



January 31, 2018

**VIA ONLINE PORTAL & ELECTRONIC MAIL**

Laurie Day  
Chief, Initial Request Staff  
Office of Information Policy  
U.S. Department of Justice  
1425 New York Avenue NW, Suite 11050  
Washington, DC 20530-0001  
Via FOIAOnline

Karen McFadden  
FOIA Contact  
Justice Management Division  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Room 1111 RFK  
Washington, DC 20530-0001  
JMDFOIA@usdoj.gov

**Re: Freedom of Information Act Request**

Dear Ms. Day and Ms. McFadden:

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

In response to FOIA requests regarding Attorney General Jeff Sessions's decision to recuse himself from any existing or future investigations into the 2016 presidential election, DOJ has released a series of calendar entries, one internal email reflecting Attorney General Sessions's final decision to recuse himself, and one press release.<sup>1</sup> Attorney General Sessions's recusal was a precipitating factor in Robert Mueller's appointment as Special Counsel to investigate Russian interference into the 2016 presidential election.<sup>2</sup> News media is now reporting that DOJ released to Special Counsel Mueller's team internal emails related to Attorney General Sessions's decision to recuse himself.<sup>3</sup> In light of DOJ's seemingly inadequate searches and incomplete previous FOIA

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<sup>1</sup> FOIA Response Letter from Vanessa R. Brinkman, Senior Counsel, Office of Info. Policy, U.S. Dep't of Justice, to Austin R. Evers, Exec. Dir., Am. Oversight (Aug. 11, 2017), <https://www.americanoversight.org/document/doj-internal-communications-regarding-ag-sessions-recusal>; FOIA Response Letter from Vanessa R. Brinkman, Senior Counsel, Office of Info. Policy, U.S. Dep't of Justice, to Anne Weisman, Chief FOIA Counsel, CREW (July 7, 2017), <https://s3.amazonaws.com/storage.citizensforethics.org/wp-content/uploads/2017/07/25140709/DOJ-Production-7-7-17.pdf>.

<sup>2</sup> See Rebecca R. Ruiz & Mark Landler, *Robert Mueller, Former F.B.I. Director, Is Named Special Counsel for Russia Investigation*, N.Y. TIMES, May 17, 2017, <https://www.nytimes.com/2017/05/17/us/politics/robert-mueller-special-counsel-russia-investigation.html>.

<sup>3</sup> Mike Levine, *DOJ Gives Special Counsel Internal Docs on Proposed Sessions Resignation, Source Says*, ABC NEWS (Jan. 31, 2018, 6:44 AM), <http://abcnews.go.com/US/doj-special-counsel-internal-docs-sessions-resignation/story?id=52721241>.



responses, American Oversight once again seeks records related to Attorney General Sessions's recusal.

### Requested Records

American Oversight requests that the Office of the Attorney General, the Office of the Deputy Attorney General, the Special Counsel's Office, and the Justice Management Division produce the following within twenty business days:

1. All records containing or reflecting advice or analysis of the issue of Attorney General Sessions's recusal from "any existing or future investigations of any matters related in any way to the campaigns for President of the United States," including but not limited to memoranda, emails, talking points, notes, or any other materials prepared by the Departmental Ethics Office or the Professional Responsibility Advisory Office and provided to Attorney General Sessions or his staff or otherwise presented, made available to the Attorney General or his staff, or used in meetings with the Attorney General or his staff.
2. All records containing or reflecting advice or analysis of the issue of Attorney General Sessions's recusal from "any existing or future investigations of any matters related in any way to the campaigns for President of the United States," including but not limited to memoranda, emails, talking points, notes, or any other materials prepared by the Attorney General's staff or senior Department officials and provided to Attorney General Sessions or his staff or otherwise presented, made available to the Attorney General or his staff, or used in meetings with the Attorney General or his staff.
3. A copy of all records provided to Special Counsel Robert Mueller's investigation team regarding or related to Attorney General Sessions's decision to recuse himself from "any existing or future investigations of any matters related in any way to the campaigns for President of the United States."

For Items 1 and 2, please provide all responsive records from February 8, 2017, through March 2, 2017.

In addition to the records requested above, American Oversight also requests records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched and any tracking sheets used to track the processing of this request. If DOJ 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.

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the terms "record," "document," and "information" in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes,

videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions. Our request includes any attachments to these records. **No category of material should be omitted from search, collection, and production.**

Please search all records regarding agency business. **You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts.** Records of official business conducted using unofficial systems or stored outside of official files is subject to the Federal Records Act and FOIA.<sup>4</sup> **It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; American Oversight has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, through negligence or willfulness, failed to meet their obligations.**<sup>5</sup>

In addition, please note that in conducting a “reasonable search” as required by law, you must employ the most up-to-date technologies and tools available, in addition to searches by individual custodians likely to have responsive information. Recent technology may have rendered DOJ’s prior FOIA practices unreasonable. **In light of the government-wide requirements to manage information electronically by the end of 2016, it is no longer reasonable to rely exclusively on custodian-driven searches.**<sup>6</sup> **Furthermore, agencies that have adopted the National Archives and Records Agency (NARA) Capstone program, or similar policies, now maintain emails in a form that is reasonably likely to be more complete than individual custodians’ files.** For example, a custodian may have deleted a responsive email from his or her email program, but DOJ’s archiving tools would capture that email under Capstone. Accordingly, American Oversight insists that DOJ use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. American Oversight is available to work with you to craft appropriate search terms. **However, custodian searches are still**

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<sup>4</sup> See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149–50 (D.C. Cir. 2016); cf. *Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955–56 (D.C. Cir. 2016).

<sup>5</sup> See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016) (“The Government argues that because the agency had a policy requiring [the official] to forward all of his emails from his [personal] account to his business email, the [personal] account only contains duplicate agency records at best. Therefore, the Government claims that any hypothetical deletion of the [personal account] emails would still leave a copy of those records intact in [the official’s] work email. However, policies are rarely followed to perfection by anyone. At this stage of the case, the Court cannot assume that each and every work-related email in the [personal] account was duplicated in [the official’s] work email account.” (citations omitted)).

<sup>6</sup> Presidential Memorandum—Managing Government Records, 76 Fed. Reg. 75,423 (Nov. 28, 2011), <https://obamawhitehouse.archives.gov/the-press-office/2011/11/28/presidential-memorandum-managing-government-records>; Office of Mgmt. & Budget, Exec. Office of the President, Memorandum for the Heads of Executive Departments & Independent Agencies, “Managing Government Records Directive,” M-12-18 (Aug. 24, 2012), <https://www.archives.gov/files/records-mgmt/m-12-18.pdf>.

**required; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

Under the FOIA Improvement Act of 2016, agencies must adopt a presumption of disclosure, withholding information “only if . . . disclosure would harm an interest protected by an exemption” or “disclosure is prohibited by law.”<sup>7</sup> If it is your position that any portion of the requested records is exempt from disclosure, American Oversight requests that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). As you are aware, a *Vaughn* index must describe each document claimed as exempt with sufficient specificity “to permit a reasoned judgment as to whether the material is actually exempt under FOIA.”<sup>8</sup> Moreover, the *Vaughn* index “must describe *each* document or portion thereof withheld, and for *each* withholding it must discuss the consequences of disclosing the sought-after information.”<sup>9</sup> Further, “the withholding agency must supply ‘a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.’”<sup>10</sup>

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document.<sup>11</sup> Claims of nonsegregability must be made with the same degree of detail as required for claims of exemptions in a *Vaughn* index. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

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

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

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

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<sup>7</sup> FOIA Improvement Act of 2016 § 2 (Pub. L. No. 114-185).

<sup>8</sup> *Founding Church of Scientology v. Bell*, 603 F.2d 945, 949 (D.C. Cir. 1979).

<sup>9</sup> *King v. U.S. Dep’t of Justice*, 830 F.2d 210, 223–24 (D.C. Cir. 1987) (emphasis in original).

<sup>10</sup> *Id.* at 224 (citing *Mead Data Central, Inc. v. U.S. Dep’t of the Air Force*, 566 F.2d 242, 251 (D.C. Cir. 1977)).

<sup>11</sup> *Mead Data Central*, 566 F.2d at 261.

responsive records to American Oversight, please also provide responsive material on a rolling basis.

### **Fee Waiver Request**

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and 28 C.F.R. § 16.10(k), American Oversight requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of relevant government procedures by the general public in a significant way.<sup>12</sup> Moreover, the request is primarily and fundamentally for non-commercial purposes.<sup>13</sup>

American Oversight requests a waiver of fees because disclosure of the requested information is “in the public interest because it is likely to contribute significantly to public understanding of operations or activities of the government.”<sup>14</sup> The requested records are directly related to the work of the highest levels of leadership at DOJ. There is significant interest in the subject of these records, both from the American people at large as well as the U.S. Congress.<sup>15</sup> The requested records will help American Oversight and the general public understand whether and to what extent political considerations are influencing or outweighing legal principles as DOJ sets its investigative priorities. Moreover, the requested records will inform the public as to how DOJ and the Attorney General understand their ethical obligations. American Oversight is committed to transparency and makes the responses agencies provide to FOIA requests publicly available. As noted, the subject of this request is a matter of public interest, and the public’s understanding of the government’s activities would be enhanced through American Oversight’s analysis and publication of these records.

This request is primarily and fundamentally for non-commercial purposes.<sup>16</sup> As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight’s financial interest. American Oversight’s mission is to promote transparency in government, to educate the public about government

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<sup>12</sup> 28 C.F.R. § 16.10(k)(2).

<sup>13</sup> *Id.*

<sup>14</sup> 28 C.F.R. § 16.10(k)(2)(i), (ii)(A)–(B).

<sup>15</sup> See Mark Landler & Eric Lichtblau, *Jeff Sessions Recuses Himself from Russia Inquiry*, N.Y. TIMES, Mar. 2, 2017, <https://www.nytimes.com/2017/03/02/us/politics/jeff-sessions-russia-trump-investigation-democrats.html>; see also Associated Press, *Trump Tried to Stop Sessions Recusing Himself from Russia Inquiry, Sources Say*, THE GUARDIAN (Jan. 4, 2018, 9:59 PM), <https://www.theguardian.com/us-news/2018/jan/04/donald-trump-jeff-sessions-russia-inquiry-urge-not-recuse>; Levine, *supra* note 3; Pamy Levy, *A Timeline of Jeff Sessions’ Recusal Violations*, MOTHERJONES (Jan. 31, 2018, 3:09 PM), <https://www.motherjones.com/politics/2018/01/a-timeline-of-jeff-sessions-recusal-violations/>; Matthew Rozsa, *Mueller Wants to Know if Trump Pressured Jeff Sessions for Recusing Himself*, SALON (Jan. 31, 2018, 9:38 AM), <https://www.salon.com/2018/01/31/mueller-wants-to-know-if-trump-pressured-jeff-sessions-for-recusing-himself/>.

<sup>16</sup> 28 C.F.R. § 16.10(k)(iii)(A)–(B).

activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>17</sup> American Oversight has demonstrated its commitment to the public disclosure of documents and creation of editorial content. For example, after receiving records regarding an ethics waiver received by a senior DOJ attorney,<sup>18</sup> American Oversight promptly posted the records to its website and published an analysis of what the records reflected about DOJ's process for ethics waivers.<sup>19</sup> As another example, American Oversight has a project called "Audit the Wall," where the organization is gathering and analyzing information and commenting on public releases of information related to the administration's proposed construction of a barrier along the U.S.-Mexico border.<sup>20</sup>

Accordingly, American Oversight qualifies for a fee waiver.

### **Expedited Processing**

Pursuant to 5 U.S.C. § 552(a)(6)(E)(1) and 28 C.F.R. § 16.5(b), e(1)(iv) American Oversight requests that the Department of Justice expedite the processing of this request because the matter is of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence.<sup>21</sup>

I certify to be true and correct that Attorney General Sessions's recusal and DOJ's cooperation with the Special Counsel investigation are of widespread and exceptional media interest raising possible questions of the government's integrity, which affect public confidence. Attorney General Sessions's recusal receives regular news coverage,<sup>22</sup> as does DOJ's cooperation with the Special

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<sup>17</sup> American Oversight currently has approximately 11,800 page likes on Facebook, and 39,200 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited Jan. 31, 2018); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited Jan. 31, 2018).

<sup>18</sup> *DOJ Civil Division Response Noel Francisco Compliance*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>.

<sup>19</sup> *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

<sup>20</sup> *Audit the Wall*, AMERICAN OVERSIGHT, [www.auditthewall.org](http://www.auditthewall.org).

<sup>21</sup> 28 C.F.R. § 16.5(e)(1)(iv).

<sup>22</sup> Matthew Rozsa, *Mueller Wants to Know if Trump Pressured Jeff Sessions for Recusing Himself*, SALON, Jan. 31, 2018, <https://www.salon.com/2018/01/31/mueller-wants-to-know-if-trump-pressured-jeff-sessions-for-recusing-himself/>; Michael S. Schmidt, *Obstruction Inquiry Shows Trump's Struggle to Keep Grip on Russia Investigation*, N.Y. TIMES, Jan. 4, 2018, <https://www.nytimes.com/2018/01/04/us/politics/trump-sessions-russia-mcghahn.html>; *Trump's Directive on Recusal Adds to Obstruction Questions*, ASSOCIATED PRESS, Jan. 6, 2018, <https://www.apnews.com/6c8d40bd62e742e5b7a21c8fb4c187cf>; Abby Phillip & Sari Horowitz,

Counsel investigation.<sup>23</sup> At the heart of both of those series of news stories are questions of government integrity that affect public confidence: Is the Attorney General complying with his refusal to ensure an independent investigation into possible foreign tampering with the 2016 presidential election?<sup>24</sup> Is the DOJ cooperating with or undermining the Special Counsel

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*Trump Blasts AG Sessions for Recusing Himself from the Russia Probe*, WASH. POST, Jul. 19, 2017, [https://www.washingtonpost.com/news/post-politics/wp/2017/07/19/trump-blasts-ag-sessions-for-recusing-himself-from-the-russia-probe/?utm\\_term=.89bec5cbde89](https://www.washingtonpost.com/news/post-politics/wp/2017/07/19/trump-blasts-ag-sessions-for-recusing-himself-from-the-russia-probe/?utm_term=.89bec5cbde89); Karoun Demirjian et al., *Attorney General Jeff Sessions Will Recuse Himself from Any Probe Related to 2016 Presidential Campaign*, WASH. POST, Mar. 2, 2017, [https://www.washingtonpost.com/powerpost/top-gop-lawmaker-calls-on-sessions-to-recuse-himself-from-russia-investigation/2017/03/02/148c07ac-ff46-11e6-8ebe-6e0dbe4f2bca\\_story.html?utm\\_term=.90eadea47ce6](https://www.washingtonpost.com/powerpost/top-gop-lawmaker-calls-on-sessions-to-recuse-himself-from-russia-investigation/2017/03/02/148c07ac-ff46-11e6-8ebe-6e0dbe4f2bca_story.html?utm_term=.90eadea47ce6); Jessica Taylor, *Attorney General Sessions to Recuse Himself from Any Trump Campaign Investigations*, NPR, Mar. 2, 2017, <https://www.npr.org/2017/03/02/518198749/attorney-general-sessions-to-recuse-himself-from-any-trump-campaign-investigation>.

<sup>23</sup> See Tessa Berenson, *Everybody We Know Robert Mueller Has Interviewed in the Trump Investigation So Far*, TIME, Jan. 26, 2018, <http://time.com/5120400/robert-mueller-interviews/>; David A. Graham, *The Saturday Night Massacre That Wasn't*, THE ATLANTIC, Jan. 25, 2018, <https://www.theatlantic.com/politics/archive/2018/01/the-saturday-night-massacre-that-wasnt/551543/>; Jennifer Jacobs, *On Flight to Davos, Trump Erupted over DOJ Role in Russia Probe*, BLOOMBERG POLITICS (Jan. 29, 2018, 3:07 PM), <https://www.bloomberg.com/news/articles/2018-01-29/on-flight-to-davos-trump-erupted-over-doj-role-in-russia-probe>; Michael Kranish et al., *No Longer a 'Lonely Battle': How the Campaign Against the Mueller Probe Has Taken Hold*, WASH. POST, Dec. 24, 2017, [https://www.washingtonpost.com/politics/no-longer-a-lonely-battle-how-the-campaign-against-the-mueller-probe-has-taken-hold/2017/12/24/441fc726-e5cb-11e7-a65d-1ac0fd7f097e\\_story.html?utm\\_term=.a0d6c16c94e0](https://www.washingtonpost.com/politics/no-longer-a-lonely-battle-how-the-campaign-against-the-mueller-probe-has-taken-hold/2017/12/24/441fc726-e5cb-11e7-a65d-1ac0fd7f097e_story.html?utm_term=.a0d6c16c94e0); Levine, *supra* note 3; Mike Levine, *Special Counsel Sends Wide-Ranging Request for Documents to Justice Department*, ABC NEWS (Nov. 19, 2017, 9:00 PM) <http://abcnews.go.com/US/special-counsel-sends-wide-ranging-request-documents-justice/story?id=51261366>; Manu Raju, *Exclusive: Justice Department Declines Request to Interview FBI Officials Over Comey Firing*, CNN (Sept. 13, 2017, 11:35 AM), <https://www.cnn.com/2017/09/13/politics/fbi-official-interview-request-denied-justice-department/index.html>; Michael S. Schmidt & Maggie Haberman, *Sessions Is Questioned as Russia Inquiry Focuses on Obstruction*, N.Y. TIMES, Jan. 23, 2018, <https://www.nytimes.com/2018/01/23/us/politics/jeff-sessions-special-counsel-russia.html>; Chris Strohm & Billy House, *Rosenstein Says He Sees No Cause to Fire Special Counsel Mueller*, BLOOMBERG (Dec. 13, 2017, 4:56 PM), <https://www.bloomberg.com/news/articles/2017-12-13/gop-to-grill-rosenstein-on-anti-trump-bias-in-mueller-s-probe>.

<sup>24</sup> Pema Levy & Dan Freidman, *Jeff Sessions Appears to Be Meddling in the Russia and Clinton Probes He Vowed to Avoid*, MOTHER JONES (Jan. 24, 2018, 3:09 PM) <https://www.motherjones.com/politics/2018/01/jeff-sessions-appears-to-be-meddling-in-the-russia-and-clinton-probes-he-vowed-to-avoid/>; Jonathan Swan, *Scoop: FBI Director Threatened to Resign Amid Trump, Sessions Pressure*, AXIOS, Jan. 23, 2018, <https://www.axios.com/scoop-sessions-fbi-trump-christopher-wray-877adb3e-5f8d-44a1-8a2f-d4f0894ca6a7.html>; Andrew Prokop, *Robert Mueller's Team Has Questioned Jeff Sessions. Here's Why That Matters.*, VOX, Jan. 23, 2018, <https://www.vox.com/2018/1/23/16923198/jeff-sessions-robert-mueller>; Sally Persons, *Jeff Sessions*

investigation, and to what extent are its actions directed by the White House?<sup>25</sup> Indeed, DOJ's own FOIA processing on requests related to the Attorney General's recusal raise questions of governmental integrity: DOJ's past responses to prior FOIA requests indicated that no responsive records were found reflecting advice or analysis of the Attorney General's legal and ethical obligations, yet a recent ABC News report indicates that materials relating to discussions of the Attorney General's recusal have been produced to the Special Counsel's Office.<sup>26</sup>

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

## Conclusion

We share a common mission to promote transparency in government. American Oversight looks forward to working with DOJ on this request. If you do not understand any part of this request, Cerissa Cafasso at [foia@americanoversight.org](mailto:foia@americanoversight.org) or 202.869.5244. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,



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*Following Protocol on Recusal, Says DOJ Spokeswoman*, WASH. TIMES, Dec. 12, 2017, <https://www.washingtontimes.com/news/2017/dec/12/jeff-sessions-following-protocol-on-recusal-doj-sp/>.

<sup>25</sup> See Kyle Cheney & Josh Gerstein, *Trump DOJ Leaders Won't Joint GOP in Mueller Criticism*, POLITICO (Dec. 13, 2017, 3:05 PM), <https://www.politico.com/story/2017/12/13/robert-mueller-criticism-justice-department-294982>; Graham, *supra* note 23; Kranish et al., *supra* note 23; Ashley Parker et al., *Trump Sought Release of Classified Russia Memo, Putting Him at Odds with Justice Department*, WASH. POST, Jan. 27, 2018, [https://www.washingtonpost.com/politics/trump-sought-release-of-classified-russia-memo-putting-him-at-odds-with-justice-department/2018/01/27/a00f2a4c-02bb-11e8-9d31-d72cf78dbee\\_story.html?hpid=hp\\_rhp-top-table-main\\_trumpreconstruct546pm%3Ahomepage%2Fstory&utm\\_term=.c770785d2264](https://www.washingtonpost.com/politics/trump-sought-release-of-classified-russia-memo-putting-him-at-odds-with-justice-department/2018/01/27/a00f2a4c-02bb-11e8-9d31-d72cf78dbee_story.html?hpid=hp_rhp-top-table-main_trumpreconstruct546pm%3Ahomepage%2Fstory&utm_term=.c770785d2264) ("Trump, appearing frustrated and at times angry, has complained to confidants and aides in recent weeks that he does not understand why he cannot simply give orders to 'my guys' at what he sometimes calls the 'Trump Justice Department,' two people familiar with the president's comments said."); Jennifer Rubin, *Trump Is Tearing Down the FBI and the Justice Department. Won't the GOP Stop Him?*, WASH. POST (Jan. 30, 2018, 11:45 AM), [https://www.washingtonpost.com/blogs/right-turn/wp/2018/01/30/trump-is-tearing-down-the-fbi-and-the-justice-department-wont-the-gop-stop-him/?utm\\_term=.e0b0421714a7](https://www.washingtonpost.com/blogs/right-turn/wp/2018/01/30/trump-is-tearing-down-the-fbi-and-the-justice-department-wont-the-gop-stop-him/?utm_term=.e0b0421714a7); Greg Sargent, *The GOP's New Tactic to Protect Trump from Mueller Is a Transparent Ruse*, WASH. POST (Jan. 30, 2018, 10:44 AM), [https://www.washingtonpost.com/blogs/plum-line/wp/2018/01/30/gops-new-tactic-to-protect-trump-from-mueller-is-a-transparent-ruse/?utm\\_term=.2a2db6bc54cb](https://www.washingtonpost.com/blogs/plum-line/wp/2018/01/30/gops-new-tactic-to-protect-trump-from-mueller-is-a-transparent-ruse/?utm_term=.2a2db6bc54cb); Schmidt & Haberman, *supra* note 23; Benjamin Wittes, *Big Lies, Law Enforcement, and the Defense of Rod Rosenstein*, LAWFARE (Jan. 29, 2018, 4:51 PM), <https://www.lawfareblog.com/big-lies-law-enforcement>.

<sup>26</sup> See *supra* notes 1 and 3.



Austin R. Evers  
Executive Director  
American Oversight

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