



State of West Virginia
Office of the Attorney General

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May 13, 2024

The Honorable Merrick Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Attorney General Garland:

I write concerning this administration's efforts to weaponize the Department of Justice against President Trump. In particular, it appears DOJ may be colluding with state prosecutors pursuing President Trump for illusory violations of state law. Coordinating to advance election-influencing prosecutions directly violates the Department's own guidelines, which says the Department cannot take "any action ... for the purpose of affecting any election, or for the purpose of giving an advantage or disadvantage to any candidate or political party." Department Manual § 9-85.500. So unlawful coordination must stop immediately.

While federal and state cooperation is ordinarily an important part of legitimate law enforcement, these state prosecutions are no ordinary cases. They are unprecedented in their nature and timing, being evidently designed to impact the upcoming presidential election. At the same time, your office sits in a directly conflicted position, answering as it does to President Trump's main political rival. Accordingly, even if there were evidence to support them (and there is not), the Department of Justice should not be participating in these unhinged political prosecutions of President Trump.

The American people have a right to know what is going on, especially when it comes to whether DOJ is using taxpayer monies and the coercive lever of the federal government to manipulate

elections. This strategy against a former President and current political candidate seems to be an unprecedented weaponization of the prosecutorial system for political ends. Yet when Congress recently asked state-level prosecutors to provide basic information on their efforts (including some of the same information I seek here), Democratic prosecutors responded with vitriol, denial, and obstruction. The responses further imply something more than routine criminal investigation may be in play here.

Even the public facts provide cause for alarm. For example, we already know that a senior Department of Justice official took the unusual step of moving from department leadership to a line prosecutor job in the Manhattan District Attorney's office. Even more concerning, this official was paid thousands of dollars by the Democratic National Committee. The Manhattan DA has since exhumed charges that DOJ had previously been unable to bring, and documents from the U.S. Attorney's Office for the Southern District of New York have taken center stage at trial. In Georgia, public records revealed that Fulton County prosecutors were in contact with the White House. News reports have suggested that the prosecutor's work in Atlanta has tracked much of DOJ's own work, implying that the Department may have given Fulton County the roadmap for charges.

In short, the public facts confirm that DOJ is tied up with Democratic prosecutors intent on doing exactly the kind of politically-motivated work that Department policy says is forbidden.

Thus, I am requesting a limited amount of information that will shed further light on whether West Virginians—and all Americans—have even greater cause for concern. Given the extraordinary circumstances, I urge you not to rely on exceptions to the Freedom of Information Act, vague descriptions of federal authority, or foot-dragging efforts to push answers beyond the election. These questions are too important to shield from scrutiny.

I also urge you to comprehensively answer the questions raised by this letter as a matter of your discretion. But considering how all the players involved here have seemed reluctant to voluntarily provide complete information, I further submit this inquiry as an official Freedom of Information Act request. What's more, timing matters, and you should take this issue up sooner than later. The quicker you can dissipate the cloud over your Department, the better. And if there is collusion in these state cases, the American people deserve to know sooner rather than later.

For purposes of the Freedom of Information Act, this letter specifically requests:

- 1) All documents involving, concerning, or in any way touching upon Matthew Colangelo's transition from employment by the DOJ to employment by the Manhattan (New York County) District Attorney's Office.

NOTE: this request does not seek any document pertaining to employment benefits.

- 2) All documents involving, concerning, or in any way touching upon any **meeting** attended (or scheduled to be attended) by a DOJ employee and any of the following persons:
 - a. DOJ Special Counsel Jack Smith,
 - b. New York State Attorney General Letitia James,
 - c. Manhattan (New York County) District Attorney Alvin Bragg,
 - d. Fulton County (Georgia) District Attorney Fani Willis,
 - e. Any DOJ employee who reports (directly or indirectly) to DOJ Special Counsel Jack Smith,
 - f. Any person employed by the New York State Attorney General's Office,
 - g. Any person employed by the Manhattan (New York County) District Attorney's Office,
or
 - h. Any person employed by the Fulton County (Georgia) District Attorney's Office.

NOTE: this request does not seek documents pertaining to any meeting where *all* participants (aside from DOJ Special Counsel Jack Smith, if present) report to DOJ Special Counsel Jack Smith.

- 3) All documents involving, concerning, or in any way touching upon any communication between a DOJ employee and any of the following persons:
 - a. DOJ Special Counsel Jack Smith,
 - b. New York State Attorney General Letitia James,
 - c. Manhattan (New York County) District Attorney Alvin Bragg,
 - d. Fulton County (Georgia) District Attorney Fani Willis,
 - e. Any DOJ employee who reports (directly or indirectly) to DOJ Special Counsel Jack Smith,
 - f. Any person employed by the New York State Attorney General's Office,
 - g. Any person employed by the Manhattan (New York County) District Attorney's Office,
or
 - h. Any person employed by the Fulton County (Georgia) District Attorney's Office.

NOTE: this request does not seek documents pertaining to any communication where *all* parties (aside from DOJ Special Counsel Jack Smith, if a party) report to DOJ Special Counsel Jack Smith.

I have attached definitions relevant to my request in Attachment A, a fee-waiver request in Attachment B, and an expedited processing request in Attachment C.

In the end, one way or another, we should all know whether the Department of Justice is working by proxy to convict President Trump in Georgia and New York. If not, say so. If yes, tell the truth—and do it fast. The future of our democracy may depend on it.

Sincerely,

A handwritten signature in blue ink that reads "Patrick Morrissey". The signature is written in a cursive, slightly slanted style.

Patrick Morrissey
West Virginia Attorney General

Attachment A

Definitions

For purposes of these requests, “document” refers to any written, photocopied, transcribed, recorded, or otherwise memorialized information in DOJ’s possession, regardless of how it may be stored, retrieved, produced, or reproduced, including without limitation memoranda, reports, correspondence, manuals, guidelines, meeting agendas, meeting minutes, calendar entries or appointments, records, instructions, notes, transcripts, diaries, plans, photographs, photocopies, charts, seating charts, descriptions, drafts (whether or not they resulted in a final document), conferences, agreements, letters, texts, e-mails, instant messages, telephone records, publications, directives, statements, proposals, studies, analyses, inter-office communications, working papers, indices, and any other similar recordings or materials. To be clear, “document” includes transcripts, notes, and other means of memorializing the substance of, or the participants involved in, any meeting, telephone call, video conference, or in-person conversation. “Document” also includes logs showing phone calls made or received, regardless of whether a phone conversation occurred. “Document” does not include any responsive record that existed before January 20, 2021.

For purposes of this request, “meeting” includes both in-person meetings and meetings conducted by telephone, video-conference, or other similar means.

Attachment B

Fee-Waiver Request

Because the State of West Virginia has no commercial interest in this matter, and because disclosure of the requested records is “likely to contribute significantly to public understanding of the operations or activities of the government,” the State asks DOJ provide copies of all responsive records “without charge.” 28 C.F.R. § 16.10(k).¹

Waiver of fees is appropriate because the State seeks records that will directly and clearly “shed light on [identifiable] operations and activities” of the DOJ, *id.* § 16.10(k)(2)(i), namely, records that reveal communications between DOJ and state and federal prosecutors pursuing felony convictions against former President Trump. DOJ’s disclosure of this information will “contribute significantly” to the public’s understanding of the extent of DOJ’s communications with prosecutors and suggest further avenues for public inquiry. *Id.* § 16.10(k)(2)(ii). And though the State is aware that others have requested similar records,² the State is not aware that the records it seeks are presently “in the public domain, in either the same or a substantially identical form.” *Id.* § 16.10(k)(2)(ii)(A). Indeed, the fact that others are requesting similar records certainly suggests otherwise, so disclosure of the requested records will be “meaningfully informative.”

The State seeks the requested information so it can share that information with its citizens and with the broader public of the United States who will be casting votes for President this year. *See id.* § 16.10(k)(2)(ii)(B) (stating that “disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester”). The West Virginia Attorney General has demonstrated “expertise” in scrutinizing the federal government’s operations, *see W. Va. v. E.P.A.*, 577 U.S. 1126 (2016), and has a ready platform for “effectively convey[ing] information to the public,” *id.* § 16.10(k)(2)(ii)(B).³ The State, by its Attorney General, fully intends to share what it learns with the public, *id.*, and has no “commercial, trade, or profit interest” of any kind in this records request, *id.* § 16.10(k)(2)(iii).

Because all “of the records to be released satisfy the requirements for a waiver of fees,” the State submits that “a waiver [must] be granted for those records.” *id.* § 16.10(k)(3). But if DOJ refuses the State’s request to waive all fees, the State requests immediate advance “[n]otice of [any] anticipated fees in excess of \$25.00,” *id.* § 16.10(e), “including a breakdown of the [actual or anticipated] fees for search, review or duplication,” *id.* § 16.10(e)(1). The State also requests immediate advance notice of any other fees that would apply under any other statute. *Id.* § 16.10(j).

¹ NOTE: for purposes of this request, “without charge” means without charging any of the fees allowed by 28 C.F.R. § 16.10.

² *See, e.g.*, Josh Christenson, *Rep. Jim Jordan demands info on ex-fed prosecutor helping Alvin Bragg with Trump Trial*, NYPost.com (Apr. 30, 2024, 3:18 p.m. ET), <https://shorturl.at/jsXY6>; Brianna Herlihy, *GOP AG launches new probe into communications from DOJ and Trump prosecutors*, Fox5Atlanta.com (May 10, 2024, 11:05 am EDT), <https://shorturl.at/atOSY>.

³ *See, e.g.*, the Attorney General’s webpage (<https://ago.wv.gov/Pages/default.aspx>) and the West Virginia Record’s page devoted to his activities (<https://wvrecord.com/stories/tag/200-state-ag>).

Attachment C

Expedited Processing Request

The State of West Virginia requests expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E)(i)(II) and 28 C.F.R. § 16.5(e)(1)(iv). The State's records request manifestly pertains to "[a] matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence." 28 C.F.R. § 16.5(e)(1)(iv). The GOP frontrunner in the 2024 presidential race is "fac[ing] 91 felony counts across two state courts and two . . . federal districts, any of which could potentially produce a prison sentence."⁴ Media accounts of the prosecutions are legion,⁵ and numerous commentators have questioned the legitimacy of these prosecutions.⁶ Critics are now questioning whether the Biden DOJ colluded with the prosecutors bringing these cases against Trump.⁷

As President Nixon declared, "People have got to know whether or not their President is a crook."⁸ The same goes for their President's DOJ and concerns that the Biden DOJ has been conspiring with state and federal prosecutors to hound the President's rival during a presidential campaign. So "questions about the government's integrity" already "exist," and such questions plainly "affect public confidence." 28 C.F.R. § 16.5(e)(1)(iv). The State of West Virginia has an urgent need to inform its citizens about these matters and will suffer electoral harm if its ability to do so is delayed.

Please notify my office "within 10 calendar days" whether you will "grant or deny expedited processing." 28 C.F.R. § 16.5(e)(4).

I, Patrick Morrissey, hereby certify that this request for expedited processing is true and correct to the best of my knowledge and belief.

⁴ David A. Graham, *The Cases Against Trump: A Guide*, TheAtlantic.com (May 8, 2024), <https://shorturl.at/IAELV>.

⁵ See, e.g., Amy O'Kruk and Curt Merrill, *Donald Trump's criminal cases, in one place*, CNN.com (May 7, 2024), <https://shorturl.at/dhHYZ>; *Tracking the Trump criminal cases*, Politico.com (June 13, 2023 4AM EDT, updated Apr. 15, 2024 7:41AM EDT), <https://shorturl.at/agJ26>; Michael R. Sisak, et al., *Trump Investigations Tracking the Cases*, APNews.com, <https://shorturl.at/rJU25> (last accessed on May 10, 2024); Ben Protess, et al., *Catch Up on Where the Trump Investigations Stand*, NYTimes.com (Mar. 20, 2024), <https://shorturl.at/mpDZ8>.

⁶ See, e.g., John Yoo and Rebert Delahunty, *Biden DOJ Crossed Political Rubicon with Trump Indictment*, BloombergLaw.com (June 12, 2023, 10:30 AM EDT), <https://shorturl.at/LSWZ9>; Scott Wong, *Trump allies say Biden is 'weaponizing' DOJ against his chief 2024 rival following indictment*, NBCNews.com (June 8, 2023, 10:35 PM EDT, updated June 8, 2023, 10:44 PM EDT), <https://shorturl.at/agvC5>; J.D. Vance, *New York Trump Trial is Just Another Partisan Witch Hunt*, Newsweek.com (May 9, 2024, 9:30 AM EDT), <https://shorturl.at/amGIS>.

⁷ See, e.g., Andrew Stanton, *Alvin Bragg Prosecutor's Connection to Biden Raises MAGA Alarms*, Newsweek.com (Apr. 22, 2024, 3:57 PM EDT, updated Apr. 23, 2024, 7:42 AM EDT), <https://shorturl.at/BFINU>; Brooke Singman, *Ex-top Biden DOJ official now prosecuting Trump was once paid by DNC for 'political consulting'*, FoxNews.com (May 6, 2024, 11:06 am EDT), <https://shorturl.at/bdost>; Brianna Herlihy, *GOP AG launches new probe into communications from DOJ and Trump prosecutors*, FoxNews.com (May 9, 2024, 136 pm EDT), <https://shorturl.at/BCNOW>; Steve Benen, *Under conservative media pressure, Jim Jordan launches new probe*, MSNBC.com (May 3, 2024, 8:00 AM EDT), <https://shorturl.at/rzAKQ>.

⁸ Carroll Kilpatrick, *Nixon Tells Editors, 'I'm Not a Crook'*, WashingtonPost.com (Nov. 18, 1973, Page A01), <https://shorturl.at/hmoAK>.

Patrick Morrissey

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