

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Tuesday, October 5, 2021 5:25 PM
To: usaeo.foia.requests@usa.doj.gov
Subject: FOIA request -- records ensuring that NY's 4 incoming U.S. Attorneys will adhere to legally-mandated protocols for conflicts of interest -- including their own signed ethics agreements
Attachments: [ross-sjc-questionnaire-pp30-31.pdf](#);
[freedman-sjc-questionnaire-pp15-16.pdf](#);
[williams-sjc-questionnaire-pp23-24.pdf](#);
[peace-sjc-questionnaire-pp31-32.pdf](#)

TO: FOIA Departmental Ethics Office/U.S. Justice Department

Per my conversation earlier today with Supervisory Governmental Information Specialist Arla Witte-Simpson of the Executive Office for United States Attorneys (202-252-6023), below is my e-mailed FOIA request, with its above four attachments, that I sent yesterday for the Departmental Ethics Office c/o the Justice Management Division.

Ms. Witte-Simpson, who was returning my yesterday's voice mail message, advised that it is best if I use the Justice Department's website portal for FOIA, <https://eusafoia.usdoj.gov/app/Home.aspx>. However, thus far, I have not received the confirmation of my registration to enable me to send my FOIA request to you in that fashion. I will keep trying.

That being said, you will find the FOIA request sent by the below e-mail more user-friendly for you, as it contains LIVE hyperlinks to assist you.

Thank you.

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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Monday, October 4, 2021 11:55 AM
To: 'PRAO.FOIA@usdoj.gov' <PRAO.FOIA@usdoj.gov>; 'JMDFOIA@usdoj.gov' <JMDFOIA@usdoj.gov>

Subject: FOIA request -- records ensuring that NY's 4 incoming U.S. Attorneys will adhere to legally-mandated protocols for conflicts of interest -- including their own signed ethics agreements

TO: U.S. Justice Department

ATT: Professional Responsibility Advisory Office
Departmental Ethics Office – c/o Justice Management Division

The U.S. Senate Judiciary Committee requires that nominees for U.S. Attorney complete a questionnaire. #22 of its public portion is entitled “**Potential Conflicts of Interest**”.

Each of President Biden’s four U.S. Attorney nominees for New York responded identically to #22, whose two questions – and their answers – were as follows:

“a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.”

“During the nomination process, I consulted with the Department of Justice’s ethics office and Designated Ethics Officer to identify any potential conflicts. If I am confirmed, I will continue to consult with that office and will recuse myself from any matter in which recusal is required.”

b. Explain how you will resolve any potential conflicts of interest, including the procedure you will follow in determining these areas of concern.”

“If I am confirmed, any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the Department’s designated agency ethics official. If confirmed, I will continue to consult with the Department of Justice’s ethics office and will recuse myself from any matter in which recusal is required.”

The full questionnaire-responses of President Biden’s four U.S. Attorney nominees for New York are here linked: [Trini-Ross/WDNY](#), [Carla Freedman/NDNY](#), [Damian Williams/SDNY](#), [Breon Peace/EDNY](#) – and the pertinent #22 from each of their questionnaires is above-attached.

Pursuant to FOIA, this is to request:

- (1) all publicly-available records reflecting the names of the “Department of Justice’s ethics office and Designated Ethics Officer” with whom the then prospective four nominees each “consulted” about “potential conflicts-of-interest” – and the dates those “consult[ations]” were held;
- (2) all publicly-available records reflecting whether such “consult[ations]” included discussion of conflicts of interest that would arise from the [FULLY-DOCUMENTED October 16, 2020 public corruption complaint against New York’s highest state constitutional officers](#) that I had filed with the FBI – and that [New York’s acting U.S. attorneys were ALL “sitting on”](#) – NOTICE of which I gave the Biden White House, in writing, on [March 23, 2021](#), and [April 27, 2021](#) – acknowledged by [March 23rd](#) and [April 27th](#) e-mails;
- (3) a copy of the referred-to “ethics agreement...entered with the Department’s designated agency ethics official”;

- (4) all publicly-available records reflecting the name of the “Department of Justice’s ethics office” to which the then prospective four U.S. Attorney nominees for New York pledged “to consult”, “[i]f confirmed”.

As the four nominated U.S. Attorneys for New York will shortly be taking office and will immediately have before them the conflict of interest issues arising from my October 16, 2020 FBI complaint and subsequent correspondence to New York’s acting U.S. Attorneys, including my [August 26, 2021 complaint and supplement to the acting U.S. Attorney for the eastern district](#), your expedited response would be greatly appreciated.

Thank you.

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