Twitter Thread by Jason Leopold



Jason Leopold
@JasonLeopold

NEW/THREAD: A forthcoming analysis from @TRACReports says @BuzzFeedNews has filed more #FOIA lawsuits--58-- than any other media organization in the US during Trump's presidency.

Here's a look back at the secrets my colleagues & I pried loose in 2020

1/

We started off 2020 publishing some of the most important and highly sought-after documents from former special counsel Robert Mueller's investigation: summaries of FBI interviews with key White House officials.
https://t.co/dfQI0LOa1I

2/

In February 2020, @BuzzFeedNews secured more than 1K pages of emails from NOAA related to Trump's "doctored" map of Hurricane Dorian — dubbed #SharpieGate — and the panic, outrage, and internal revolt it triggered among top officials at those agencies.
https://t.co/G7tTRV9aqR

3/

That month, we also filed a #FOIA lawsuit against DOJ for docs related to Barr's intervention in the Flynn & Stone cases. Emails we obtained brought to light the behind-the-scenes drama between the lead prosecutor in the Stone case & his supervisor
https://t.co/BdNFGpQiBf
4/

The federal response to #FOIA requests, which was already shitty, got worse during last year's coronavirus outbreak. Some agencies used the pandemic to justify cutting off responses altogether and to abruptly halt the processing of FOIA requests.

But we fought back. We sued.

5/

In June 2020, we obtained documents that show the FDA authorized two malaria drugs boosted by Trump to treat COVID-19 was based on threadbare evidence.
https://t.co/q30B3ZZdDi
6/

We continued to chip away at the secrecy behind the government's response to #COVID19, and in May we received docs that reveal how deeply involved FEMA was in the govt's bungled response to the pandemic, despite the agency's denials.
https://t.co/ArgDyQcjYa
7/

When the country erupted in protest after a Minneapolis police officer killed George Floyd, the federal govt scrambled to respond, dispatching federal agents in a sweeping effort to police the demonstrations. @BuzzFeedNews swiftly filed FOIA requests and then sued the govt

8/

Last August, DHS turned over hundreds of pages of documents to @BuzzFeedNews that show how federal agents monitored #BlackLivesMatter protesters' social media for intelligence and then braced for battle.
https://t.co/kuJtNxfh5t

9/

One of the Trump administration's most enduring controversies has been its immigration policies, which have resulted in dozens of deaths in detention facilities. To better understand what happened, BuzzFeed News sued DHS & ICE

10/

In Oct we published our findings, which included that a woman w/AIDS died after she was not given life-saving antiretroviral drugs & 3 detainees killed themselves even though they were supposed to have been under observation for mental health concerns
https://t.co/jg0UPvka9y
11/

Also last year, we used documents obtained through #FOIA lawsuits against the Treasury and Justice Departments to inform our groundbreaking #FinCENFiles investigation, published in September.
https://t.co/ETKey5nPDr

12/

Our #FOIA litigation rankled HSBC. A secret report we sought about failures in HSBC's anti–money laundering efforts led the bank to take the unusual step of intervening in our lawsuit. It asked DOJ not to release it to us
https://t.co/usOchKPbx7

13/

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July 14, 2020

VIA ELECTRONIC MAIL AND FEDEX

Kevin Krebs
Assistant Director
Freedom of Information Act & Privacy Act Staff
United States Department of Justice
175 N Street, NE
Fifth Floor, FOIA Suite
Washington, DC 20530

Re: FOIA Request for HSBC's Monitor Report
Leopold v. U.S. Dept. of Justice, 1:19-cv-03192 (D.D.C.)

Dear Mr. Krebs:

I write on behalf of HSBC Holdings plc ("HSBC" or the "Bank") in response to your letter dated June 25, 2020 in the above-referenced matter. For the reasons that follow, HSBC strenuously objects to plaintiff's request for "a copy of independent monitor Michael Cherkasky's 1,000-page report to the Justice Department" (the "Report")—in either its original or redacted form. The Report is highly confidential and contains extensive proprietary, financial, and competitive business information about HSBC and its customers, as well as highly sensitive information protected by the laws of foreign jurisdictions whose financial regulators supervise HSBC affiliates. As detailed below, the Report was prepared on behalf of and for the use of government entities, including those that supervise the Bank, both in the United States and abroad. It is long and detailed, and its disclosure is likely to (i) cause substantial competitive harm to HSBC and other third parties and (ii) impair the government from obtaining such information in the future.

Background. In December 2012, the Bank entered into a five-year deferred prosecution agreement ("DPA") with the United States Department of Justice ("DOJ"), in relation to HSBC's past inadequate compliance with anti-money laundering and sanctions laws. The Bank also entered into a resolution with the U.K. Financial Conduct Authority ("FCA") and the Federal Reserve Board. The DOJ agreed to dismiss the charges after five years, if the DOJ determined that HSBC had satisfied the DPA's various obligations, including the implementation of substantial remedial measures. To inform that determination and exercise supervision over the Bank, the DOJ and the FCA required the appointment of an independent Monitor to evaluate HSBC's controls, policies, and procedures related to its compliance with anti-money laundering and sanctions laws and the specific remedial measures identified in the DPA. The DOJ and the

The Mueller report, Russia's election interference, and Ukrainian dealings that led to impeachment dominated much of Trump's term in office; they also were targets of @BuzzFeedNews legal efforts

14/

Our #FOIA work generated headlines in March when Judge Reggie Walton, who was handling our/@EPICprivacy's lawsuit to unredact Mueller's report, issued a scathing opinion that questioned whether Barr intended to "create a one-sided narrative" about it
https://t.co/bVbWcQUnVW

15/

In June, DOJ was forced to remove vast swaths of black ink from the Mueller report in response to #FOIA lawsuits by @BuzzFeedNews and @EPICprivacy

The new details were revelatory

https://t.co/cwb10hOljS

16/

September brought another historic victory in Judge Walton's court. He ordered the government to release, on the day before Election Day, even more redacted passages from the Mueller report, ruling that DOJ violated federal law

17/

When those sections of the Mueller report were disclosed, it showed Mueller investigated Assange, WikiLeaks, and Stone related to the hacking of Democratic National Committee servers as well as for possible campaign finance violations.

https://t.co/x2e3tiJJTl

18/

The last set of docs we obtained in 2020 arrived in Dec. We had been fighting for its release for a year. It included 1 of the key historical docs of Trump's presidency: the criminal referral sent to FBI & DOJ accusing Trump himself of breaking the law
https://t.co/6zSqSVrdx4
19/

Our battle against recalcitrant public officials required not only the work of our own lawyer, Chris Hickman (co author of our 2020 #FOIA wrap up) but also enlisting outside counsel, including attys @_LightLaw @mvtopic & @jloevy and @katie_rcfp & @Jen_A_Nelson

THANK YOU!

20/

And thank you to @ackocher and his team at @TRACReports for the data analysis!