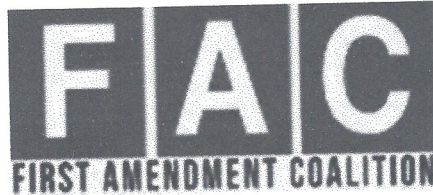


EXHIBIT 1



Federal Bureau of Investigation
Attn: FOI/PA Request
Record/Information Dissemination Section
170 Marcel Drive
Winchester, VA 22602-4843

Sent via U.S. Mail

October 9, 2019

**FREEDOM OF INFORMATION and PRIVACY ACT REQUEST
APPLICATION for WAIVER OF FEES and REQUEST for EXPEDITED HANDLING**

To Whom it May Concern:

I write on behalf of the First Amendment Coalition (FAC) and journalist Bryan Carmody to request, pursuant to the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA") and the Privacy Act, 5 U.S.C. § 552a ("Privacy Act"), records: 1) concerning the questioning of Mr. Carmody by F.B.I. agents in San Francisco on or about May 10, 2019, 2) any records or investigative files regarding Mr. Carmody, 3) any records or investigative files regarding former San Francisco Public Defender Jeff Adachi, and any records or investigative files regarding his death, and 4) any records or investigative files regarding the alleged leak of a San Francisco Police Department report regarding Mr. Adachi's death. FAC is serving as Mr. Carmody's attorney for purposes of this request; a Certification of Identity DOJ Form 361 signed by Mr. Carmody is attached.

Background

Bryan Carmody is a freelance journalist based in San Francisco and operates a news organization under the trade name "North Bay Television." It has been widely reported that the SFPD conducted an investigation into the alleged leak of a police report to Mr. Carmody regarding the death of former San Francisco Public Defender Jeff Adachi. The FBI has confirmed that two of its agents were present, and attempted to interview Bryan Carmody,

during a S.F.P.D. search of Mr. Carmody's residence and office on May 10, 2019.¹ . The *Times* reported on May 13, 2019 that "A spokeswoman in the F.B.I.'s San Francisco office confirmed the agents' presence but declined to say how they were involved."²

Records Requested

FAC and Mr. Carmody request the following records:

- (1) All documents evidencing or referencing any inquiry into, or investigation of, Bryan Carmody. This request includes but is not limited to records actually containing Mr. Carmody's name;**
- (2) All documents referring to or regarding Bryan Carmody;**
- (3) All documents evidencing or referencing any investigation or inquiry into the alleged leak to the press of a SFPD police report regarding the death of former San Francisco Public Defender Jeff Adachi;**
- (4) All documents evidencing or referencing any investigation of, or inquiries into, the death of former San Francisco Public Defender Jeff Adachi;**
- (5) All records referring to or regarding Mr. Adachi.**

We have enclosed with this letter a signed Certification of Identity form executed by Mr. Carmody.

As a deceased public official who held an elective office, neither Mr. Adachi (or his family) hold any residual privacy interests that might otherwise justify withholding or redacting any records. See Bartko v. U.S. DOJ, 898 F.3d 51, 69-70 (D.C.Cir. 2018); Schrecker v. U.S. DOJ, 254 F.3d 162 (D.C. Cir. 2001). Please provide responsive electronic records in their native file format or a generally accessible electronic format. **Please provide all communications, and any responsive records via email to dsnyder@firstamendmentcoalition.org and gsmith@firstamendmentcoalition.org.**

Application for Waiver or Limitation of Fees and Expedited Handling

Mr. Carmody and FAC seek a waiver of all fees under 5 U.S.C. section 552(a)(4)(A)(iii). The information requested is in the public interest because it will contribute significantly to the public's understanding of the operations and activities of the government and is not primarily in

¹<https://www.washingtonpost.com/nation/2019/05/11/reporter-declined-reveal-his-source-then-police-showed-up-his-front-door-with-guns/>


² <https://www.nytimes.com/2019/05/13/us/bryan-carmody-journalist-raid-source.html>

my or my organization's commercial interest. Mr. Carmody is a journalist of 30 years' experience who provides video footage, still photography and reported and written packages to television news outlets in California and beyond. He holds a press pass from SFPD. FAC, although not itself a news organization, has many news media outlets as members, acts as a representative of the news media, and regularly produces original content providing information and insights -- many gleaned from requests for public records -- about free speech and open-government issues. See National Security Archive v. U.S. Department of Defense, 880 F.2d 1381(D.C. 1989). In any event, please note that 5 U.S.C. Section 552(a)(4)(A)(iv)(II) requires that you provide the first 100 copies to me at no charge.

Mr. Carmody and FAC also request expedited handling of this request. There is a legitimate and significant public interest in Mr. Adachi's death and the investigation of Mr. Carmody, a journalist who holds a S.F.P.D. press pass. In particular, the use of search warrants (with some level of assistance from the F.B.I.) has resulted in an on-going public controversy.³ These factors are sufficient to warrant expedited handling under 5 U.S.C. § 552(a)(6)(E)(i).

Thank you for your prompt attention to this important matter. I am happy to discuss FAC's and Mr. Carmody's request by phone or email if you wish clarification or expansion on any of the matters set forth above. If there are ways to reasonably narrow the request, I am happy to discuss possibilities in that regard.

Sincerely,



David Snyder
Executive Director
First Amendment Coalition
534 Fourth Street, Suite B
San Rafael, CA 94901
415-460-5060
dsnyder@firstamendmentcoalition.org

Cc: Glen Smith, gsmith@firstamendmentcoalition.org

Encl.: Executed Certification of Identity Form

³ See, e.g.,
<https://www.washingtonpost.com/nation/2019/05/11/reporter-declined-reveal-his-source-then-police-show-ed-up-his-front-door-with-guns/>;
<https://www.sfchronicle.com/crime/article/SF-police-raid-journalist-s-home-in-probe-over-13837363.php>