

# EMPOWER OVERSIGHT

*Whistleblowers & Research*



December 10, 2024

**VIA ELECTRONIC TRANSMISSION: OIGFOIA@USDOJ.GOV**

Office of Inspector General  
U.S. Department of Justice  
441 G Street, N.W.  
6th Floor  
Washington, DC 20530

**RE: FOIA/PRIVACY ACT REQUEST FOR RECORDS REFERENCING JASON  
FOSTER RELATED TO IG REPORT**

Dear FOIA Officer:

## **INTRODUCTION**

Empower Oversight Whistleblowers & Research (“Empower Oversight”) is a nonpartisan, nonprofit educational organization, dedicated to enhancing independent oversight of government and corporate wrongdoing. It works to help insiders safely and legally report waste, fraud, abuse, corruption, and misconduct to the proper authorities and seeks to hold those authorities accountable to act on such reports by, among other means, publishing information concerning the same.

## **BACKGROUND**

On October 19, 2023, Jason Foster, our client and Founder of Empower Oversight, received a notification that the U.S. Department of Justice (“DOJ”) had served legal process on Google in 2017 for records of a Google Voice telephone number that connected to his family’s telephones. For years, a nondisclosure order prevented Google from notifying Mr. Foster. In 2017, Mr. Foster was Chief Investigative Counsel to U.S. Senate Judiciary Committee Chairman Chuck Grassley, directing congressional oversight investigations into waste, fraud, abuse, and misconduct at DOJ pursuant to the Senate’s authorities under the U.S. Constitution.

Today, December 10, 2024, DOJ’s Office of Inspector General (“OIG”) published report 25-010 concerning the surveillance of Members of Congress and their staffers starting in 2017.<sup>1</sup> It is titled, “A Review of the Department of Justice’s Issuance of Compulsory Process to Obtain Records of Members of Congress, Congressional Staffers, and Members of the News Media.”

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<sup>1</sup> <https://oig.justice.gov/reports/review-department-justices-issuance-compulsory-process-obtain-records-members-congress>.

Empower Oversight continues to investigate DOJ's handling of these matters, past and present.

## **RECORDS REQUEST**

Mr. Foster and the public have a strong interest in learning about any DOJ misconduct directed at Mr. Foster in this matter. Thus, under the Freedom of Information Act ("FOIA") (5 U.S.C. § 552) and Privacy Act (5 U.S.C. §552a), Empower Oversight requests:

**All documents referencing Jason Foster that are associated with OIG report 25-010 described above, including all documents in OIG case files related to this report and electronic communications of OIG personnel associated with those investigation.**

Mr. Foster has executed a Form DOJ-361 authorizing the release of information to Empower Oversight, which is attached as Exhibit A.

## **DEFINITIONS**

"COMMUNICATION(S)" means every manner or method of disclosure, exchange of information, statement, or discussion between or among two or more persons, including but not limited to, face-to-face and telephone conversations, correspondence, memoranda, telegrams, telexes, email messages, voice-mail messages, text messages, Slack messages, meeting minutes, discussions, releases, statements, reports, publications, and any recordings or reproductions thereof.

"DOCUMENT(S)" or "RECORD(S)" mean any kind of written, graphic, or recorded matter, however produced or reproduced, of any kind or description, whether sent, received, or neither, including drafts, originals, non-identical copies, and information stored magnetically, electronically, photographically or otherwise. As used herein, the terms "DOCUMENT(S)" or "RECORD(S)" include, but are not limited to, studies; papers; books; accounts; letters; diagrams; pictures; drawings; photographs; correspondence; telegrams; cables; text messages; emails; memoranda; notes; notations; work papers; intra-office and inter-office communications; communications to, between, and among employees; contracts; financial agreements; grants; proposals; transcripts; minutes; orders; reports; recordings; or other documentation of telephone or other conversations; interviews; affidavits; slides; statement summaries; opinions; indices; analyses; publications; questionnaires; answers to questionnaires; statistical records; ledgers; journals; lists; logs; tabulations; charts; graphs; maps; surveys; sound recordings; data sheets; computer printouts; tapes; discs; microfilm; and all other records kept, regardless of the title, author, or origin.

"PERSON" means individuals, entities, firms, organizations, groups, committees, regulatory agencies, governmental entities, business entities, corporations, partnerships, trusts, and estates.

"REFERS," "REFERRING TO," "REGARDS," REGARDING," "RELATES," "RELATING TO," "CONCERNS," "BEARS UPON," or "PERTAINS TO" mean containing, alluding to, responding to, commenting upon, discussing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing, or characterizing, either directly or indirectly, in whole or in part.

"INCLUDING" means comprising part of, but not being limited to, the whole.

## INSTRUCTIONS

The words “and” and “or” shall be construed in the conjunctive or disjunctive, whichever is most inclusive.

The singular form shall include the plural form and vice versa.

The present tense shall include the past tense and vice versa.

In producing the records described above, you shall segregate them by reference to each of the numbered items of this FOIA request.

If you have any questions about this request, please contact Alex Xenos by e-mail at [ax@empowr.us](mailto:ax@empowr.us).

## FEE WAIVER REQUEST

Empower Oversight agrees to pay up to \$25.00 in applicable fees but notes that it qualifies as a “representative of the news media” and requests a waiver of any fees that may be associated with processing this request, in keeping with 5 U.S.C. § 552 (a)(4)(A)(iii).

Empower Oversight is a non-profit educational organization as defined under Section 501(c)(3) of the Internal Revenue Code, which helps insiders safely and legally report waste, fraud, abuse, corruption, and misconduct to the proper authorities, and seeks to hold those authorities accountable to act on such reports by, among other means, publishing information concerning the same.

Further, the information that Empower Oversight seeks is in the public interest because it is likely to contribute significantly to the public’s understanding of the Department’s handling of allegations that it or its employees were negligent or engaged in wrongdoing.

Empower Oversight is committed to government accountability, public integrity, and transparency. In the latter regard, the information that Empower Oversight receives that tends to explain the subject matter of this FOIA request will be disclosed publicly via its website, and copies will be shared with other news media for public dissemination.

For ease of administration and to conserve resources, we ask that documents be produced in a readily accessible electronic format. Thank you for your time and consideration. Please do not hesitate to contact me with any questions.

Cordially,

[/Michael S. Zimmer/](#)  
Michael S. Zimmer  
Senior Counsel