



September 8, 2021

VIA EMAIL

Freedom of Information and Privacy Act Unit
Drug Enforcement Administration
8701 Morrissette Drive
Springfield, VA 22152
DEA.FOIA@usdoj.gov

Re: Freedom of Information Act Request

Dear FOIA Officer:

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

On January 6, 2021, then-DEA Agent Mark Sami Ibrahim participated in the rally outside of the U.S. Capitol, from which a riotous crowd then stormed the building after former President Donald Trump's speech.¹ On July 20, 2021, Mr. Ibrahim was arrested for his participation in the January 6 riot on charges that included entering and remaining in a restricted building or grounds with a deadly or dangerous weapon.² According to a Department of Justice affidavit filed with the court, the weapon at issue was his service gun, which he brandished along with his DEA badge on several occasions while walking around the Capitol grounds.³

American Oversight seeks records with the potential to shed light on Mr. Ibrahim's potential participation, knowledge of, and involvement in attempting to overturn the 2020 election.

Requested Records

American Oversight requests that DEA produce the following records within twenty business days:

¹ Rachel Weiner, *DEA Agent Trespassed at Capitol on Jan. 6 and Lied About It, Prosecutors Say*, Wash. Post (Jul. 21, 2021, 3:53 PM),

https://www.washingtonpost.com/local/legal-issues/dea-agent-arrested-accused-of-lying-about-role-in-jan-6-capitol-riot/2021/07/20/ae5b8960-e976-11eb-8950-d73b3e93ff7f_story.html.

² Indictment, *United States v. Ibrahim*, No. 21-0496 (D.D.C. July 28, 2021), ECF No. 7, <https://www.justice.gov/usao-dc/case-multi-defendant/file/1422231/download>.

³ Statement of Facts, *United States v. Ibrahim*, No. 21-0496 (D.D.C. July 6, 2021), ECF No. 1-1, <https://www.justice.gov/usao-dc/case-multi-defendant/file/1413286/download>.



All email communications (including email messages, complete email chains, email attachments, calendar invitations, and calendar attachments) sent or received by Mark Ibrahim containing any of the key terms listed below.

Key terms:

- i. @noblelead
- ii. #dcwildprotest
- iii. #DoNotCertify
- iv. #Jan6
- v. #january6th
- vi. #stopthesteal
- vii. #wildprotest
- viii. "Eighty Percent Coalition"
- ix. "Electoral College certification"
- x. "Immaculate deception"
- xi. KAG
- xii. "Keep America Great"
- xiii. MAGA
- xiv. "Make America Great Again"
- xv. "March for Trump"
- xvi. "March to Save America"
- xvii. "Patriot Party"
- xviii. "protest rally"
- xix. "Proud boys"
- xx. "Q Clearance"
- xxi. QAnon
- xxii. "Rally to Revival"
- xxiii. "Save America March"
- xxiv. "Stop the steal"
- xxv. thedonald.win
- xxvi. "Trump march"
- xxvii. "Where we go one"
- xxviii. "wild protest"
- xxix. "Women for America First"
- xxx. "World War 3"
- xxxi. WW3
- xxxii. WWII
- xxxiii. WWG1WGA

Please provide all responsive records from December 1, 2020, through January 15, 2021.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and your agency's regulations, American Oversight requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of relevant government

procedures by the general public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes.

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.”⁴ The public has a significant interest in holding the perpetrators of the January 6 attack on the Capitol accountable. Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the federal government, including the role government employees may have played in efforts to overturn the 2020 election. American Oversight is committed to transparency and makes the responses agencies provide to FOIA requests publicly available, 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.⁵ As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight’s financial interest. American Oversight’s mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight 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.⁶

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through regular substantive analyses posted to its website.⁷ Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records related to the Trump Administration’s contacts with Ukraine and analyses of those contacts;⁸ posting records and editorial content about the federal government’s response to the Coronavirus pandemic;⁹ posting records received as part of American Oversight’s

⁴ 5 U.S.C. § 552(a)(4)(A)(iii).

⁵ *See id.*

⁶ American Oversight currently has approximately 15,500 page likes on Facebook and 107,500 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited August 17, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited August 17, 2021).

⁷ *See generally* News, American Oversight, <https://www.americanoversight.org/blog>.

⁸ *Trump Administration’s Contacts with Ukraine*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-contacts-with-ukraine>.

⁹ *See generally* *The Trump Administration’s Response to Coronavirus*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-response-to-coronavirus>; *see, e.g.,* *CDC Calendars from 2018 and 2019: Pandemic-Related*

“Audit the Wall” project to gather and analyze information related to the administration’s proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;¹⁰ the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department’s process for issuing such waivers;¹¹ and posting records and analysis of federal officials’ use of taxpayer dollars to charter private aircraft or use government planes for unofficial business.¹²

Accordingly, American Oversight qualifies for a fee waiver.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- 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 a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this

Briefings and Meetings, American Oversight, <https://www.americanoversight.org/cdc-calendars-from-2018-and-2019-pandemic-related-briefings-and-meetings>.

¹⁰ See generally *Audit the Wall*, American Oversight, <https://www.americanoversight.org/investigation/audit-the-wall>; see, e.g., *Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, American Oversight, <https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall>.

¹¹ *DOJ Records Relating to Solicitor General Noel Francisco’s Recusal*, American Oversight, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>; *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>.

¹² See generally *Swamp Airlines: Chartered Jets at Taxpayer Expense*, American Oversight, <https://www.americanoversight.org/investigation/swamp-airlines-private-jets-taxpayer-expense>; see, e.g., *New Information on Pompeo’s 2017 Trips to His Home State*, American Oversight, <https://www.americanoversight.org/new-information-on-pompeos-2017-trips-to-his-home-state>.

request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. 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 your agency can decrease the likelihood of costly and time-consuming litigation in the future.

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

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Mehreen Rasheed at foia@americanoversight.org or (202) 848-1320. 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,

/s/ Mehreen Rasheed
Mehreen Rasheed
on behalf of
American Oversight