AMERICAN OVERSIGHT

February 14, 2025

VIA ONLINE PORTAL

Department of Justice
Douglas Hibbard
Chief, Initial Request Staff
Office of Information Policy
441 G St NW
6th Floor
Washington, DC 20530
Via Online Portal

Executive Office for United States Attorneys
Department of Justice
Arla Witte-Simpson
FOIA Public Liaison
175 N St. NE
Suite 5.400
Washington, DC 20530
Via Online Portal

Re: Expedited Freedom of Information Act Request

Dear FOIA Officers:

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

On February 12, 2025, U.S. Attorney for the Southern District of New York Danielle Sassoon wrote to Attorney General Pam Bondi with "serious concerns" about a memorandum from and actions by Acting Deputy Attorney General Emil Bove in connection with the pending indictment against New York City Mayor Eric Adams, noting that she was prepared to resign should Attorney General Bondi be unwilling to meet or reconsider Bove's directive.[1] Among other concerns, Sassoon wrote that Bove admonished officials during a meeting with Adams' attorneys, during which Sassoon alleges "Adams's attorneys repeatedly urged what amounted to a *quid pro quo*, indicating that Adams would be in a position to assist with the Department's enforcement priorities only if the indictment were dismissed."[2] American Oversight seeks a copy of these notes to shed light on discussions to drop charges against Adams.

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[1] *See* Letter From Danielle R. Sassoon to Attorney General Bondi, *Re: United States v. Eric Adams, 24 Cr. 556 (DEH)*, Feb. 12, 2025, https://static01.nyt.com/newsgraphics/documenttools/24535586a908999e/3801d435-full.pdf.
[2] *Id.*

Requested Records

American Oversight seeks expedited review of this request for the reasons identified below and requests that the Department of Justice produce the following records as soon as practicable, and at least within twenty business days:

> All notes taken during a Jan. 31, 2025 meeting that included, at minimum, Acting Deputy Attorney General Emil Bove, former interim United States Attorney Danielle Sassoon, officials from the United States Attorney's Office for the Southern District of New York, and Eric Adams' counsel to discuss United States v. Eric Adams, 24 Cr. 556 (DEH).[3]
>
> Given that this request is limited to a specific, recent, and readily identifiable document or documents, American Oversight expects that this request can be processed on the Simple processing track and result in a prompt agency response.
>
> **Please provide all responsive records from January 31, 2025, through the date the search is conducted.**

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 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 the corruption charges against New York City Mayor Eric Adams and the circumstances surrounding their dismissal.[5] Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the federal government, including whether any federal officials engaged in misconduct in dismissing those charges. American Oversight is committed to

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[3] For further identifying information, *see* Letter From Danielle R. Sassoon to Attorney General Bondi at 3 n.1, *Re: United States v. Eric Adams, 24 Cr. 556 (DEH)*, Feb. 12, 2025, https://static01.nyt.com/newsgraphics/documenttools/24535586a908999e/3801d435-full.pdf.

[4] 5 U.S.C. § 552(a)(4)(A)(iii).

[5] *See, e.g.*, Larry Neumeister et al., *Order to Drop New York Mayor Adams' Case Roils Justice Department as High-Ranking Officials Resign*, AP (Feb. 13, 2025, 8:55 PM), https://apnews.com/article/new-york-city-us-attorney-0395055315864924a3a5cc9a808f76fd.

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 not primarily in the commercial interest of the requester."[6] In fact, 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 commercial 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 X (formerly Twitter).[7]

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.[8] Examples reflecting this commitment include the posting of records related to the first Trump Administration's contacts with Ukraine and analyses of those contacts;[9] posting records and editorial content about the federal government's response to the COVID-19 pandemic;[10] posting records received as part of American Oversight's "Audit the Wall" project to gather and analyze information related to the first Trump administration's proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;[11] 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

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[6] 5 U.S.C. § 552(a)(4)(A)(iii).

[7] American Oversight currently has approximately 16,000 followers on Facebook and 95,700 followers on X (formerly Twitter). American Oversight, Facebook, https://www.facebook.com/weareoversight/ (last visited Feb. 14, 2025); American Oversight (@weareoversight), X (formerly Twitter), https://x.com/weareoversight (last visited Feb. 14, 2025).

[8] *See generally News*, American Oversight, https://www.americanoversight.org/blog.

[9] *Trump Administration's Contacts with Ukraine*, American Oversight, https://www.americanoversight.org/investigation/the-trump-administrations-contacts-with-ukraine.

[10] *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., 'We've All Given Up Getting a Straight Answer From You Guys: Frustrated Emails Between Illinois Governor's Office and White House*, https://www.americanoversight.org/weve-all-given-up-getting-a-straight-answer-from-you-guys-frustrated-emails-between-illinois-governors-office-and-white-house.

[11] *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.

waivers;[12] and posting records and analysis of federal officials' use of taxpayer dollars to charter private aircraft or use government planes for unofficial business.[13]

Accordingly, American Oversight qualifies for a fee waiver.

Application for Expedited Processing

Pursuant to 5 U.S.C. § 552(a)(6)(E)(1) and 28 C.F.R. Part 16, American Oversight requests that your agency expedite the processing of this request.

I certify to be true and correct to the best of my knowledge and belief that the information requested is urgently needed in order to inform the public concerning actual or alleged government activity.[14] New York City Mayor Eric Adams was indicted on bribery and campaign finance offenses in September 2024.[15] The Trump administration has repeatedly criticized New York City's sanctuary policies, which restrict compliance with federal immigration officers seeking to implement President Trump's mass deportation agenda.[16] The Department of Justice recently instructed federal prosecutors to drop corruption charges against Eric Adams, justifying this action by saying that the indictment had "unduly restricted Mayor Adams' ability to devote full attention and resources to the illegal immigration and violent crime that escalated under the policies of the prior Administration."[17] After the Department of Justice directed charges to be dropped, Adams began allowing Immigration and Customs Enforcement agents into Rikers Island, a significant rollback of sanctuary

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[12] *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.

[13] *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.

[14] 28 C.F.R. Part 16.5(e)(1)(ii).

[15] *See, e.g.*, Samantha Max & Charles Lane, *Here's What's In the 5-Count Indictment Against Mayor Adams*, Gothamist, Sept. 26, 2024, https://gothamist.com/news/5-count-indictment-says-nyc-mayor-adams-traded-favors-for-campaign-contributions.

[16] *See, e.g.*, Ali Bauman, *Will Trump's Deportation Plan Challenge NYC's Sanctuary City Status?*, CBS (Nov. 12, 2024, 11:20 PM), https://www.cbsnews.com/newyork/news/new-york-city-sanctuary-city-trump-deportation-plan/.

[17] *See* Mem. From Emil Bove to Acting United States Attorney, United States Attorney's Office for the Southern District of New York, *Dismissal Without Prejudice of Mayor Eric Adams*, Feb. 10, 2025, https://static01.nyt.com/newsgraphics/documenttools/76308bc134b67d36/4cc46c59-full.pdf.

policies.[18] Former interim U.S. Attorney Sassoon has since alleged that in a meeting with DOJ officials, "Adams's attorneys repeatedly urged what amounted to a *quid pro quo*, indicating that Adams would be in a position to assist with the Department's enforcement priorities only if the indictment were dismissed."[19] There is an urgent need to obtain the notes regarding Eric Adams' dropped charges to inform the public about actual or alleged government activity in connection with dismissing the charges against Adams.

Moreover, I certify to be true and correct to the best of my knowledge and belief that there is an urgent need to inform the public about whether and to what extent any federal officials engaged in misconduct in connection with dropping the charges against Adams, including, specifically, information to shed light on Sassoon's allegations about "a *quid pro quo*" between Adams and DOJ.[20] Adams immediately rolled back standing sanctuary laws after the Department of Justice directed his charges to be dropped.[21] Furthermore, Sassoon reported that, in connection with a the meeting between Department of Justice officials and Adams' attorneys, Acting Deputy Attorney General Emil Bove criticized staff for taking notes and directed the collection of those notes at the end of the meeting.[22] The public requires the requested information to understand whether DOJ has engaged in an improper quid pro quo with Adams, resulting in immediate changes to New York City laws, and to confirm whether these records have been destroyed or preserved.

I also certify that the requested records concern a matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence.[23] There is widespread and exceptional media interest in the public corruption charges against Adams, as well as the circumstances surrounding their dismissal.[24] The corruption charges against Adams raised questions about the

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[18] *See, e.g.*, Luis Ferré-Sadurní, *After Meeting With Trump's Border Czar, Adams Opens Rikers to ICE Agents*, N.Y. Times, Feb. 13, 2025, https://www.nytimes.com/2025/02/13/nyregion/adams-ice-rikers-homan.html.

[19] *See* Letter From Danielle R. Sassoon to Attorney General Bondi at 3 n.1, *supra* note 1.

[20] *See id.*

[21] *See, e.g.*, Eric Levenson et al., *NYC Mayor Preps Executive Order Allowing Ice Agents Into Rikers Island After Meeting Border Czar*, CNN (Feb. 14, 2025, 11:42 AM), https://www.cnn.com/2025/02/13/us/nyc-adams-border-czar-immigration/index.html.

[22] *See, e.g.*, Michael Rothfield, *Danielle Sassoon's Letter to Attorney General Pam Bondi, Annotated*, N.Y. Times, Feb. 13, 2025, https://www.nytimes.com/interactive/2025/02/13/us/doc-annotation-letter-to-bondi.html.

[23] 28 C.F.R. Part 16.5(e)(1)(iv).

[24] *See, e.g.*, Shayna Jacobs, *Justice Officials Tell Prosecutors to Drop Charges Against N.Y. Mayor Eric Adams*, Wash. Post, Feb. 10, 2025, https://www.washingtonpost.com/national-security/2025/02/10/new-york-mayor-eric-adams-charges-drop-justice/; Brian Mann, *As DOJ Drops Corruption Charges Against NYC's Mayor, Critics See Improper Influence*, NPR (Feb. 11, 2025, 1:29 PM), https://www.npr.org/2025/02/11/nx-s1-5293089/adams-nyc-corruption-doj.

government's integrity in the first place. New allegations that they were dismissed as part of a reported "quid pro quo" between Adams and the federal government raise serious and heightened questions about the government's integrity that affect public confidence.[25]

I further certify that American Oversight is primarily engaged in disseminating information to the public. 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. Similar to other organizations that have been found to satisfy the criteria necessary to qualify for expedition,[26] American Oversight "'gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience.'"[27] American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, and 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 X (formerly Twitter).[28] As discussed previously, American Oversight has demonstrated its commitment to the public disclosure of documents and creation of editorial content.[29]

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[25] *See* Letter From Danielle R. Sassoon to Attorney General Bondi, *supra* note 1; *see also* Madeline Halpert, *Eric Adams Denies Deal With Trump Administration to Drop His Criminal Case*, BBC, Feb. 14, 2025, https://www.bbc.com/news/articles/cn93rnnjw4zo; William K. Rashbaum et al., *Push to Drop Adams Charges Reveals a Justice Dept. Under Trump's Sway*, N.Y. Times (Feb. 14, 2025, 10:51 AM), https://www.nytimes.com/2025/02/10/nyregion/eric-adams-charges-doj-trump.html; Jared Gans, *Former Prosecutor: Adams's Attorneys 'Repeatedly Urged What Amounted to a Quid Pro Quo'*, The Hill (Feb. 14, 2025, 11:18 AM), https://thehill.com/regulation/court-battles/5145537-adams-case-dropped-quid-pro-quo/.

[26] *See ACLU v. U.S. Dep't of Justice*, 321 F. Supp. 2d 24, 30–31 (D.D.C. 2004); *EPIC v. Dep't of Defense*, 241 F. Supp. 2d 5, 15 (D.D.C. 2003).

[27] *ACLU*, 321 F. Supp. 2d at 29 n.5 (quoting *EPIC*, 241 F. Supp. 2d at 11).

[28] American Oversight currently has approximately 16,000 followers on Facebook and 95,700 followers on X (formerly Twitter). American Oversight, Facebook, https://www.facebook.com/weareoversight/ (last visited Feb. 14, 2025); American Oversight (@weareoversight), X (formerly Twitter), https://x.com/weareoversight (last visited Feb. 14, 2025).

[29] *See generally News*, American Oversight, https://www.americanoversight.org/blog; *see, e.g.*, *Emails and Resume of Trump's Pick to Head Government Personnel Office*, American Oversight, https://www.americanoversight.org/emails-and-resume-of-trumps-pick-to-head-government-personnel-office; *CDC Calendars from 2018 and 2019: Pandemic-Related Briefings and Meetings*, American Oversight, https://www.americanoversight.org/cdc-calendars-from-2018-and-2019-pandemic-related-briefings-and-meetings; *State Department Releases Ukraine Documents to American Oversight*, American Oversight, https://www.americanoversight.org/state-department-releases-ukraine-documents-to-american-oversight; *Documents Reveal Ben Carson Jr.'s Attempts to Use His Influence at HUD to Help His Business*, American Oversight, https://www.americanoversight.org/documents-reveal-ben-carson-jr-s-attempts-to-

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

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:

- Please search all locations and systems likely to have 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.
- 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.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA.[30] 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, by intent or through negligence, failed to meet their obligations.[31]
- Please use all tools available to your agency to conduct a complete and efficient search for potentially responsive records. Agencies are subject to government-

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use-his-influence-at-hud-to-help-his-business; *Investigating the Trump Administration's Efforts to Sell Nuclear Technology to Saudi Arabia*, American Oversight, https://www.americanoversight.org/investigating-the-trump-administrations-efforts-to-sell-nuclear-technology-to-saudi-arabia; *Sessions' Letter Shows DOJ Acted On Trump's Authoritarian Demand to Investigate Clinton*, American Oversight, https://www.americanoversight.org/sessions-letter.

[30] *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).

[31] *See Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016).

wide requirements to manage agency information electronically,[32] and many agencies have adopted the National Archives and Records Administration (NARA) Capstone program, or similar policies. These systems provide options for searching emails and other electronic records in a manner that is reasonably likely to be more complete than just searching individual custodian files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency's archiving tools may capture that email under Capstone. At the same time, custodian searches are still necessary; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.

- 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 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. 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.

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[32] 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.

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 Ben Sparks at foia@americanoversight.org or 202.873.1741. Also, if American Oversight's request for expedition is not granted or its request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ Ben Sparks
Ben Sparks
on behalf of
American Oversight