



ATTORNEY GENERAL OF MISSOURI  
ANDREW BAILEY

May 9, 2024

United States Department of Justice  
Office of Public Affairs  
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*Submitted via FOIA.gov portal and e-mailed to: [DOJ.OIP.FOIA@usdoj.gov](mailto:DOJ.OIP.FOIA@usdoj.gov);  
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**Re:** FOIA request for Department of Justice records – Communications between the Department of Justice and Manhattan District Attorney Alvin Bragg, New York Attorney General Letitia James, Special Prosecutor Jack Smith or Fulton County District Attorney Fani Willis

Dear FOIA Officer,

This is a records request by the State of Missouri, through its Attorney General's Office, related to the Department of Justice ("DOJ") activity and/or communications between Manhattan District Attorney Alvin Bragg, New York Attorney General Letitia James, Special Prosecutor Jack Smith or Fulton County District Attorney Fani Willis related to the investigation or prosecution of former President Donald J. Trump described in this request.

If any responsive record or portion thereof is claimed to be exempt from production under FOIA, sufficient identifying information (with respect to each allegedly exempt record or portion thereof) must be provided to allow the assessment of the propriety of the claimed exemption. *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). Additionally, any reasonably segregable portion of a responsive record must be provided after redaction of any allegedly exempt material, as the law requires. 5 U.S.C. § 552(b).

This request asks that you waive any fees because the requested records are of great importance to the public about the activities of the federal government and the Attorney General's Office plans to make them publicly available. See *infra* Part IV. In the event that this request to waive fees is denied, the Attorney General's Office is

willing to pay fees up to the amount of \$500. If the fees will exceed this amount, please inform us before fees are incurred. We can be reached at FOIArequests@ago.mo.gov to discuss any aspect of this request if necessary.

## I. Background

The investigations and subsequent prosecutions of former President Donald J. Trump appear to have been conducted in coordination with the United States Department of Justice. This is demonstrated only in part by the move of the third-highest ranking member of the Department of Justice, Matthew Colangelo, to the Manhattan District Attorney’s Office in order to prosecute former President Donald J. Trump in the so-called “hush money” trial in December 2022.<sup>1</sup> In addition, Manhattan District Attorney Alvin Bragg worked alongside New York Attorney General Letitia James in pursuing civil litigation against former President Trump, using that experience as a springboard from which to campaign for his current position. During that campaign, Bragg promised “if elected, [he] would go after Trump.”<sup>2</sup> Once he won election, he pledged “to personally focus on the high-profile probe into former President Donald Trump’s business practices.”<sup>3</sup>

Across the political spectrum, Bragg’s charges are widely regarded as transparently superficial. Liberal law professor Jed Shugerman, for example, took to the New York Times to describe Bragg’s indictment as “a disaster” and “legal embarrassment” that degrades the “rule of law” and puts in its place “the rule of the circus.”<sup>4</sup> Shugerman pointed out, for example, that the indictment does not even specify the “crime” President Trump is accused of committing that would turn a misdemeanor business records offense into a felony. It is no wonder then that other prosecutors—both state and federal—who considered going after President Trump for the same records ultimately declined to prosecute.

Bragg’s decision to bring the prosecution anyway despite its transparent weakness has nonetheless had the effect of keeping former President Trump off the campaign trail, which President Biden has bragged about. The official Biden-Harris campaign account on X (formerly Twitter) said this on April 24, 2024: “While Trump is stuck in court, President Biden is keeping a very robust schedule of campaign events. He’s been to Pennsylvania to talk about the economy, Virginia to talk about clean energy, and Florida to talk about abortion.”<sup>5</sup>

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<sup>1</sup> <https://nypost.com/2024/04/30/us-news/rep-jim-jordan-demands-records-of-ex-doj-prosecutor-helping-alvin-bragg-on-trump-case/>

<sup>2</sup> [https://www.oleantimesherald.com/opinion/braggs-trump-indictment-is-a-campaign-promise-kept/article\\_e7f11833-3c5b-52b7-9c5b-a1018943c3cf.html](https://www.oleantimesherald.com/opinion/braggs-trump-indictment-is-a-campaign-promise-kept/article_e7f11833-3c5b-52b7-9c5b-a1018943c3cf.html)

<sup>3</sup> <https://www.cnn.com/2021/12/20/politics/bragg-new-york-trump/index.html>

<sup>4</sup> <https://www.nytimes.com/2023/04/05/opinion/trump-bragg-indictment.html>

<sup>5</sup> <https://twitter.com/BidenHQ/status/1783187863087001775>

Given the timing (Bragg charged Trump only after Trump declared his candidacy for President), the transparent weakness of the charges, and the effect the charges have in keeping Trump off the campaign trail, there is substantial reason to suspect the Biden administration has coordinated with Bragg and others to bring prosecutions against Trump.

In order to protect the rights of all Missouri voters who plan to participate in the 2024 presidential election, the State of Missouri has the right to know to what extent the prosecutions of a prominent presidential candidate are being coordinated by the federal government, which is currently run by President Trump's principal political opponent. *See* 28 CFR § 16.5(e)(1)(ii). In addition, these records concern matters of widespread and exceptional media interest in which there exists possible questions of the government's integrity that affect public confidence—namely, the prosecution of a former president and current presidential candidate. *See* 28 CFR § 16.5(e)(1)(iv).

Based on the facts outlined above, please promptly provide the following information.

## **II. Requests for records**

### **A. Definitions**

The following definitions apply to the requests:

1. "Any," "each," "every," and "all" shall be read to be inclusive and to require the production of each and every Document (hereinafter defined) responsive to the particular request.
2. "And," "or" and "and/or" and any other conjunctions or disjunctions used herein shall be read both conjunctively and disjunctively so as to require the production of all Documents (as hereinafter defined) responsive to all or any part of each particular request.
3. The term "Communications" means any disclosure, transfer, or exchange of information or opinion, however made, including oral, graphic, written, or electronic transmittal of information.
4. The term "Document" or "Documents" means any written, photocopied, transcribed, recorded or otherwise produced information however produced or reproduced in the possession of DOJ including, but not limited to, inter-office communications; memoranda; reports; correspondence; manuals; guidelines; meeting agendas; minutes of meetings; calendar appointments; records; instructions; notes; diaries; plans; photographs; photocopies; charts; descriptions; drafts, whether or not they resulted in a final document; agreements; letters; conferences; records or notes of telephone or other conversations or communications; publications; directives; statements; proposals; studies; working papers; indices; recordings or materials similar to any of the foregoing.

5. The term “person” means any natural individual, corporation or partnership in any form, associations (whether incorporated or unincorporated), or any group or organization of the foregoing.
6. “Relates to” or “relating to” means involving, concerning or in any way touching upon the matter sought.

## **B. Requests**

1. All communications and documents relating to the move of former DOJ prosecutor Matthew Colangelo to the Manhattan District Attorney’s Office. (This search may be limited in time from January 20, 2021, to the present).
2. All communications and documents between the Department of Justice and the Manhattan District Attorney’s Office, Alvin Bragg, or Matthew Colangelo relating to the prosecution of former President Donald Trump. (This search may be limited in time from January 20, 2021, to the present).
3. All communications and documents between the Department of Justice and the New York Attorney General’s Office or New York Attorney General Letitia James relating to the prosecution of former President Donald Trump. (This search may be limited in time from January 20, 2021, to the present).
4. All communications and documents between the Department of Justice and the Fulton County District Attorney’s Office or Fulton County District Attorney Fani Willis relating to the prosecution of former President Donald Trump. (This search may be limited in time from January 20, 2021, to the present).
5. All communications and documents between the Department of Justice and Jack Smith relating to the prosecution of former President Donald Trump. (This search may be limited in time from January 20, 2021 to the present).

### **i. Fee Waiver Request**

The State of Missouri requests information on the federal government’s activities that is of current interest to the public generally and to the people of Missouri specifically because it impacts the sovereignty of the State of Missouri.

This request meets the criteria for a fee waiver set forth by the U.S. Department of Justice (DOJ) in its policy guidance of April 1987<sup>6</sup> and 2013 Guide to the Freedom of Information Act,<sup>7</sup> and recognized by the federal courts. *See, e.g., Project on Military Procurement v. Dep’t of the Navy*, 710 F. Supp. 362, 365

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<sup>6</sup> Available at <https://www.justice.gov/oip/blog/foia-update-new-fee-waiver-policy-guidance>.

<sup>7</sup> Available at <https://www.justice.gov/sites/default/files/oip/legacy/2014/07/23/fees-feewaivers.pdf>.

(D.D.C. 1989). 5 U.S.C. § 552(a)(4)(A)(iv)(II) provides that the first 100 pages are free from charge. The State of Missouri is requesting a waiver of all fees (including search fees) because the requested information is in the public interest—i.e., it will contribute significantly to public understanding of the operations or activities of the government—and is not primarily in the office’s commercial interest. 5 U.S.C. § 552(a)(4)(A)(iii).

*This FOIA request concerns the operations or activities of government.* The request concerns the operations or activities of the federal government because DOJ has undertaken a program that impacts the sovereignty of the State of Missouri and impacts Missouri citizens by imposing on them increased financial costs.

*This FOIA request seeks information with significant informative value.* The Supreme Court has explained that FOIA is “a means for citizens to know what their Government is up to,” *Nat’l Archives & Records Admin. v. Favish*, 541 U.S. 157, 171 (2004), and stated that such means are “a structural necessity in a real democracy.” *Id.* This request seeks specific information concerning the operations and activities of government that is not already available in the public domain.<sup>8</sup> Very little information has been publicly released as to the activities of DOJ and its involvement in the multiple prosecutions of President Trump.

*This FOIA request will contribute significantly to public understanding of the operations or activities of government.* The Attorney General’s Office regularly disseminates information it learns to a broad audience. The Office maintains a public website that regularly posts news and press releases<sup>9</sup> that are routinely picked up by major news organizations.<sup>10</sup> Furthermore, the Attorney General’s official X and Facebook accounts update the public on what the Attorney General’s Office is doing.<sup>11</sup> The release of this information will contribute significantly to public understanding because DOJ is unlikely to hold public meetings or engage with citizen stakeholders.

*This FOIA request seeks records that concern matters of widespread and exceptional media interest in which there exists possible questions of the government’s integrity that affect public confidence.* As noted in this request and as evident in readily-accessible print and internet media, the prosecution of a former president and

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<sup>8</sup> See *In Def. of Animals v. Nat’l Institutes of Health*, 543 F. Supp. 2d 83, 111 (D.D.C. 2008) (“courts have been reluctant to treat information that is technically available, through a reading room or upon a FOIA request, as part of the public domain”); see also *Elizabeth Eudey v. Central Intelligence Agency*, 478 F. Supp. 1175 1176 (D.C.D. 1979) (even a single document has the potential for contributing to public understanding).

<sup>9</sup> Available at <https://ago.mo.gov/press-releases/>.

<sup>10</sup> See, e.g., <https://www.kctv5.com/2024/03/05/missouri-ag-breaks-down-top-consumer-complaints-2023/>; <https://www.foxnews.com/politics/gop-ags-asks-supreme-court-to-peel-back-content-moderation-from-big-tech-in-landmark-first-amendment-case>; <https://www.foxnews.com/politics/missouri-attorney-general-sues-biden-admin-approving-shipment-chemical-abortion-pills-mail>.

<sup>11</sup> Available at <https://twitter.com/AGAndrewBailey>; <https://www.facebook.com/agandrewbailey>.

current presidential candidate Donald Trump is regularly in the news. The federal government's activities, which may include but not limited to potential involvement or coordination with investigators and prosecutors, is directly related to the federal government's integrity and affect public confidence in the government.

*Finally, the State of Missouri does not have a commercial interest of any kind in this FOIA request.* The State of Missouri requests this information in its sovereign capacity.

Sincerely,

*/s/ Andrew Bailey*  
*Missouri Attorney General*

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## Request for Expedited Processing

The State of Missouri urgently requires the information sought by this request in order to inform the public of federal government activity. Under 5 U.S.C. § 552(a)(6)(E)(v)(II) and 28 CFR § 16.5(e)(1)(ii), the State of Missouri has a compelling need for this information because (1) without this information, Missourians will be left in the dark about the full extent of coordination between individuals and offices to prosecute President Trump; (2) the State of Missouri may suffer electoral harm from a prosecution improperly preventing President Trump from campaigning; and (3) the State of Missouri's request is for the primary purpose to engage in the dissemination of information, and the State has an urgent need to inform the public concerning these actual or alleged activities. The State of Missouri is governed by public records laws and itself has a statutory obligation to provide records to the public. *See* Mo. Rev. Stat. Ch. 610.

Furthermore, under 5 U.S.C. § 552(a)(6)(E)(i)(II) and 28 CFR § 16.5(e)(1)(iv), for the reasons noted above in this request, which is to be incorporated herein, the requested records pertain to seeks records that concern matters of widespread and exceptional media interest in which there exists possible questions of the government's integrity that affect public confidence. The prosecution of a former president and current presidential candidate Donald Trump is regularly in the news. The federal government's activities, which may include but not limited to potential involvement or coordination with investigators and prosecutors, is directly related to the federal government's integrity and affect public confidence in the government.

We request that notice of the determination of the request for expedited processing be made within 10 days after the date of this request, as required under 5 U.S.C. § 552(a)(6)(E)(ii) and 28 CFR § 16.5.

I, Diana Haines, hereby certify this request for expedited processing to be true and correct to the best of my knowledge and belief.

/s/  \_\_\_\_\_

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