Institution, a 501(c)(3) nonprofit public policy organization.

This request is submitted in connection with Lawfare's mission to publish information that is likely to contribute significantly to the public understanding of federal agency activities related to law and national security"specifically, the extent to which FBI personnel are facing inappropriate political pressures. A former senior FBI

official who was the subject of disciplinary action due to certain private communications recently accused the FBI and Justice Department of "treat[ing] [him] more harshly than they would have treated similar communications because the content of [his] communications was critical of President Trump." This request is intended to help determine whether this allegation is true and FBI personnel may be under inappropriate political pressures as a result.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, we are entitled to a waiver of all fees except "reasonable standard charges for document duplication." 5 U.S.C. Â§ 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. Lawfare is a "news media organization[]" that "gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience." Nat'l Sec. Archive v. Dep't of Defense, 880 F.2d 1381, 1387 (D.C. Cir. 1989). We intend to give the public access to documents transmitted via FOIA on our website, <https://www.lawfareblog.com>, and to provide information about and analysis of those documents as appropriate.

Documentation Files

Non-Individual FOIA Request

Request Information

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. Â§ 552, we hereby request that your office produce the following records within 20 business days:

1. Any records in the FBI's "Case Management System" for disciplinary measures,* or any successor system, indicating that an FBI employee was accused of misconduct relating to negative statements he or she had made about Barack H. Obama.

This request is for documents dating from November 20, 2011, to the present. We are not requesting the names or any other personally identifiable information about the subjects of these notices and do not object if such information is redacted. We do not believe this request falls within the scope of any existing FOIA exemptions. See Department of the Air Force v. Rose, 425 U.S. 352 (1976).

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

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 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(a)(8)(A)(ii) & 552(b).

* In a May 2009 report entitled "Review of the Federal Bureau of Investigation's Disciplinary System" (available at <https://oig.justice.gov/reports/FBI/e0902/final.pdf>), the Justice Department's Office of the Inspector General described the FBI's use of the Case Management System as follows: "The FBI implemented the Case Management System to track allegations, investigations, adjudications, and appeals in a database in November 2004. One section of the Case Management System tracks precedent decisions for each offense." (p. 28)

Expedite

Expedite Reason

FOIA provides for expedited processing where a requestor "demonstrates a compelling need." 5 U.S.C. Â§ 552(a)(6)(E)(i). It defines "compelling need" to include situations where a "request [is] made by a person primarily engaged in disseminating information" and there exists an "urgency to inform the public concerning actual or alleged Federal Government activity." Id. Â§ 552(a)(6)(E)(v).

Lawfare is an organization primarily engaged in the dissemination of information. If FBI personnel are being disproportionately punished due to their political opinions, then this risks compromising a range of important law enforcement and national security investigations. There is an urgent need to inform the public whether these allegations are accurate so that they may encourage their political leaders to correct this behavior and avoid further compromising any ongoing investigations.

**

Please be advised that efoia@subscriptions.fbi.gov is a no-reply email address. Questions regarding your FOIA request may be directed to foipaquestions@fbi.gov. If you have received a FOIPA request number, please include this in all correspondence concerning your request. Please note eFOIPA requests are processed in the order that they are received. If you have not received a FOIPA request number, your request is in the process of being opened at which time it will be assigned a FOIPA request number and correspondence will be forthcoming.

**

Upon receipt of your FOIPA request number, you may check the status of your FOIPA request on the FBI's electronic FOIA Library (The Vault) on the FBI's public website, <http://vault.fbi.gov> by clicking on the "Check Status of Your FOIPA Request" link. Status updates are performed on a weekly basis. If you receive a comment that your FOIPA request number was not located in the database, please check back at a later date.

Exhibit D

eFOIA Request Received

efoia@subscriptions.fbi.gov <efoia@subscriptions.fbi.gov>
To: scott.anderson@lawfareblog.com

Mon, Aug 19, 2019 at 1:24 PM

Organization Representative Information

Organization Name

Prefix

First Name

Middle Name

Last Name

Suffix

Email

Phone

Location

Domestic Address

Address Line 1

Address Line 2

City Washington

State District of Columbia

Postal 20033

Agreement to Pay

How you will pay I am requesting a fee waiver for my request and have reviewed the FOIA reference guide. If my fee waiver is denied, I am willing to pay additional fees and will enter that maximum amount in the box below.

Allow up to \$ 200

Proof Of Affiliation for Fee Waiver

Waiver Explanation

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. Â§ 552(a)(4)(A)(iii).

We are the editor-in-chief and senior editor for Lawfare, an online publication dedicated to informing public understanding on operations and activities of the government. Lawfare is published by The Lawfare Institute, a 501(c)(3) not-for-profit educational organization, and in cooperation with The Brookings Institution, a 501(c)(3) nonprofit public policy organization.

This request is submitted in connection with Lawfare's mission to publish information that is likely to contribute significantly to the public understanding of federal agency activities related to law and national security"specifically, the extent to which FBI personnel are facing inappropriate political pressures. A former senior FBI

official who was the subject of disciplinary action due to certain private communications recently accused the FBI and Justice Department of "treat[ing] [him] more harshly than they would have treated similar communications because the content of [his] communications was critical of President Trump." This request is intended to help determine whether this allegation is true and FBI personnel may be under inappropriate political pressures as a result.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, we are entitled to a waiver of all fees except "reasonable standard charges for document duplication." 5 U.S.C. Â§ 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. Lawfare is a "news media organization" that "gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience." Nat'l Sec. Archive v. Dep't of Defense, 880 F.2d 1381, 1387 (D.C. Cir. 1989). We intend to give the public access to documents transmitted via FOIA on our website, <https://www.lawfareblog.com>, and to provide information about and analysis of those documents as appropriate.

Documentation Files

Non-Individual FOIA Request

Request Information

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. Â§ 552, we hereby request that your office produce the following records within 20 business days:

- Any records in the FBI's "Case Management System" for disciplinary measures,* or any successor system, indicating that an FBI employee was accused of misconduct relating to positive statements he or she had made about Barack H. Obama.

This request is for documents dating from November 20, 2011,

to the present.

We are not requesting the names or any other personally identifiable information about the subjects of these notices and do not object if such information is redacted. We do not believe this request falls within the scope of any existing FOIA exemptions. See Department of the Air Force v. Rose, 425 U.S. 352 (1976).

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

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 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(a)(8)(A)(ii) & 552(b).

* In a May 2009 report entitled "Review of the Federal Bureau of Investigation's Disciplinary System" (available at <https://oig.justice.gov/reports/FBI/e0902/final.pdf>), the Justice Department's Office of the Inspector General described the FBI's use of the Case Management System as follows: "The FBI implemented the Case Management System to track allegations, investigations, adjudications, and appeals in a database in November 2004. One section of the Case Management System tracks precedent decisions for each offense." (p. 28)

Expedite

Expedite Reason

FOIA provides for expedited processing where a requestor demonstrates a compelling need. 5 U.S.C. Â§ 552(a)(6)(E)(i). It defines "compelling need" to include situations where a request [is] made by a person primarily engaged in disseminating information and there exists an urgency to inform the public concerning actual or alleged Federal Government activity. Id. Â§ 552(a)(6)(E)(v).

Lawfare is an organization primarily engaged in the dissemination of information. If FBI personnel are being disproportionately punished due to their political opinions, then this risks compromising a range of important law enforcement and national security investigations. There is an urgent need to inform the public whether these allegations are accurate so that they may encourage their political leaders to correct this behavior and avoid further compromising any ongoing investigations.

**

Please be advised that efoia@subscriptions.fbi.gov is a no-reply email address. Questions regarding your FOIA request may be directed to foipaquestions@fbi.gov. If you have received a FOIPA request number, please include this in all correspondence concerning your request. Please note eFOIPA requests are processed in the order that they are received. If you have not received a FOIPA request number, your request is in the process of being opened at which time it will be assigned a FOIPA request number and correspondence will be forthcoming.

**

Upon receipt of your FOIPA request number, you may check the status of your FOIPA request on the FBI's electronic FOIA Library (The Vault) on the FBI's public website, <http://vault.fbi.gov> by clicking on the "Check Status of Your FOI/PA Request" link. Status updates are performed on a weekly basis. If you receive a comment that your FOIPA request number was not located in the database, please check back at a later date.

Exhibit E

eFOIA Request Received

efoia@subscriptions.fbi.gov <efoia@subscriptions.fbi.gov>
To: scott.anderson@lawfareblog.com

Mon, Aug 19, 2019 at 1:33 PM

Organization Representative Information

Organization Name Lawfare

Prefix

First Name Scott

Middle Name

Last Name Anderson

Suffix

Email scott.anderson@lawfareblog.com

Phone

Location United States

Domestic Address

Address Line 1 P.O. Box 33226

Address Line 2

City Washington

State District of Columbia

Postal 20033

Agreement to Pay

How you will pay I am requesting a fee waiver for my request and have reviewed the FOIA reference guide. If my fee waiver is denied, I am willing to pay additional fees and will enter that maximum amount in the box below.

Allow up to \$ 200

Proof Of Affiliation for Fee Waiver

Waiver Explanation 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. Â§ 552(a)(4)(A)(iii).

We are the editor-in-chief and senior editor for Lawfare, an online publication dedicated to informing public understanding on operations and activities of the government. Lawfare is published by The Lawfare Institute, a 501(c)(3) not-for-profit educational organization, and in cooperation with The Brookings Institution, a 501(c)(3) nonprofit public policy organization. This request is submitted in connection with Lawfare’s mission to publish information that is likely to contribute significantly to the public understanding of federal agency activities related to law and national security—specifically, the extent to which FBI personnel are facing inappropriate political pressures. A former senior FBI

official who was the subject of disciplinary action due to certain private communications recently accused the FBI and Justice Department of "treat[ing] [him] more harshly than they would have treated similar communications because the content of [his] communications was critical of President Trump." This request is intended to help determine whether this allegation is true and FBI personnel may be under inappropriate political pressures as a result.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, we are entitled to a waiver of all fees except "reasonable standard charges for document duplication." 5 U.S.C. Â§ 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. Lawfare is a "news media organization[]" that "gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience." Nat'l Sec. Archive v. Dep't of Defense, 880 F.2d 1381, 1387 (D.C. Cir. 1989). We intend to give the public access to documents transmitted via FOIA on our website, <https://www.lawfareblog.com>, and to provide information about and analysis of those documents as appropriate.

Documentation Files

Non-Individual FOIA Request

Request Information

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. Â§ 552, we hereby request that your office produce the following records within 20 business days:

- Any records in the FBI's "Case Management System" for disciplinary measures,* or any successor system, indicating that an FBI employee was accused of misconduct relating to negative statements he or she had made about Willard Mitt Romney.

This request is for documents dating from November 20, 2011,

to the present.

We are not requesting the names or any other personally identifiable information about the subjects of these notices and do not object if such information is redacted. We do not believe this request falls within the scope of any existing FOIA exemptions. See Department of the Air Force v. Rose, 425 U.S. 352 (1976).

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

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 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(a)(8)(A)(ii) & 552(b).

* In a May 2009 report entitled "Review of the Federal Bureau of Investigation's Disciplinary System" (available at <https://oig.justice.gov/reports/FBI/e0902/final.pdf>), the Justice Department's Office of the Inspector General described the FBI's use of the Case Management System as follows: "The FBI implemented the Case Management System to track allegations, investigations, adjudications, and appeals in a database in November 2004. One section of the Case Management System tracks precedent decisions for each offense." (p. 28)

Expedite

Expedite Reason

FOIA provides for expedited processing where a requestor demonstrates a compelling need. 5 U.S.C. Â§ 552(a)(6)(E)(i). It defines "compelling need" to include situations where a request [is] made by a person primarily engaged in disseminating information and there exists an urgency to inform the public concerning actual or alleged Federal Government activity. Id. Â§ 552(a)(6)(E)(v).

Lawfare is an organization primarily engaged in the dissemination of information. If FBI personnel are being disproportionately punished due to their political opinions, then this risks compromising a range of important law enforcement and national security investigations. There is an urgent need to inform the public whether these allegations are accurate so that they may encourage their political leaders to correct this behavior and avoid further compromising any ongoing investigations.

**

Please be advised that efoia@subscriptions.fbi.gov is a no-reply email address. Questions regarding your FOIA request may be directed to foipaquestions@fbi.gov. If you have received a FOIPA request number, please include this in all correspondence concerning your request. Please note eFOIPA requests are processed in the order that they are received. If you have not received a FOIPA request number, your request is in the process of being opened at which time it will be assigned a FOIPA request number and correspondence will be forthcoming.

**

Upon receipt of your FOIPA request number, you may check the status of your FOIPA request on the FBI's electronic FOIA Library (The Vault) on the FBI's public website, <http://vault.fbi.gov> by clicking on the "Check Status of Your FOI/PA Request" link. Status updates are performed on a weekly basis. If you receive a comment that your FOIPA request number was not located in the database, please check back at a later date.

Exhibit F

eFOIA Request Received

efoia@subscriptions.fbi.gov <efoia@subscriptions.fbi.gov>
To: scott.anderson@lawfareblog.com

Mon, Aug 19, 2019 at 1:39 PM

Organization Representative Information

Organization Name

Prefix

First Name

Middle Name

Last Name

Suffix

Email

Phone

Location

Domestic Address

Address Line 1

Address Line 2

City Washington

State District of Columbia

Postal 20033

Agreement to Pay

How you will pay I am requesting a fee waiver for my request and have reviewed the FOIA reference guide. If my fee waiver is denied, I am willing to pay additional fees and will enter that maximum amount in the box below.

Allow up to \$ 200

Proof Of Affiliation for Fee Waiver

Waiver Explanation

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. Â§ 552(a)(4)(A)(iii).

We are the editor-in-chief and senior editor for Lawfare, an online publication dedicated to informing public understanding on operations and activities of the government. Lawfare is published by The Lawfare Institute, a 501(c)(3) not-for-profit educational organization, and in cooperation with The Brookings Institution, a 501(c)(3) nonprofit public policy organization. This request is submitted in connection with Lawfare's mission to publish information that is likely to contribute significantly to the public understanding of federal agency activities related to law and national security" specifically, the extent to which FBI personnel are facing inappropriate political pressures. A former senior FBI

official who was the subject of disciplinary action due to certain private communications recently accused the FBI and Justice Department of "treat[ing] [him] more harshly than they would have treated similar communications because the content of [his] communications was critical of President Trump." This request is intended to help determine whether this allegation is true and FBI personnel may be under inappropriate political pressures as a result.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, we are entitled to a waiver of all fees except "reasonable standard charges for document duplication." 5 U.S.C. Â§ 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.* Lawfare is a "news media organization" that "gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience." *Nat'l Sec. Archive v. Dep't of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). We intend to give the public access to documents transmitted via FOIA on our website, <https://www.lawfareblog.com>, and to provide information about and analysis of those documents as appropriate.

Documentation Files

Non-Individual FOIA Request

Request Information

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. Â§ 552, we hereby request that your office produce the following records within 20 business days:

- Any records in the FBI's "Case Management System" for disciplinary measures,* or any successor system, indicating that an FBI employee was accused of misconduct relating to negative statements he or she had made about Hillary R. Clinton.

This request is for documents dating from November 20, 2011,

to the present.

We are not requesting the names or any other personally identifiable information about the subjects of these notices and do not object if such information is redacted. We do not believe this request falls within the scope of any existing FOIA exemptions. See Department of the Air Force v. Rose, 425 U.S. 352 (1976).

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

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 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(a)(8)(A)(ii) & 552(b).

* In a May 2009 report entitled "Review of the Federal Bureau of Investigation's Disciplinary System" (available at <https://oig.justice.gov/reports/FBI/e0902/final.pdf>), the Justice Department's Office of the Inspector General described the FBI's use of the Case Management System as follows: "The FBI implemented the Case Management System to track allegations, investigations, adjudications, and appeals in a database in November 2004. One section of the Case Management System tracks precedent decisions for each offense." (p. 28)

Expedite

Expedite Reason

FOIA provides for expedited processing where a requestor "demonstrates a compelling need." 5 U.S.C. Â§ 552(a)(6)(E)(i). It defines "compelling need" to include situations where a "request [is] made by a person primarily engaged in disseminating information" and there exists an "urgency to inform the public concerning actual or alleged Federal Government activity." Id. Â§ 552(a)(6)(E)(v).

Lawfare is an organization primarily engaged in the dissemination of information. If FBI personnel are being disproportionately punished due to their political opinions, then this risks compromising a range of important law enforcement and national security investigations. There is an urgent need to inform the public whether these allegations are accurate so that they may encourage their political leaders to correct this behavior and avoid further compromising any ongoing investigations.

**

Please be advised that efoia@subscriptions.fbi.gov is a no-reply email address. Questions regarding your FOIA request may be directed to foipaquestions@fbi.gov. If you have received a FOIPA request number, please include this in all correspondence concerning your request. Please note eFOIPA requests are processed in the order that they are received. If you have not received a FOIPA request number, your request is in the process of being opened at which time it will be assigned a FOIPA request number and correspondence will be forthcoming.

**

Upon receipt of your FOIPA request number, you may check the status of your FOIPA request on the FBI's electronic FOIA Library (The Vault) on the FBI's public website, <http://vault.fbi.gov> by clicking on the "Check Status of Your FOI/PA Request" link. Status updates are performed on a weekly basis. If you receive a comment that your FOIPA request number was not located in the database, please check back at a later date.

Exhibit G

eFOIA Request Received

efoia@subscriptions.fbi.gov <efoia@subscriptions.fbi.gov>
To: scott.anderson@lawfareblog.com

Mon, Aug 19, 2019 at 1:41 PM

Organization Representative Information

Organization Name Lawfare

Prefix

First Name Scott

Middle Name

Last Name Anderson

Suffix

Email scott.anderson@lawfareblog.com

Phone

Location United States

Domestic Address

Address Line 1 P.O. Box 33226

Address Line 2

City Washington

State District of Columbia

Postal 20033

Agreement to Pay

How you will pay

I am requesting a fee waiver for my request and have reviewed the FOIA reference guide. If my fee waiver is denied, I am willing to pay additional fees and will enter that maximum amount in the box below.

Allow up to \$

200

Proof Of Affiliation for Fee Waiver

Waiver Explanation

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. Â§ 552(a)(4)(A)(iii).

We are the editor-in-chief and senior editor for Lawfare, an online publication dedicated to informing public understanding on operations and activities of the government. Lawfare is published by The Lawfare Institute, a 501(c)(3) not-for-profit educational organization, and in cooperation with The Brookings Institution, a 501(c)(3) nonprofit public policy organization. This request is submitted in connection with Lawfare's mission to publish information that is likely to contribute significantly to the public understanding of federal agency activities related to law and national security" specifically, the extent to which FBI personnel are facing inappropriate political pressures. A former senior FBI

official who was the subject of disciplinary action due to certain private communications recently accused the FBI and Justice Department of "treat[ing] [him] more harshly than they would have treated similar communications because the content of [his] communications was critical of President Trump." This request is intended to help determine whether this allegation is true and FBI personnel may be under inappropriate political pressures as a result.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, we are entitled to a waiver of all fees except "reasonable standard charges for document duplication." 5 U.S.C. Â§ 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. Lawfare is a "news media organization" that "gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience." Nat'l Sec. Archive v. Dep't of Defense, 880 F.2d 1381, 1387 (D.C. Cir. 1989). We intend to give the public access to documents transmitted via FOIA on our website, <https://www.lawfareblog.com>, and to provide information about and analysis of those documents as appropriate.

Documentation Files

Non-Individual FOIA Request

Request Information

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. Â§ 552, we hereby request that your office produce the following records within 20 business days:

1. Any records in the FBI's "Case Management System" for disciplinary measures,* or any successor system, indicating that an FBI employee was accused of misconduct relating to negative statements he or she had made about Donald J. Trump.

This request is for documents dating from November 20, 2011,

to the present.

We are not requesting the names or any other personally identifiable information about the subjects of these notices and do not object if such information is redacted. We do not believe this request falls within the scope of any existing FOIA exemptions. See Department of the Air Force v. Rose, 425 U.S. 352 (1976).

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

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 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(a)(8)(A)(ii) & 552(b).

* In a May 2009 report entitled "Review of the Federal Bureau of Investigation's Disciplinary System" (available at <https://oig.justice.gov/reports/FBI/e0902/final.pdf>), the Justice Department's Office of the Inspector General described the FBI's use of the Case Management System as follows: "The FBI implemented the Case Management System to track allegations, investigations, adjudications, and appeals in a database in November 2004. One section of the Case Management System tracks precedent decisions for each offense." (p. 28)

Expedite

Expedite Reason

FOIA provides for expedited processing where a requestor demonstrates a compelling need. 5 U.S.C. Â§ 552(a)(6)(E)(i). It defines "compelling need" to include situations where a request [is] made by a person primarily engaged in disseminating information and there exists an urgency to inform the public concerning actual or alleged Federal Government activity. Id. Â§ 552(a)(6)(E)(v).

Lawfare is an organization primarily engaged in the dissemination of information. If FBI personnel are being disproportionately punished due to their political opinions, then this risks compromising a range of important law enforcement and national security investigations. There is an urgent need to inform the public whether these allegations are accurate so that they may encourage their political leaders to correct this behavior and avoid further compromising any ongoing investigations.

**

Please be advised that efoia@subscriptions.fbi.gov is a no-reply email address. Questions regarding your FOIA request may be directed to foipaquestions@fbi.gov. If you have received a FOIPA request number, please include this in all correspondence concerning your request. Please note eFOIPA requests are processed in the order that they are received. If you have not received a FOIPA request number, your request is in the process of being opened at which time it will be assigned a FOIPA request number and correspondence will be forthcoming.

**

Upon receipt of your FOIPA request number, you may check the status of your FOIPA request on the FBI's electronic FOIA Library (The Vault) on the FBI's public website, <http://vault.fbi.gov> by clicking on the "Check Status of Your FOI/PA Request" link. Status updates are performed on a weekly basis. If you receive a comment that your FOIPA request number was not located in the database, please check back at a later date.

Exhibit H

eFOIA Request Received

efoia@subscriptions.fbi.gov <efoia@subscriptions.fbi.gov>
To: scott.anderson@lawfareblog.com

Mon, Aug 19, 2019 at 1:43 PM

Organization Representative Information

Organization Name Lawfare

Prefix

First Name Scott

Middle Name

Last Name Anderson

Suffix

Email scott.anderson@lawfareblog.com

Phone

Location United States

Domestic Address

Address Line 1 P.O. Box 33226

Address Line 2

City Washington

State District of Columbia

Postal 20033

Agreement to Pay

How you will pay I am requesting a fee waiver for my request and have reviewed the FOIA reference guide. If my fee waiver is denied, I am willing to pay additional fees and will enter that maximum amount in the box below.

Allow up to \$ 200

Proof Of Affiliation for Fee Waiver

Waiver Explanation

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. Â§ 552(a)(4)(A)(iii).

We are the editor-in-chief and senior editor for Lawfare, an online publication dedicated to informing public understanding on operations and activities of the government. Lawfare is published by The Lawfare Institute, a 501(c)(3) not-for-profit educational organization, and in cooperation with The Brookings Institution, a 501(c)(3) nonprofit public policy organization.

This request is submitted in connection with Lawfare's mission to publish information that is likely to contribute significantly to the public understanding of federal agency activities related to law and national security"specifically, the extent to which FBI personnel are facing inappropriate political pressures. A former senior FBI

official who was the subject of disciplinary action due to certain private communications recently accused the FBI and Justice Department of "treat[ing] [him] more harshly than they would have treated similar communications because the content of [his] communications was critical of President Trump." This request is intended to help determine whether this allegation is true and FBI personnel may be under inappropriate political pressures as a result.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, we are entitled to a waiver of all fees except "reasonable standard charges for document duplication." 5 U.S.C. Â§ 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. Lawfare is a "news media organization[]" that "gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience." Nat'l Sec. Archive v. Dep't of Defense, 880 F.2d 1381, 1387 (D.C. Cir. 1989). We intend to give the public access to documents transmitted via FOIA on our website, <https://www.lawfareblog.com>, and to provide information about and analysis of those documents as appropriate.

Documentation Files

Non-Individual FOIA Request

Request Information

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. Â§ 552, we hereby request that your office produce the following records within 20 business days:

1. Any records in the FBI's "Case Management System" for disciplinary measures,* or any successor system, indicating that an FBI employee was accused of misconduct relating to positive statements he or she had made about Donald J. Trump.

This request is for documents dating from November 20, 2011, to the present. We are not requesting the names or any other personally identifiable information about the subjects of these notices and do not object if such information is redacted. We do not believe this request falls within the scope of any existing FOIA exemptions. See Department of the Air Force v. Rose, 425 U.S. 352 (1976).

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

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 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(a)(8)(A)(ii) & 552(b).

* In a May 2009 report entitled "Review of the Federal Bureau of Investigation's Disciplinary System" (available at <https://oig.justice.gov/reports/FBI/e0902/final.pdf>), the Justice Department's Office of the Inspector General described the FBI's use of the Case Management System as follows: "The FBI implemented the Case Management System to track allegations, investigations, adjudications, and appeals in a database in November 2004. One section of the Case Management System tracks precedent decisions for each offense." (p. 28)

Expedite

Expedite Reason

FOIA provides for expedited processing where a requestor "demonstrates a compelling need." 5 U.S.C. Â§ 552(a)(6)(E)(i). It defines "compelling need" to include situations where a "request [is] made by a person primarily engaged in disseminating information" and there exists an "urgency to inform the public concerning actual or alleged Federal Government activity." Id. Â§ 552(a)(6)(E)(v).

Lawfare is an organization primarily engaged in the dissemination of information. If FBI personnel are being disproportionately punished due to their political opinions, then this risks compromising a range of important law enforcement and national security investigations. There is an urgent need to inform the public whether these allegations are accurate so that they may encourage their political leaders to correct this behavior and avoid further compromising any ongoing investigations.

**

Please be advised that efoia@subscriptions.fbi.gov is a no-reply email address. Questions regarding your FOIA request may be directed to foipaquestions@fbi.gov. If you have received a FOIPA request number, please include this in all correspondence concerning your request. Please note eFOIPA requests are processed in the order that they are received. If you have not received a FOIPA request number, your request is in the process of being opened at which time it will be assigned a FOIPA request number and correspondence will be forthcoming.

**

Upon receipt of your FOIPA request number, you may check the status of your FOIPA request on the FBI's electronic FOIA Library (The Vault) on the FBI's public website, <http://vault.fbi.gov> by clicking on the "Check Status of Your FOIPA Request" link. Status updates are performed on a weekly basis. If you receive a comment that your FOIPA request number was not located in the database, please check back at a later date.

Exhibit I

eFOIA Request Received

efoia@subscriptions.fbi.gov <efoia@subscriptions.fbi.gov>
To: scott.anderson@lawfareblog.com

Mon, Aug 19, 2019 at 1:59 PM

Organization Representative Information

Organization Name

Prefix

First Name

Middle Name

Last Name

Suffix

Email

Phone

Location

Domestic Address

Address Line 1

Address Line 2

City Washington

State District of Columbia

Postal 20033

Agreement to Pay

How you will pay I am requesting a fee waiver for my request and have reviewed the FOIA reference guide. If my fee waiver is denied, I am willing to pay additional fees and will enter that maximum amount in the box below.

Allow up to \$ 200

Proof Of Affiliation for Fee Waiver

Waiver Explanation

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).

We are the editor-in-chief and senior editor for Lawfare, an online publication dedicated to informing public understanding on operations and activities of the government. Lawfare is published by The Lawfare Institute, a 501(c)(3) not-for-profit educational organization, and in cooperation with The Brookings Institution, a 501(c)(3) nonprofit public policy organization.

This request is submitted in connection with Lawfare’s mission to publish information that is likely to contribute significantly to the public understanding of federal agency activities related to law and national security—specifically, the extent to which FBI personnel are facing inappropriate political pressures. A former senior FBI

official who was the subject of disciplinary action due to certain private communications recently accused the FBI and Justice Department of "treat[ing] [him] more harshly than they would have treated similar communications because the content of [his] communications was critical of President Trump." This request is intended to help determine whether this allegation is true and FBI personnel may be under inappropriate political pressures as a result.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, we are entitled to a waiver of all fees except "reasonable standard charges for document duplication." 5 U.S.C. Â§ 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. Lawfare is a "news media organization[]" that "gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience." Nat'l Sec. Archive v. Dep't of Defense, 880 F.2d 1381, 1387 (D.C. Cir. 1989). We intend to give the public access to documents transmitted via FOIA on our website, <https://www.lawfareblog.com>, and to provide information about and analysis of those documents as appropriate.

Documentation Files

Non-Individual FOIA Request

Request Information

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. Â§ 552, we hereby request that your office produce the following records within 20 business days:

1. Any records in the FBI's "Case Management System" for disciplinary measures,* or any successor system, indicating that an FBI employee was accused of misconduct relating to positive statements he or she had made about Hillary R. Clinton.

This request is for documents dating from November 20, 2011,

to the present.

We are not requesting the names or any other personally identifiable information about the subjects of these notices and do not object if such information is redacted. We do not believe this request falls within the scope of any existing FOIA exemptions. See Department of the Air Force v. Rose, 425 U.S. 352 (1976).

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

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 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(a)(8)(A)(ii) & 552(b).

* In a May 2009 report entitled "Review of the Federal Bureau of Investigation's Disciplinary System" (available at <https://oig.justice.gov/reports/FBI/e0902/final.pdf>), the Justice Department's Office of the Inspector General described the FBI's use of the Case Management System as follows: "The FBI implemented the Case Management System to track allegations, investigations, adjudications, and appeals in a database in November 2004. One section of the Case Management System tracks precedent decisions for each offense." (p. 28)

Expedite

Expedite Reason

FOIA provides for expedited processing where a requestor demonstrates a compelling need. 5 U.S.C. Â§ 552(a)(6)(E)(i). It defines "compelling need" to include situations where a request [is] made by a person primarily engaged in disseminating information and there exists an urgency to inform the public concerning actual or alleged Federal Government activity. Id. Â§ 552(a)(6)(E)(v).

Lawfare is an organization primarily engaged in the dissemination of information. If FBI personnel are being disproportionately punished due to their political opinions, then this risks compromising a range of important law enforcement and national security investigations. There is an urgent need to inform the public whether these allegations are accurate so that they may encourage their political leaders to correct this behavior and avoid further compromising any ongoing investigations.

**

Please be advised that efoia@subscriptions.fbi.gov is a no-reply email address. Questions regarding your FOIA request may be directed to foipaquestions@fbi.gov. If you have received a FOIPA request number, please include this in all correspondence concerning your request. Please note eFOIPA requests are processed in the order that they are received. If you have not received a FOIPA request number, your request is in the process of being opened at which time it will be assigned a FOIPA request number and correspondence will be forthcoming.

**

Upon receipt of your FOIPA request number, you may check the status of your FOIPA request on the FBI's electronic FOIA Library (The Vault) on the FBI's public website, <http://vault.fbi.gov> by clicking on the "Check Status of Your FOI/PA Request" link. Status updates are performed on a weekly basis. If you receive a comment that your FOIPA request number was not located in the database, please check back at a later date.

Exhibit J

eFOIA Request Received

efoia@subscriptions.fbi.gov <efoia@subscriptions.fbi.gov>
To: scott.anderson@lawfareblog.com

Mon, Aug 19, 2019 at 2:02 PM

Organization Representative Information

Organization Name

Prefix

First Name

Middle Name

Last Name

Suffix

Email

Phone

Location

Domestic Address

Address Line 1

Address Line 2

City Washington

State District of Columbia

Postal 20033

Agreement to Pay

How you will pay I am requesting a fee waiver for my request and have reviewed the FOIA reference guide. If my fee waiver is denied, I am willing to pay additional fees and will enter that maximum amount in the box below.

Allow up to \$ 200

Proof Of Affiliation for Fee Waiver

Waiver Explanation 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. Â§ 552(a)(4)(A)(iii).

We are the editor-in-chief and senior editor for Lawfare, an online publication dedicated to informing public understanding on operations and activities of the government. Lawfare is published by The Lawfare Institute, a 501(c)(3) not-for-profit educational organization, and in cooperation with The Brookings Institution, a 501(c)(3) nonprofit public policy organization. This request is submitted in connection with Lawfare’s mission to publish information that is likely to contribute significantly to the public understanding of federal agency activities related to law and national security—specifically, the extent to which FBI personnel are facing inappropriate political pressures. A former senior FBI

official who was the subject of disciplinary action due to certain private communications recently accused the FBI and Justice Department of "treat[ing] [him] more harshly than they would have treated similar communications because the content of [his] communications was critical of President Trump." This request is intended to help determine whether this allegation is true and FBI personnel may be under inappropriate political pressures as a result.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, we are entitled to a waiver of all fees except "reasonable standard charges for document duplication." 5 U.S.C. Â§ 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.* Lawfare is a "news media organization[]" that "gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience." *Nat'l Sec. Archive v. Dep't of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). We intend to give the public access to documents transmitted via FOIA on our website, <https://www.lawfareblog.com>, and to provide information about and analysis of those documents as appropriate.

Documentation Files

Non-Individual FOIA Request

Request Information

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. Â§ 552, we hereby request that your office produce the following records within 20 business days:

1. Any records in the FBI's "Case Management System" for disciplinary measures,* or any successor system, indicating that an FBI employee was accused of misconduct relating to positive statements he or she had made about Willard Mitt Romney.

This request is for documents dating from November 20, 2011, to the present. We are not requesting the names or any other personally identifiable information about the subjects of these notices and do not object if such information is redacted. We do not believe this request falls within the scope of any existing FOIA exemptions. See Department of the Air Force v. Rose, 425 U.S. 352 (1976).

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

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 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(a)(8)(A)(ii) & 552(b).

* In a May 2009 report entitled "Review of the Federal Bureau of Investigation's Disciplinary System" (available at <https://oig.justice.gov/reports/FBI/e0902/final.pdf>), the Justice Department's Office of the Inspector General described the FBI's use of the Case Management System as follows: "The FBI implemented the Case Management System to track allegations, investigations, adjudications, and appeals in a database in November 2004. One section of the Case Management System tracks precedent decisions for each offense." (p. 28)

Expedite

Expedite Reason

FOIA provides for expedited processing where a requestor "demonstrates a compelling need." 5 U.S.C. Â§ 552(a)(6)(E)(i). It defines "compelling need" to include situations where a "request [is] made by a person primarily engaged in disseminating information" and there exists an "urgency to inform the public concerning actual or alleged Federal Government activity." Id. Â§ 552(a)(6)(E)(v).

Lawfare is an organization primarily engaged in the dissemination of information. If FBI personnel are being disproportionately punished due to their political opinions, then this risks compromising a range of important law enforcement and national security investigations. There is an urgent need to inform the public whether these allegations are accurate so that they may encourage their political leaders to correct this behavior and avoid further compromising any ongoing investigations.

**

Please be advised that efoia@subscriptions.fbi.gov is a no-reply email address. Questions regarding your FOIA request may be directed to foipaquestions@fbi.gov. If you have received a FOIPA request number, please include this in all correspondence concerning your request. Please note eFOIPA requests are processed in the order that they are received. If you have not received a FOIPA request number, your request is in the process of being opened at which time it will be assigned a FOIPA request number and correspondence will be forthcoming.

**

Upon receipt of your FOIPA request number, you may check the status of your FOIPA request on the FBI's electronic FOIA Library (The Vault) on the FBI's public website, <http://vault.fbi.gov> by clicking on the "Check Status of Your FOIPA Request" link. Status updates are performed on a weekly basis. If you receive a comment that your FOIPA request number was not located in the database, please check back at a later date.

Exhibit K

eFOIA Request Received

efoia@subscriptions.fbi.gov <efoia@subscriptions.fbi.gov>
To: scott.anderson@lawfareblog.com

Mon, Aug 19, 2019 at 12:16 PM

Organization Representative Information

| | |
|--------------------------|-------------------------------------------------------------|
| Organization Name | <input type="text" value="Lawfare"/> |
| Prefix | <input type="text"/> |
| First Name | <input type="text" value="Scott"/> |
| Middle Name | <input type="text"/> |
| Last Name | <input type="text" value="Anderson"/> |
| Suffix | <input type="text"/> |
| Email | <input type="text" value="scott.anderson@lawfareblog.com"/> |
| Phone | <input type="text"/> |
| Location | <input type="text" value="United States"/> |

Domestic Address

| | |
|-----------------------|---------------------------------------------|
| Address Line 1 | <input type="text" value="P.O. Box 33226"/> |
| Address Line 2 | <input type="text"/> |

City Washington

State District of Columbia

Postal 20033

Agreement to Pay

How you will pay I am requesting a fee waiver for my request and have reviewed the FOIA reference guide. If my fee waiver is denied, I am willing to pay additional fees and will enter that maximum amount in the box below.

Allow up to \$ 200

Proof Of Affiliation for Fee Waiver

Waiver Explanation

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. Â§ 552(a)(4)(A)(iii).

We are the editor-in-chief and senior editor for Lawfare, an online publication dedicated to informing public understanding on operations and activities of the government. Lawfare is published by The Lawfare Institute, a 501(c)(3) not-for-profit educational organization, and in cooperation with The Brookings Institution, a 501(c)(3) nonprofit public policy organization.

This request is submitted in connection with Lawfare's mission to publish information that is likely to contribute significantly to the public understanding of federal agency activities related to law and national security"specifically, the extent to which FBI personnel are facing inappropriate political pressures. A former senior FBI

official who was the subject of disciplinary action due to certain private communications recently accused the FBI and Justice Department of "treat[ing] [him] more harshly than they would have treated similar communications because the content of [his] communications was critical of President Trump." This request is intended to help determine whether this allegation is true and FBI personnel may be under inappropriate political pressures as a result.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, we are entitled to a waiver of all fees except "reasonable standard charges for document duplication." 5 U.S.C. Â§ 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.* Lawfare is a "news media organization" that "gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience." *Nat'l Sec. Archive v. Dep't of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). We intend to give the public access to documents transmitted via FOIA on our website, <https://www.lawfareblog.com>, and to provide information about and analysis of those documents as appropriate.

Documentation Files

Non-Individual FOIA Request

Request Information

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. Â§ 552, we hereby request that your office produce the following records within 20 business days:

1. Any records in the FBI's "Case Management System" for disciplinary measures,* or any successor system, indicating that an FBI employee was the subject of an oral reprimand, letter of censure, suspension, demotion, removal, or any other adverse or non-adverse action for

alleged misconduct relating to negative statements he or she had made about Barack H. Obama.

This request is for documents dating from November 20, 2011, to the present.

We are not requesting the names or any other personally identifiable information about the subjects of these notices and do not object if such information is redacted. We do not believe this request falls within the scope of any existing FOIA exemptions. See *Department of the Air Force v. Rose*, 425 U.S. 352 (1976).

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

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 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(a)(8)(A)(ii) & 552(b).

* In a May 2009 report entitled "Review of the Federal Bureau of Investigation's Disciplinary System" (available at <https://oig.justice.gov/reports/FBI/e0902/final.pdf>), the Justice Department's Office of the Inspector General described the FBI's use of the Case Management System as follows: "The FBI implemented the Case Management System to track allegations, investigations, adjudications, and appeals in a database in November 2004. One section of the Case Management System tracks precedent decisions for each offense." (p. 28)

Expedite

Expedite Reason

FOIA provides for expedited processing where a requestor "demonstrates a compelling need." 5 U.S.C. Â§ 552(a)(6)(E)(i). It defines "compelling need" to include situations where a "request [is] made by a person primarily engaged in disseminating information" and there exists an "urgency to inform the public concerning actual or alleged Federal Government activity." Id. Â§ 552(a)(6)(E)(v).

Lawfare is an organization primarily engaged in the dissemination of information. If FBI personnel are being disproportionately punished due to their political opinions, then this risks compromising a range of important law enforcement and national security investigations. There is an urgent need to inform the public whether these allegations are accurate so that they may encourage their political leaders to correct this behavior and avoid further compromising any ongoing investigations.

**

Please be advised that efoia@subscriptions.fbi.gov is a no-reply email address. Questions regarding your FOIA request may be directed to foipaquestions@fbi.gov. If you have received a FOIPA request number, please include this in all correspondence concerning your request. Please note eFOIPA requests are processed in the order that they are received. If you have not received a FOIPA request number, your request is in the process of being opened at which time it will be assigned a FOIPA request number and correspondence will be forthcoming.

**

Upon receipt of your FOIPA request number, you may check the status of your FOIPA request on the FBI's electronic FOIA Library (The Vault) on the FBI's public website, <http://vault.fbi.gov> by clicking on the "Check Status of Your FOI/PA Request" link. Status updates are performed on a weekly basis. If you receive a comment that your FOIPA request number was not located in the database, please check back at a later date.

Exhibit L

eFOIA Request Received

efoia@subscriptions.fbi.gov <efoia@subscriptions.fbi.gov>
To: scott.anderson@lawfareblog.com

Mon, Aug 19, 2019 at 12:19 PM

Organization Representative Information

Organization Name

Prefix

First Name

Middle Name

Last Name

Suffix

Email

Phone

Location

Domestic Address

Address Line 1

Address Line 2

City Washington

State District of Columbia

Postal 20033

Agreement to Pay

How you will pay I am requesting a fee waiver for my request and have reviewed the FOIA reference guide. If my fee waiver is denied, I am willing to pay additional fees and will enter that maximum amount in the box below.

Allow up to \$ 200

Proof Of Affiliation for Fee Waiver

Waiver Explanation

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).

We are the editor-in-chief and senior editor for Lawfare, an online publication dedicated to informing public understanding on operations and activities of the government. Lawfare is published by The Lawfare Institute, a 501(c)(3) not-for-profit educational organization, and in cooperation with The Brookings Institution, a 501(c)(3) nonprofit public policy organization. This request is submitted in connection with Lawfare’s mission to publish information that is likely to contribute significantly to the public understanding of federal agency activities related to law and national security—specifically, the extent to which FBI personnel are facing inappropriate political pressures. A former senior FBI

official who was the subject of disciplinary action due to certain private communications recently accused the FBI and Justice Department of "treat[ing] [him] more harshly than they would have treated similar communications because the content of [his] communications was critical of President Trump." This request is intended to help determine whether this allegation is true and FBI personnel may be under inappropriate political pressures as a result.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, we are 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.* Lawfare is a "news media organization" that "gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience." *Nat'l Sec. Archive v. Dep't of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). We intend to give the public access to documents transmitted via FOIA on our website, <https://www.lawfareblog.com>, and to provide information about and analysis of those documents as appropriate.

Documentation Files

Non-Individual FOIA Request

Request Information

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, we hereby request that your office produce the following records within 20 business days:

1. Any records in the FBI's "Case Management System" for disciplinary measures,* or any successor system, indicating that an FBI employee was the subject of an oral reprimand, letter of censure, suspension, demotion, removal, or any other adverse or non-adverse action for

alleged misconduct relating to positive statements he or she had made about Barack H. Obama.

This request is for documents dating from November 20, 2011, to the present.

We are not requesting the names or any other personally identifiable information about the subjects of these notices and do not object if such information is redacted. We do not believe this request falls within the scope of any existing FOIA exemptions. See *Department of the Air Force v. Rose*, 425 U.S. 352 (1976).

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

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 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(a)(8)(A)(ii) & 552(b).

* In a May 2009 report entitled "Review of the Federal Bureau of Investigation's Disciplinary System" (available at <https://oig.justice.gov/reports/FBI/e0902/final.pdf>), the Justice Department's Office of the Inspector General described the FBI's use of the Case Management System as follows: "The FBI implemented the Case Management System to track allegations, investigations, adjudications, and appeals in a database in November 2004. One section of the Case Management System tracks precedent decisions for each offense." (p. 28)

Expedite

Expedite Reason

FOIA provides for expedited processing where a requestor “demonstrates a compelling need.” 5 U.S.C. Â§ 552(a)(6)(E)(i). It defines “compelling need” to include situations where a “request [is] made by a person primarily engaged in disseminating information” and there exists an “urgency to inform the public concerning actual or alleged Federal Government activity.” Id. Â§ 552(a)(6)(E)(v).

Lawfare is an organization primarily engaged in the dissemination of information. If FBI personnel are being disproportionately punished due to their political opinions, then this risks compromising a range of important law enforcement and national security investigations. There is an urgent need to inform the public whether these allegations are accurate so that they may encourage their political leaders to correct this behavior and avoid further compromising any ongoing investigations.

**

Please be advised that efoia@subscriptions.fbi.gov is a no-reply email address. Questions regarding your FOIA request may be directed to foipaquestions@fbi.gov. If you have received a FOIPA request number, please include this in all correspondence concerning your request. Please note eFOIPA requests are processed in the order that they are received. If you have not received a FOIPA request number, your request is in the process of being opened at which time it will be assigned a FOIPA request number and correspondence will be forthcoming.

**

Upon receipt of your FOIPA request number, you may check the status of your FOIPA request on the FBI’s electronic FOIA Library (The Vault) on the FBI’s public website, <http://vault.fbi.gov> by clicking on the “Check Status of Your FOI/PA Request” link. Status updates are performed on a weekly basis. If you receive a comment that your FOIPA request number was not located in the database, please check back at a later date.

Exhibit M

eFOIA Request Received

efoia@subscriptions.fbi.gov <efoia@subscriptions.fbi.gov>
To: scott.anderson@lawfareblog.com

Mon, Aug 19, 2019 at 12:21 PM

Organization Representative Information

| | |
|--------------------------|-------------------------------------------------------------|
| Organization Name | <input type="text" value="Lawfare"/> |
| Prefix | <input type="text"/> |
| First Name | <input type="text" value="Scott"/> |
| Middle Name | <input type="text"/> |
| Last Name | <input type="text" value="Anderson"/> |
| Suffix | <input type="text"/> |
| Email | <input type="text" value="scott.anderson@lawfareblog.com"/> |
| Phone | <input type="text"/> |
| Location | <input type="text" value="United States"/> |

Domestic Address

| | |
|-----------------------|---------------------------------------------|
| Address Line 1 | <input type="text" value="P.O. Box 33226"/> |
| Address Line 2 | <input type="text"/> |

City Washington

State District of Columbia

Postal 20033

Agreement to Pay

How you will pay I am requesting a fee waiver for my request and have reviewed the FOIA reference guide. If my fee waiver is denied, I am willing to pay additional fees and will enter that maximum amount in the box below.

Allow up to \$ 200

Proof Of Affiliation for Fee Waiver

Waiver Explanation

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. Â§ 552(a)(4)(A)(iii).

We are the editor-in-chief and senior editor for Lawfare, an online publication dedicated to informing public understanding on operations and activities of the government. Lawfare is published by The Lawfare Institute, a 501(c)(3) not-for-profit educational organization, and in cooperation with The Brookings Institution, a 501(c)(3) nonprofit public policy organization.

This request is submitted in connection with Lawfare's mission to publish information that is likely to contribute significantly to the public understanding of federal agency activities related to law and national security"specifically, the extent to which FBI personnel are facing inappropriate political pressures. A former senior FBI

official who was the subject of disciplinary action due to certain private communications recently accused the FBI and Justice Department of "treat[ing] [him] more harshly than they would have treated similar communications because the content of [his] communications was critical of President Trump." This request is intended to help determine whether this allegation is true and FBI personnel may be under inappropriate political pressures as a result.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, we are 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.* Lawfare is a "news media organization" that "gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience." *Nat'l Sec. Archive v. Dep't of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). We intend to give the public access to documents transmitted via FOIA on our website, <https://www.lawfareblog.com>, and to provide information about and analysis of those documents as appropriate.

Documentation Files

Non-Individual FOIA Request

Request Information

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, we hereby request that your office produce the following records within 20 business days:

1. Any records in the FBI's "Case Management System" for disciplinary measures,* or any successor system, indicating that an FBI employee was the subject of an oral reprimand, letter of censure, suspension, demotion, removal, or any other adverse or non-adverse action for

alleged misconduct relating to negative statements he or she had made about Willard Mitt Romney.

This request is for documents dating from November 20, 2011, to the present.

We are not requesting the names or any other personally identifiable information about the subjects of these notices and do not object if such information is redacted. We do not believe this request falls within the scope of any existing FOIA exemptions. See Department of the Air Force v. Rose, 425 U.S. 352 (1976).

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

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 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(a)(8)(A)(ii) & 552(b).

* In a May 2009 report entitled "Review of the Federal Bureau of Investigation's Disciplinary System" (available at <https://oig.justice.gov/reports/FBI/e0902/final.pdf>), the Justice Department's Office of the Inspector General described the FBI's use of the Case Management System as follows: "The FBI implemented the Case Management System to track allegations, investigations, adjudications, and appeals in a database in November 2004. One section of the Case Management System tracks precedent decisions for each offense." (p. 28)

Expedite

Expedite Reason

FOIA provides for expedited processing where a requestor "demonstrates a compelling need." 5 U.S.C. Â§ 552(a)(6)(E)(i). It defines "compelling need" to include situations where a "request [is] made by a person primarily engaged in disseminating information" and there exists an "urgency to inform the public concerning actual or alleged Federal Government activity." Id. Â§ 552(a)(6)(E)(v).

Lawfare is an organization primarily engaged in the dissemination of information. If FBI personnel are being disproportionately punished due to their political opinions, then this risks compromising a range of important law enforcement and national security investigations. There is an urgent need to inform the public whether these allegations are accurate so that they may encourage their political leaders to correct this behavior and avoid further compromising any ongoing investigations.

**

Please be advised that efoia@subscriptions.fbi.gov is a no-reply email address. Questions regarding your FOIA request may be directed to foipaquestions@fbi.gov. If you have received a FOIPA request number, please include this in all correspondence concerning your request. Please note eFOIPA requests are processed in the order that they are received. If you have not received a FOIPA request number, your request is in the process of being opened at which time it will be assigned a FOIPA request number and correspondence will be forthcoming.

**

Upon receipt of your FOIPA request number, you may check the status of your FOIPA request on the FBI's electronic FOIA Library (The Vault) on the FBI's public website, <http://vault.fbi.gov> by clicking on the "Check Status of Your FOIPA Request" link. Status updates are performed on a weekly basis. If you receive a comment that your FOIPA request number was not located in the database, please check back at a later date.

Exhibit N

eFOIA Request Received

efoia@subscriptions.fbi.gov <efoia@subscriptions.fbi.gov>
To: scott.anderson@lawfareblog.com

Mon, Aug 19, 2019 at 12:23 PM

Organization Representative Information

Organization Name

Prefix

First Name

Middle Name

Last Name

Suffix

Email

Phone

Location

Domestic Address

Address Line 1

Address Line 2

City Washington

State District of Columbia

Postal 20033

Agreement to Pay

How you will pay I am requesting a fee waiver for my request and have reviewed the FOIA reference guide. If my fee waiver is denied, I am willing to pay additional fees and will enter that maximum amount in the box below.

Allow up to \$ 200

Proof Of Affiliation for Fee Waiver

Waiver Explanation

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. Â§ 552(a)(4)(A)(iii).

We are the editor-in-chief and senior editor for Lawfare, an online publication dedicated to informing public understanding on operations and activities of the government. Lawfare is published by The Lawfare Institute, a 501(c)(3) not-for-profit educational organization, and in cooperation with The Brookings Institution, a 501(c)(3) nonprofit public policy organization.

This request is submitted in connection with Lawfare's mission to publish information that is likely to contribute significantly to the public understanding of federal agency activities related to law and national security"specifically, the extent to which FBI personnel are facing inappropriate political pressures. A former senior FBI

official who was the subject of disciplinary action due to certain private communications recently accused the FBI and Justice Department of "treat[ing] [him] more harshly than they would have treated similar communications because the content of [his] communications was critical of President Trump." This request is intended to help determine whether this allegation is true and FBI personnel may be under inappropriate political pressures as a result.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, we are entitled to a waiver of all fees except "reasonable standard charges for document duplication." 5 U.S.C. Â§ 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. Lawfare is a "news media organization[]" that "gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience." Nat'l Sec. Archive v. Dep't of Defense, 880 F.2d 1381, 1387 (D.C. Cir. 1989). We intend to give the public access to documents transmitted via FOIA on our website, <https://www.lawfareblog.com>, and to provide information about and analysis of those documents as appropriate.

Documentation Files

Non-Individual FOIA Request

Request Information

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. Â§ 552, we hereby request that your office produce the following records within 20 business days:

1. Any records in the FBI's "Case Management System" for disciplinary measures,* or any successor system, indicating that an FBI employee was the subject of an oral reprimand, letter of censure, suspension, demotion, removal, or any other adverse or non-adverse action for

alleged misconduct relating to positive statements he or she had made about Willard Mitt Romney.

This request is for documents dating from November 20, 2011, to the present.

We are not requesting the names or any other personally identifiable information about the subjects of these notices and do not object if such information is redacted. We do not believe this request falls within the scope of any existing FOIA exemptions. See *Department of the Air Force v. Rose*, 425 U.S. 352 (1976).

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

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 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(a)(8)(A)(ii) & 552(b).

* In a May 2009 report entitled "Review of the Federal Bureau of Investigation's Disciplinary System" (available at <https://oig.justice.gov/reports/FBI/e0902/final.pdf>), the Justice Department's Office of the Inspector General described the FBI's use of the Case Management System as follows: "The FBI implemented the Case Management System to track allegations, investigations, adjudications, and appeals in a database in November 2004. One section of the Case Management System tracks precedent decisions for each offense." (p. 28)

Expedite

Expedite Reason

FOIA provides for expedited processing where a requestor demonstrates a compelling need. 5 U.S.C. § 552(a)(6)(E)(i). It defines "compelling need" to include situations where a request [is] made by a person primarily engaged in disseminating information and there exists an urgency to inform the public concerning actual or alleged Federal Government activity. Id. § 552(a)(6)(E)(v).

Lawfare is an organization primarily engaged in the dissemination of information. If FBI personnel are being disproportionately punished due to their political opinions, then this risks compromising a range of important law enforcement and national security investigations. There is an urgent need to inform the public whether these allegations are accurate so that they may encourage their political leaders to correct this behavior and avoid further compromising any ongoing investigations.

**

Please be advised that efoia@subscriptions.fbi.gov is a no-reply email address. Questions regarding your FOIA request may be directed to foipaquestions@fbi.gov. If you have received a FOIPA request number, please include this in all correspondence concerning your request. Please note eFOIPA requests are processed in the order that they are received. If you have not received a FOIPA request number, your request is in the process of being opened at which time it will be assigned a FOIPA request number and correspondence will be forthcoming.

**

Upon receipt of your FOIPA request number, you may check the status of your FOIPA request on the FBI's electronic FOIA Library (The Vault) on the FBI's public website, <http://vault.fbi.gov> by clicking on the "Check Status of Your FOIPA Request" link. Status updates are performed on a weekly basis. If you receive a comment that your FOIPA request number was not located in the database, please check back at a later date.

Exhibit O

eFOIA Request Received

efoia@subscriptions.fbi.gov <efoia@subscriptions.fbi.gov>
To: scott.anderson@lawfareblog.com

Mon, Aug 19, 2019 at 12:39 PM

Organization Representative Information

Organization Name

Prefix

First Name

Middle Name

Last Name

Suffix

Email

Phone

Location

Domestic Address

Address Line 1

Address Line 2

City Washington

State District of Columbia

Postal 20033

Agreement to Pay

How you will pay I am requesting a fee waiver for my request and have reviewed the FOIA reference guide. If my fee waiver is denied, I am willing to pay additional fees and will enter that maximum amount in the box below.

Allow up to \$ 200

Proof Of Affiliation for Fee Waiver

Waiver Explanation

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. Â§ 552(a)(4)(A)(iii).

We are the editor-in-chief and senior editor for Lawfare, an online publication dedicated to informing public understanding on operations and activities of the government. Lawfare is published by The Lawfare Institute, a 501(c)(3) not-for-profit educational organization, and in cooperation with The Brookings Institution, a 501(c)(3) nonprofit public policy organization.

This request is submitted in connection with Lawfare's mission to publish information that is likely to contribute significantly to the public understanding of federal agency activities related to law and national security"specifically, the extent to which FBI personnel are facing inappropriate political pressures. A former senior FBI

official who was the subject of disciplinary action due to certain private communications recently accused the FBI and Justice Department of "treat[ing] [him] more harshly than they would have treated similar communications because the content of [his] communications was critical of President Trump." This request is intended to help determine whether this allegation is true and FBI personnel may be under inappropriate political pressures as a result.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, we are entitled to a waiver of all fees except "reasonable standard charges for document duplication." 5 U.S.C. Â§ 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. Lawfare is a "news media organization" that "gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience." Nat'l Sec. Archive v. Dep't of Defense, 880 F.2d 1381, 1387 (D.C. Cir. 1989). We intend to give the public access to documents transmitted via FOIA on our website, <https://www.lawfareblog.com>, and to provide information about and analysis of those documents as appropriate.

Documentation Files

Non-Individual FOIA Request

Request Information

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. Â§ 552, we hereby request that your office produce the following records within 20 business days:

1. Any records in the FBI's "Case Management System" for disciplinary measures,* or any successor system, indicating that an FBI employee was the subject of an oral reprimand, letter of censure, suspension, demotion, removal, or any other adverse or non-adverse action for

alleged misconduct relating to negative statements he or she had made about Hillary R. Clinton.

This request is for documents dating from November 20, 2011, to the present.

We are not requesting the names or any other personally identifiable information about the subjects of these notices and do not object if such information is redacted. We do not believe this request falls within the scope of any existing FOIA exemptions. See *Department of the Air Force v. Rose*, 425 U.S. 352 (1976).

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

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 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(a)(8)(A)(ii) & 552(b).

* In a May 2009 report entitled "Review of the Federal Bureau of Investigation's Disciplinary System" (available at <https://oig.justice.gov/reports/FBI/e0902/final.pdf>), the Justice Department's Office of the Inspector General described the FBI's use of the Case Management System as follows: "The FBI implemented the Case Management System to track allegations, investigations, adjudications, and appeals in a database in November 2004. One section of the Case Management System tracks precedent decisions for each offense." (p. 28)

Expedite

Expedite Reason

FOIA provides for expedited processing where a requestor "demonstrates a compelling need." 5 U.S.C. Â§ 552(a)(6)(E)(i). It defines "compelling need" to include situations where a "request [is] made by a person primarily engaged in disseminating information" and there exists an "urgency to inform the public concerning actual or alleged Federal Government activity." Id. Â§ 552(a)(6)(E)(v).

Lawfare is an organization primarily engaged in the dissemination of information. If FBI personnel are being disproportionately punished due to their political opinions, then this risks compromising a range of important law enforcement and national security investigations. There is an urgent need to inform the public whether these allegations are accurate so that they may encourage their political leaders to correct this behavior and avoid further compromising any ongoing investigations.

**

Please be advised that efoia@subscriptions.fbi.gov is a no-reply email address. Questions regarding your FOIA request may be directed to foipaquestions@fbi.gov. If you have received a FOIPA request number, please include this in all correspondence concerning your request. Please note eFOIPA requests are processed in the order that they are received. If you have not received a FOIPA request number, your request is in the process of being opened at which time it will be assigned a FOIPA request number and correspondence will be forthcoming.

**

Upon receipt of your FOIPA request number, you may check the status of your FOIPA request on the FBI's electronic FOIA Library (The Vault) on the FBI's public website, <http://vault.fbi.gov> by clicking on the "Check Status of Your FOI/PA Request" link. Status updates are performed on a weekly basis. If you receive a comment that your FOIPA request number was not located in the database, please check back at a later date.

Exhibit P

eFOIA Request Received

efoia@subscriptions.fbi.gov <efoia@subscriptions.fbi.gov>
To: scott.anderson@lawfareblog.com

Mon, Aug 19, 2019 at 12:55 PM

Organization Representative Information

Organization Name

Prefix

First Name

Middle Name

Last Name

Suffix

Email

Phone

Location

Domestic Address

Address Line 1

Address Line 2

City Washington

State District of Columbia

Postal 20033

Agreement to Pay

How you will pay I am requesting a fee waiver for my request and have reviewed the FOIA reference guide. If my fee waiver is denied, I am willing to pay additional fees and will enter that maximum amount in the box below.

Allow up to \$ 200

Proof Of Affiliation for Fee Waiver

Waiver Explanation

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. Â§ 552(a)(4)(A)(iii).

We are the editor-in-chief and senior editor for Lawfare, an online publication dedicated to informing public understanding on operations and activities of the government. Lawfare is published by The Lawfare Institute, a 501(c)(3) not-for-profit educational organization, and in cooperation with The Brookings Institution, a 501(c)(3) nonprofit public policy organization.

This request is submitted in connection with Lawfare's mission to publish information that is likely to contribute significantly to the public understanding of federal agency activities related to law and national security" specifically, the extent to which FBI personnel are facing inappropriate political pressures. A former senior FBI

official who was the subject of disciplinary action due to certain private communications recently accused the FBI and Justice Department of "treat[ing] [him] more harshly than they would have treated similar communications because the content of [his] communications was critical of President Trump." This request is intended to help determine whether this allegation is true and FBI personnel may be under inappropriate political pressures as a result.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, we are 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.* Lawfare is a "news media organization" that "gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience." *Nat'l Sec. Archive v. Dep't of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). We intend to give the public access to documents transmitted via FOIA on our website, <https://www.lawfareblog.com>, and to provide information about and analysis of those documents as appropriate.

Documentation Files

Non-Individual FOIA Request

Request Information

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, we hereby request that your office produce the following records within 20 business days:

1. Any records in the FBI's "Case Management System" for disciplinary measures,* or any successor system, indicating that an FBI employee was the subject of an oral reprimand, letter of censure, suspension, demotion, removal, or any other adverse or non-adverse action for

alleged misconduct relating to positive statements he or she had made about Hillary R. Clinton.

This request is for documents dating from November 20, 2011, to the present.

We are not requesting the names or any other personally identifiable information about the subjects of these notices and do not object if such information is redacted. We do not believe this request falls within the scope of any existing FOIA exemptions. See *Department of the Air Force v. Rose*, 425 U.S. 352 (1976).

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

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 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(a)(8)(A)(ii) & 552(b).

* In a May 2009 report entitled "Review of the Federal Bureau of Investigation's Disciplinary System" (available at <https://oig.justice.gov/reports/FBI/e0902/final.pdf>), the Justice Department's Office of the Inspector General described the FBI's use of the Case Management System as follows: "The FBI implemented the Case Management System to track allegations, investigations, adjudications, and appeals in a database in November 2004. One section of the Case Management System tracks precedent decisions for each offense." (p. 28)

Expedite

Expedite Reason

FOIA provides for expedited processing where a requestor "demonstrates a compelling need." 5 U.S.C. Â§ 552(a)(6)(E)(i). It defines "compelling need" to include situations where a "request [is] made by a person primarily engaged in disseminating information" and there exists an "urgency to inform the public concerning actual or alleged Federal Government activity." Id. Â§ 552(a)(6)(E)(v).

Lawfare is an organization primarily engaged in the dissemination of information. If FBI personnel are being disproportionately punished due to their political opinions, then this risks compromising a range of important law enforcement and national security investigations. There is an urgent need to inform the public whether these allegations are accurate so that they may encourage their political leaders to correct this behavior and avoid further compromising any ongoing investigations.

**

Please be advised that efoia@subscriptions.fbi.gov is a no-reply email address. Questions regarding your FOIA request may be directed to foipaquestions@fbi.gov. If you have received a FOIPA request number, please include this in all correspondence concerning your request. Please note eFOIPA requests are processed in the order that they are received. If you have not received a FOIPA request number, your request is in the process of being opened at which time it will be assigned a FOIPA request number and correspondence will be forthcoming.

**

Upon receipt of your FOIPA request number, you may check the status of your FOIPA request on the FBI's™ electronic FOIA Library (The Vault) on the FBI's™ public website, <http://vault.fbi.gov> by clicking on the "Check Status of Your FOI/PA Request"™ link. Status updates are performed on a weekly basis. If you receive a comment that your FOIPA request number was not located in the database, please check back at a later date.

Exhibit Q

eFOIA Request Received

efoia@subscriptions.fbi.gov <efoia@subscriptions.fbi.gov>
To: scott.anderson@lawfareblog.com

Mon, Aug 19, 2019 at 12:57 PM

Organization Representative Information

Organization Name

Prefix

First Name

Middle Name

Last Name

Suffix

Email

Phone

Location

Domestic Address

Address Line 1

Address Line 2

City Washington

State District of Columbia

Postal 20033

Agreement to Pay

How you will pay I am requesting a fee waiver for my request and have reviewed the FOIA reference guide. If my fee waiver is denied, I am willing to pay additional fees and will enter that maximum amount in the box below.

Allow up to \$ 200

Proof Of Affiliation for Fee Waiver

Waiver Explanation

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. Â§ 552(a)(4)(A)(iii).

We are the editor-in-chief and senior editor for Lawfare, an online publication dedicated to informing public understanding on operations and activities of the government. Lawfare is published by The Lawfare Institute, a 501(c)(3) not-for-profit educational organization, and in cooperation with The Brookings Institution, a 501(c)(3) nonprofit public policy organization.

This request is submitted in connection with Lawfare's mission to publish information that is likely to contribute significantly to the public understanding of federal agency activities related to law and national security"specifically, the extent to which FBI personnel are facing inappropriate political pressures. A former senior FBI

official who was the subject of disciplinary action due to certain private communications recently accused the FBI and Justice Department of "treat[ing] [him] more harshly than they would have treated similar communications because the content of [his] communications was critical of President Trump." This request is intended to help determine whether this allegation is true and FBI personnel may be under inappropriate political pressures as a result.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, we are entitled to a waiver of all fees except "reasonable standard charges for document duplication." 5 U.S.C. Â§ 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. Lawfare is a "news media organization" that "gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience." Nat'l Sec. Archive v. Dep't of Defense, 880 F.2d 1381, 1387 (D.C. Cir. 1989). We intend to give the public access to documents transmitted via FOIA on our website, <https://www.lawfareblog.com>, and to provide information about and analysis of those documents as appropriate.

Documentation Files

Non-Individual FOIA Request

Request Information

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. Â§ 552, we hereby request that your office produce the following records within 20 business days:

- Any records in the FBI's "Case Management System" for disciplinary measures,* or any successor system, indicating that an FBI employee was the subject of an oral reprimand, letter of censure, suspension, demotion, removal, or any other adverse or non-adverse action for

alleged misconduct relating to negative statements he or she had made about Donald J. Trump.

This request is for documents dating from November 20, 2011, to the present.

We are not requesting the names or any other personally identifiable information about the subjects of these notices and do not object if such information is redacted. We do not believe this request falls within the scope of any existing FOIA exemptions. See *Department of the Air Force v. Rose*, 425 U.S. 352 (1976).

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

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 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(a)(8)(A)(ii) & 552(b).

* In a May 2009 report entitled "Review of the Federal Bureau of Investigation's Disciplinary System" (available at <https://oig.justice.gov/reports/FBI/e0902/final.pdf>), the Justice Department's Office of the Inspector General described the FBI's use of the Case Management System as follows: "The FBI implemented the Case Management System to track allegations, investigations, adjudications, and appeals in a database in November 2004. One section of the Case Management System tracks precedent decisions for each offense." (p. 28)

Expedite

Expedite Reason

FOIA provides for expedited processing where a requestor "demonstrates a compelling need." 5 U.S.C. Â§ 552(a)(6)(E)(i). It defines "compelling need" to include situations where a "request [is] made by a person primarily engaged in disseminating information" and there exists an "urgency to inform the public concerning actual or alleged Federal Government activity." Id. Â§ 552(a)(6)(E)(v).

Lawfare is an organization primarily engaged in the dissemination of information. If FBI personnel are being disproportionately punished due to their political opinions, then this risks compromising a range of important law enforcement and national security investigations. There is an urgent need to inform the public whether these allegations are accurate so that they may encourage their political leaders to correct this behavior and avoid further compromising any ongoing investigations.

**

Please be advised that efoia@subscriptions.fbi.gov is a no-reply email address. Questions regarding your FOIA request may be directed to foipaquestions@fbi.gov. If you have received a FOIPA request number, please include this in all correspondence concerning your request. Please note eFOIPA requests are processed in the order that they are received. If you have not received a FOIPA request number, your request is in the process of being opened at which time it will be assigned a FOIPA request number and correspondence will be forthcoming.

**

Upon receipt of your FOIPA request number, you may check the status of your FOIPA request on the FBI's electronic FOIA Library (The Vault) on the FBI's public website, <http://vault.fbi.gov> by clicking on the "Check Status of Your FOIPA Request" link. Status updates are performed on a weekly basis. If you receive a comment that your FOIPA request number was not located in the database, please check back at a later date.

Exhibit R

eFOIA Request Received

efoia@subscriptions.fbi.gov <efoia@subscriptions.fbi.gov>
To: scott.anderson@lawfareblog.com

Mon, Aug 19, 2019 at 1:07 PM

Organization Representative Information

Organization Name

Prefix

First Name

Middle Name

Last Name

Suffix

Email

Phone

Location

Domestic Address

Address Line 1

Address Line 2

City Washington

State District of Columbia

Postal 20033

Agreement to Pay

How you will pay I am requesting a fee waiver for my request and have reviewed the FOIA reference guide. If my fee waiver is denied, I am willing to pay additional fees and will enter that maximum amount in the box below.

Allow up to \$ 200

Proof Of Affiliation for Fee Waiver

Waiver Explanation 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. Â§ 552(a)(4)(A)(iii).

We are the editor-in-chief and senior editor for Lawfare, an online publication dedicated to informing public understanding on operations and activities of the government. Lawfare is published by The Lawfare Institute, a 501(c)(3) not-for-profit educational organization, and in cooperation with The Brookings Institution, a 501(c)(3) nonprofit public policy organization. This request is submitted in connection with Lawfare's mission to publish information that is likely to contribute significantly to the public understanding of federal agency activities related to law and national security"specifically, the extent to which FBI personnel are facing inappropriate political pressures. A former senior FBI

official who was the subject of disciplinary action due to certain private communications recently accused the FBI and Justice Department of "treat[ing] [him] more harshly than they would have treated similar communications because the content of [his] communications was critical of President Trump." This request is intended to help determine whether this allegation is true and FBI personnel may be under inappropriate political pressures as a result.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, we are entitled to a waiver of all fees except "reasonable standard charges for document duplication." 5 U.S.C. Â§ 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. Lawfare is a "news media organization" that "gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience." Nat'l Sec. Archive v. Dep't of Defense, 880 F.2d 1381, 1387 (D.C. Cir. 1989). We intend to give the public access to documents transmitted via FOIA on our website, <https://www.lawfareblog.com>, and to provide information about and analysis of those documents as appropriate.

Documentation Files

Non-Individual FOIA Request

Request Information

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. Â§ 552, we hereby request that your office produce the following records within 20 business days:

1. Any records in the FBI's "Case Management System" for disciplinary measures,* or any successor system, indicating that an FBI employee was the subject of an oral reprimand, letter of censure, suspension, demotion, removal, or any other adverse or non-adverse action for

alleged misconduct relating to positive statements he or she had made about Donald J. Trump.

This request is for documents dating from November 20, 2011, to the present.

We are not requesting the names or any other personally identifiable information about the subjects of these notices and do not object if such information is redacted. We do not believe this request falls within the scope of any existing FOIA exemptions. See *Department of the Air Force v. Rose*, 425 U.S. 352 (1976).

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

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 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(a)(8)(A)(ii) & 552(b).

* In a May 2009 report entitled "Review of the Federal Bureau of Investigation's Disciplinary System" (available at <https://oig.justice.gov/reports/FBI/e0902/final.pdf>), the Justice Department's Office of the Inspector General described the FBI's use of the Case Management System as follows: "The FBI implemented the Case Management System to track allegations, investigations, adjudications, and appeals in a database in November 2004. One section of the Case Management System tracks precedent decisions for each offense." (p. 28)

Expedite

Expedite Reason

FOIA provides for expedited processing where a requestor "demonstrates a compelling need." 5 U.S.C. Â§ 552(a)(6)(E)(i). It defines "compelling need" to include situations where a "request [is] made by a person primarily engaged in disseminating information" and there exists an "urgency to inform the public concerning actual or alleged Federal Government activity." Id. Â§ 552(a)(6)(E)(v).

Lawfare is an organization primarily engaged in the dissemination of information. If FBI personnel are being disproportionately punished due to their political opinions, then this risks compromising a range of important law enforcement and national security investigations. There is an urgent need to inform the public whether these allegations are accurate so that they may encourage their political leaders to correct this behavior and avoid further compromising any ongoing investigations.

**

Please be advised that efoia@subscriptions.fbi.gov is a no-reply email address. Questions regarding your FOIA request may be directed to foipaquestions@fbi.gov. If you have received a FOIPA request number, please include this in all correspondence concerning your request. Please note eFOIPA requests are processed in the order that they are received. If you have not received a FOIPA request number, your request is in the process of being opened at which time it will be assigned a FOIPA request number and correspondence will be forthcoming.

**

Upon receipt of your FOIPA request number, you may check the status of your FOIPA request on the FBI's electronic FOIA Library (The Vault) on the FBI's public website, <http://vault.fbi.gov> by clicking on the "Check Status of Your FOIPA Request" link. Status updates are performed on a weekly basis. If you receive a comment that your FOIPA request number was not located in the database, please check back at a later date.

Exhibit S



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

August 28, 2019

MR. SCOTT ANDERSON
LAWFARE
POST OFFICE BOX 33226
WASHINGTON, DC 20033

FOIPA Request No.: 1445323-000
Subject: FBI Employees Reprimanded for
Negative/Positive Statements about Elected
Candidates
(November 20, 2011 – August 26, 2019)

Dear Mr. Anderson:

This acknowledges receipt of your Freedom of Information/Privacy Acts (FOIPA) request to the FBI. Below you will find check boxes and informational paragraphs about your request, as well as specific determinations required by these statutes. Please read each one carefully.

- Your request has been received at FBI Headquarters for processing.
- You submitted your request via the FBI's eFOIPA system.
- We have reviewed your request and determined it is consistent with the FBI eFOIPA terms of service. Future correspondence about your FOIPA request will be provided in an email link unless the record's file type is not supported by the eFOIPA system.
- We have reviewed your request and determined it is not consistent with the FBI eFOIPA terms of service. Future correspondence about your FOIPA request will be sent through standard mail.
- The subject of your request is currently being processed and documents will be released to you upon completion.
- Release of responsive records will be posted to the FBI's electronic FOIA Library (The Vault), <http://vault.fbi.gov>, and you will be contacted when the release is posted.
- Your request for a public interest fee waiver is under consideration and you will be advised of the decision if fees are applicable. If your fee waiver is not granted, you will be responsible for applicable fees per your designated requester fee category below.
- For the purpose of assessing any fees, we have determined:
 - As a commercial use requester, you will be charged applicable search, review, and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(I).
 - As an educational institution, noncommercial scientific institution or representative of the news media requester, you will be charged applicable duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(II).
 - As a general (all others) requester, you will be charged applicable search and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(III).

Please check the status of your FOIPA request at www.fbi.gov/foia by clicking on **FOIPA Status** and entering your FOIPA Request Number. Status updates are adjusted weekly. The status of newly assigned requests may not be available until the next weekly update. If the FOIPA has been closed the notice will indicate that appropriate correspondence has been mailed to the address on file.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIA online portal by creating an account on the following web site: <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely,



David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Information Management Division

Exhibit T



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

August 28, 2019

MR. SCOTT ANDERSON
LAWFARE
POST OFFICE BOX 33226
WASHINGTON, DC 20033

FOIPA Request No.: 1445323-000
Subject: FBI Employees Reprimanded for
Negative/Positive Statements about Elected
Candidates
(November 20, 2011 – August 26, 2019)

Dear Mr. Anderson:

This is in reference to your letter to the FBI, in which you requested expedited processing for the above-referenced Freedom of Information/Privacy Acts (FOIPA) request. Under Department of Justice (DOJ) standards, expedited processing can only be granted in the following situations.

You have requested expedited processing according to:

- 28 C.F.R. §16.5 (e)(1)(i):** "Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual."
- 28 C.F.R. §16.5 (e)(1)(ii):** "An urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information."
- 28 C.F.R. §16.5 (e)(1)(iii):** "The loss of substantial due process of rights."
- 28 C.F.R. §16.5 (e)(1)(iv):** "A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence."

You have not provided enough information concerning the statutory requirements for expedition; therefore, your request is denied.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIA online portal by creating an account on the following web site: <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hardy", with a stylized flourish at the end.

David M. Hardy
Section Chief
Record/Information
Dissemination Section
Information Management Division

Exhibit U

eFOIPA Request System

Welcome to the FBI's eFOIPA submission portal. This site is designed to make it easier for the public to submit Freedom of Information and Privacy Act (FOIPA) requests to the FBI.

Requesters that use this system to submit their eFOIPA requests will be able to receive future correspondence and releases electronically from the FBI.

| |
|--------------------------------------|
| eFOIPA files |
| Submission: 07396d0 (2 files) |
| Submission: 9891a48 (3 files) |

| Submitted Forms |
|-------------------------|
| 04/04/2019(ID: 9891a48) |
| 08/14/2019(ID: 872ffce) |
| 08/14/2019(ID: a864b0b) |
| 08/19/2019(ID: f1bee79) |
| 08/19/2019(ID: 2e7b61c) |
| 08/19/2019(ID: 51df75b) |
| 08/19/2019(ID: 25ebe7b) |
| 08/19/2019(ID: b82bfbb) |
| 08/19/2019(ID: 8e6a33b) |
| 08/19/2019(ID: b27bb00) |
| 08/19/2019(ID: 68b08c9) |
| 08/19/2019(ID: 07396d0) |
| 08/19/2019(ID: 5099f8f) |
| 08/19/2019(ID: a6dadfd) |

Submitted Forms

08/19/2019(ID: 3eed912)

08/19/2019(ID: d54a59f)

08/19/2019(ID: 6f6564f)

08/19/2019(ID: e991399)

08/19/2019(ID: 9a866e6)

08/19/2019(ID: 4039bd4)

08/19/2019(ID: e729fce)

New eFOIPA Submission

I am making this request on behalf of:

Myself →

An Organization →

Logout
(<https://efoia.fbi.gov/logout>)

CIVIL COVER SHEET

JS-44 (Rev. 6/17 DC)

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>I. (a) PLAINTIFFS</p> <p>Benjamin Wittes and Scott R. Anderson</p> <p>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>11001</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)</p> <p>Robert S. Litt, Morrison & Foerster LLP 2000 Pennsylvania Avenue, NW Suite 6000 Washington, DC 20006 (202) 887-1588</p> | <p>DEFENDANTS</p> <p>U.S. Federal Bureau of Investigation</p> <p>COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____ (IN U.S. PLAINTIFF CASES ONLY)</p> <p><small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small></p> <p>ATTORNEYS (IF KNOWN)</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| | | | | | | | | | | | | | | | | | | | | | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|---------------------------------------------------------------|-------------------------|-------------------------|------------|------------|-----------------------|-------------------------|-------------------------|-----------------------------------------------------------|-------------------------|-------------------------|--------------------------|-------------------------|-------------------------|---------------------------------------------------------------|-------------------------|-------------------------|-----------------------------------------|-------------------------|-------------------------|----------------|-------------------------|-------------------------|
| <p>II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)</p> <p><input type="radio"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="radio"/> 2 U.S. Government Defendant</p> <p><input type="radio"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)</p> | <p>III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) FOR DIVERSITY CASES ONLY!</p> <table style="width:100%; border: none;"> <tr> <td></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DFT</td> <td></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DFT</td> </tr> <tr> <td>Citizen of this State</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="radio"/> 4</td> <td style="text-align: center;"><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="radio"/> 5</td> <td style="text-align: center;"><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="radio"/> 6</td> <td style="text-align: center;"><input type="radio"/> 6</td> </tr> </table> | | PTF | DFT | | PTF | DFT | Citizen of this State | <input type="radio"/> 1 | <input type="radio"/> 1 | Incorporated or Principal Place of Business in This State | <input type="radio"/> 4 | <input type="radio"/> 4 | Citizen of Another State | <input type="radio"/> 2 | <input type="radio"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="radio"/> 5 | <input type="radio"/> 5 | Citizen or Subject of a Foreign Country | <input type="radio"/> 3 | <input type="radio"/> 3 | Foreign Nation | <input type="radio"/> 6 | <input type="radio"/> 6 |
| | PTF | DFT | | PTF | DFT | | | | | | | | | | | | | | | | | | | | |
| Citizen of this State | <input type="radio"/> 1 | <input type="radio"/> 1 | Incorporated or Principal Place of Business in This State | <input type="radio"/> 4 | <input type="radio"/> 4 | | | | | | | | | | | | | | | | | | | | |
| Citizen of Another State | <input type="radio"/> 2 | <input type="radio"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="radio"/> 5 | <input type="radio"/> 5 | | | | | | | | | | | | | | | | | | | | |
| Citizen or Subject of a Foreign Country | <input type="radio"/> 3 | <input type="radio"/> 3 | Foreign Nation | <input type="radio"/> 6 | <input type="radio"/> 6 | | | | | | | | | | | | | | | | | | | | |

IV. CASE ASSIGNMENT AND NATURE OF SUIT
 (Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

| | | | |
|------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><input type="radio"/> A. Antitrust</p> <p><input type="checkbox"/> 410 Antitrust</p> | <p><input type="radio"/> B. Personal Injury/Malpractice</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Medical Malpractice</p> <p><input type="checkbox"/> 365 Product Liability</p> <p><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Product Liability</p> | <p><input type="radio"/> C. Administrative Agency Review</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><u>Social Security</u></p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p><u>Other Statutes</u></p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)</p> | <p><input type="radio"/> D. Temporary Restraining Order/Preliminary Injunction</p> <p>Any nature of suit from any category may be selected for this category of case assignment.</p> <p>*(If Antitrust, then A governs)*</p> |
|------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><input type="radio"/> E. General Civil (Other)</p> <p><u>Real Property</u></p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent, Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p> <p><u>Personal Property</u></p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p> | <p style="text-align: center;">OR</p> <p><input type="radio"/> F. Pro Se General Civil</p> <p><u>Bankruptcy</u></p> <p><input type="checkbox"/> 422 Appeal 27 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p><u>Prisoner Petitions</u></p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input type="checkbox"/> 540 Mandamus & Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Conditions</p> <p><input type="checkbox"/> 560 Civil Detainee – Conditions of Confinement</p> <p><u>Property Rights</u></p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 835 Patent – Abbreviated New Drug Application</p> <p><input type="checkbox"/> 840 Trademark</p> |
| <p><u>Federal Tax Suits</u></p> <p><input type="checkbox"/> 870 Taxes (US plaintiff or defendant)</p> <p><input type="checkbox"/> 871 IRS-Third Party 26 USC 7609</p> <p><u>Forfeiture/Penalty</u></p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 690 Other</p> <p><u>Other Statutes</u></p> <p><input type="checkbox"/> 375 False Claims Act</p> <p><input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 430 Banks & Banking</p> <p><input type="checkbox"/> 450 Commerce/ICC Rates/etc.</p> <p><input type="checkbox"/> 460 Deportation</p> | <p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p> <p><input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organization</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Satellite TV</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 896 Arbitration</p> <p><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p> <p><input type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)</p> |

| | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="radio"/> G. Habeas Corpus/ 2255 <input type="checkbox"/> 530 Habeas Corpus – General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee | <input type="radio"/> H. Employment Discrimination <input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) *(If pro se, select this deck)* | <input type="radio"/> I. FOIA/Privacy Act <input checked="" type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)* | <input type="radio"/> J. Student Loan <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans) |
| <input type="radio"/> K. Labor/ERISA (non-employment) <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act | <input type="radio"/> L. Other Civil Rights (non-employment) <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Americans w/Disabilities – Employment <input type="checkbox"/> 446 Americans w/Disabilities – Other <input type="checkbox"/> 448 Education | <input type="radio"/> M. Contract <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran’s Benefits <input type="checkbox"/> 160 Stockholder’s Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | <input type="radio"/> N. Three-Judge Court <input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act) |

V. ORIGIN
 1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multi-district Litigation
 7 Appeal to District Judge from Mag. Judge
 8 Multi-district Litigation – Direct File

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)
 5 USC § 552 (FOIA violations: failure to respond within statutorily prescribed time limit; unlawfully withholding records)

| | | | |
|-------------------------------------|----------------------------------------------------------------------------|---------------------------------------------------------------------|----------------------------------------------------------------------------------|
| VII. REQUESTED IN COMPLAINT | CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 <input type="checkbox"/> | DEMAND \$ _____ | JURY DEMAND: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
| VIII. RELATED CASE(S) IF ANY | (See instruction) | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | If yes, please complete related case form |

| | |
|------------------|-----------------------------------------------------|
| DATE: 12/18/2019 | SIGNATURE OF ATTORNEY OF RECORD: /s/ Robert S. Litt |
|------------------|-----------------------------------------------------|

INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

- I.** COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III.** CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV.** CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI.** CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII.** RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk’s Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

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

| | | |
|------------------|---|--|
| _____ |) | |
| <i>Plaintiff</i> |) | |
| |) | |
| v. |) | |
| |) | |
| _____ |) | |
| <i>Defendant</i> |) | |

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify):* _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

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

_____)
 Plaintiff)
)
 v.) Civil Action No.
)
_____)
 Defendant)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

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

_____)
 Plaintiff)
)
 v.) Civil Action No.
)
_____)
 Defendant)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify):* _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: