

THE TRANSPARENCY PROJECT

P.O. Box 20753
Brooklyn, New York 11202
(979) 985-5289

July 22, 2020

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505

Director, Information Management Division
Office of the Director of National
Intelligence
Washington, D.C. 20511

Office of the Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

National Security Agency
Attn: FOIA/PA Office
9800 Savage Road, Suite 6932
Ft. George G. Meade, MD 20755-6932

FOIA Initiatives Coordinator
National Security Division
U.S. Department of Justice
950 Pennsylvania Ave, N.W., Room 6150
Washington, D.C. 20530-0001

Federal Bureau of Investigation
Attn: FOI/PA Request
Record/Information Dissemination Section
170 Marcel Drive
Winchester, VA 22602-4843

Re: Freedom of Information Act Request

To Whom It May Concern:

I write on behalf of the The Transparency Project (“TTP”), a nonprofit corporation headquartered in Texas, to request information pursuant to the Freedom of Information Act, 5 U.S.C. § 552. In a series of posts on [TheConservativeTreehouse.com](https://theconservativetreehouse.com), a blogger writing under the pen name “Sundance” has used public records to demonstrate that government officials and contractors improperly searched National Security Agency (“NSA”) communications intercepts during the Obama Administration.¹

It appears that contractors working for the Federal Bureau of Investigation were able to search a database of communications intercepts maintained by the FBI and NSA. *See* “BACKGROUND – Political Surveillance...” <https://theconservativetreehouse.com/2020/07/18/background-political-surveillance/>. It further appears that the contractors were able to

¹ As used in this letter, the phrases “improper search,” “improper searches,” “improperly searched,” and/or “unlawfully obtained” refer to data searches that were not authorized by a court order.

obtain the private communications of U.S. citizens. *Id.* Finally, it appears that the unlawfully obtained information ended up in the hands of unauthorized third parties. *Id.* In his July 18, 2020 blog post, for example, Sundance notes that travel information about Michael Cohen (albeit the wrong Michael Cohen) was transmitted to Democratic campaign operative Christopher Steele. *Id.*

As authorized by FOIA, and on behalf of the TTP, I specifically request the opportunity to view the following:

1. All documents, records, communications and/or other tangible evidence reflecting the identities of any and all contractors (both companies and natural persons) who searched (whether properly or improperly) the NSA/FBI database² during the Obama Administration. The term “other tangible evidence,” as used in this letter, should be construed broadly to include audio, video, and communications metadata. This request further includes, but is not limited to, any and all contracts (or other documents) that authorized (or purported to authorize) each contractor to utilize the NSA/FBI database, as well as records reflecting any and all payments to such contractors.
2. All documents, records, communications and/or other tangible evidence identifying any and all U.S. Government personnel who improperly searched the NSA/FBI database during the Obama Administration. This request includes, but is not limited to, documents, records, communications and/or other tangible evidence identifying what agency, department or other government entity employed the personnel described above.
3. All documents, records, communications and/or other tangible evidence reflecting the identities of any and all third parties (other than the contractors identified above) who are known to have received information from improper/unauthorized/unlawful searches of the NSA/FBI database during the Obama Administration, as well as all documents, records, communications and/or other tangible evidence that reveals how such information made its way to the third parties. For example, all evidence revealing who searched for “Michael Cohen” (as described above) and how the “Michael Cohen” information made its way to Christopher Steele should be produced for inspection, as well as evidence revealing the identities of any and all persons responsible for transmitting the information to Christopher Steele.
4. All documents, records, communications and/or other tangible evidence identifying any and all persons (natural or corporate) in the United States whose names or identifying information were improperly searched in the NSA/FBI database during the Obama Administration.

² As used in this letter, the term “NSA/FBI database” should be construed broadly to include the databases described in the July 18, 2020 blog post referenced above as well as any other similar databases of intercepted communications, *e.g.*, the “STELLARWIND” database. This request applies to all government entities subject to this FOIA request.

5. For each person or entity described in the previous paragraph, I request the opportunity to view any and all documents, records, communications and/or other tangible evidence identifying (1) the person or persons (natural or corporate) responsible for the search, and (2) the exact search terms used by the person or persons who conducted the search.
6. For each of the following individuals, TTP requests not only the information requested above, but the actual data that was obtained / produced by any and all improper searches from January 20, 2009 until the present: Dianna L. Barreto, Raymond McGovern, Eden P. Quainton, Larry C. Johnson, Edward Butowsky, Matthew C. Couch, Ty Clevenger, Trevor Fitzgibbon, and Elliot J. Schuchardt. TTP further requests any and all information from the NSA/FBI database regarding the foregoing individuals that was shared with persons or entities outside of the FBI, Department of Justice, or U.S. intelligence agencies, regardless of whether the original search was proper or improper. TTP has attached release authorizations and additional identifying information for each of these individuals, and it requests the information solely as the representative of each individual. The information will not be reviewed or released by TTP but will be transmitted to each respective individual.
7. If any of the information requested in this letter was destroyed or discarded (whether intentionally or automatically), I request the opportunity to view any and all documents, records, communications and/or other tangible evidence that (1) identify the person or persons responsible for destroying or discarding it, and/or (2) explain why it was destroyed or discarded.

By addressing this letter to the entities named above, TTP also seeks information from the inspectors general for each respective entity, including the inspectors general for the Department of Justice, NSA, CIA, and the intelligence community. By addressing this letter to the Office of the Attorney General, TTP seeks all relevant materials in that office or any other component of the Department of Justice.

TTP intends to use the requested information to educate the public about government misconduct, therefore I request a waiver of any fees. If charges will apply, please let me know the approximate amount of such charges in advance. I can be reached by email at tyclevenger@yahoo.com and I prefer to receive correspondence electronically.

Thank you in advance for your assistance.

Sincerely,



Ty Clevenger
Executive Director