

EXHIBIT NN



U.S. Department of Justice
Civil Rights Division

KK:ANF:AKL

*Freedom of Information/PA Unit –4CON
950 Pennsylvania Ave., NW
Washington, DC 20530*

Via Electronic Mail

Mr. Thomas Jones
American Accountability Foundation
300 Independence Ave. SE
Washington, DC 20003
records@americanaccountabilityfoundation.com

November 17, 2021

Date Received: October 27, 2021

FOI/PA No.22-00059-F

Subject of Request: Information pertaining to copies of emails and text messages (iMessage, SMS messages, Signal message, What's App, or any other similar messaging services), including records from non-governmental email addresses and devices, between Timothy F. Mellett (to, from, cc, bcc) any of the following individuals: Amber McReynolds; Laura Williamson; Kristen Lee; Dale Ho; Sophia L. Lakin; William Hughes; Noëlle Porter; Sarah Saadian; Dana Paikowsky ; Rob Weiner; Blair Bowie; Virginia Kase; Jonathan M. Smith; Hauwa Ahmed; Mike Sozan; Marc Elias; Allie Rothenberg; Thomas A. Saenz; Aaron Scherb; Wendy R. Weiser; Daniel I. Weiner; Hector Sanchez Barba; Xanthe Thomassen; Tiana Epps-Johnson; Whitney May; Written or email correspondence (including records maintained in non-governmental email accounts) between Timothy F. Mellett and the individual at the following email address: Jonathan_Smith@washlaw.org; Written or email correspondence (including records maintained in non-governmental email accounts) between Timothy F. Mellett and individuals at the following domains: @demos.org; @aclu.org; @nhlp.org; @nlihc.org; @campaignlegalcenter.org; @americanprogress.org; @commoncause.org; @elias.law; @democracydocket.com; @lwv.org; @maldef.org; @brennan.law.nyu.edu; @mifamiliavota.org; @voteathome.org; @centerforvoterinformation.org; @techandciviclife.org; @democracy.works; @electioninnovation.org; @aaldef.org; @seiu.org; @nea.org; @lulac.org; @naleo.org; @aflcio.org; from January 20, 2021 to the present

Dear Mr. Jones:

This is to inform you that your request for records from the files of the Civil Rights Division was received by the Division's Freedom of Information/Privacy Acts (FOI/PA) Branch on the date indicated above. Your request has been assigned the FOI/PA number shown above. Please refer to this number in any future correspondence concerning this request. In connection with review of your FOI/PA request, the following paragraph(s) are applicable:

_____ In searching its file for records responsive to your request, _____

located records that originated with the Civil Rights Division. These records were referred to the Civil Rights Division as the originating component for review and release determination. Upon completion of our review, the releasable document(s) will be sent directly to you.

XX As a result of the large number of Freedom of Information and Privacy Acts requests received by the Civil Rights Division, some delay may be encountered in processing your request. In an attempt to treat each requester fairly, we have adopted a policy of processing requests in the approximate order of receipt. Please be assured that your request is being handled as equitably as possible. We appreciate your patience and will provide you with a response at the earliest possible date. Please note that the Civil Rights Division utilizes multi-track processing in which processing ranges from faster tracks for requests (seeking access to documents already processed for prior requests) to much slower tracks for complex requests involving voluminous amounts of responsive documents or extensive consultation. At your option, you may wish to call the number below and limit the scope of your request to enable your request to be handled in the most expeditious manner available to fulfill your interests.

_____ Since your letter did not include authorization or a certification of identity, we will close your file for now. We will re-open your request on receipt of the required authorization forms. The Privacy Act, and the Department of Justice Privacy Act regulation, 28 C.F.R. §16.41, require each person requesting records indexed or maintained under his or her name or another person's name, to furnish the Department with proof of identity/consent to disclosure. Please complete the enclosed form and return it directly to the Freedom of Information/Privacy Acts Branch, Civil Rights Division, US Department of Justice, Washington, D.C. 20530.

XX We have to consult with other offices in the Civil Rights Division to conduct a search and locate records which may be responsive to your request. Because of the need to examine a voluminous amount of records, we can respond only after consulting with the other offices. Thus, there may be some delay in the processing of your request as a result. Accordingly, your request falls within "unusual circumstances." See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii). Because of these unusual circumstances, we are extending the time limit to respond to your request **beyond the ten additional days provided by the statute**. The time needed to process your request will necessarily depend on the volume and complexity of the records located. For your information, this Office assigns incoming requests to one of three tracks: simple, complex, or expedited. Each request is then handled on a first-in, first-out basis in relation to other requests in the same track. Simple requests usually receive a response in approximately **one month**, whereas complex requests necessarily take longer. To allow us to respond more quickly to you, you may wish to narrow the scope of your request to limit the number of potentially responsive records or agree to an alternative time frame for processing.

XX Please be advised that due to necessary operational changes as a result of the national emergency concerning the novel coronavirus disease (COVID-19) outbreak, there may be some delay in the processing of your request.

If you are not satisfied with the Civil Rights Division's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C.

Case 1:22-cv-01738-TJK Document 1-4 Filed 06/16/22 Page 4 of 71
20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account on the following website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

If you have any further questions, contact this office by calling (202) 514-4210.

Sincerely,

April N. Freeman

for

Kilian Kagle, Chief
Freedom of Information/Privacy Acts Unit
Civil Rights Division

EXHIBIT OO



October 27, 2021

Civil Rights Division
Department of Justice
Civil Rights Division, 4CON Room 6.153
950 Pennsylvania Avenue NW
Washington, DC 20530

**Re: Request Under Freedom of Information Act
(Expedited Processing & Fee Waiver/Limitation Requested)**

To Whom It May Concern:

The American Accountability Foundation makes the following request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. Specifically, AAF requests copies of the following records relating to Daniel Freeman who is identified as most recently serving as: Trial Attorney.

- Copies of emails and text messages (iMessage, SMS messages, Signal message, What's App, or any other similar messaging services), including records from non-governmental email addresses and devices, between Daniel Freeman (to, from, cc, bcc) any of the following individuals:
 1. Amber McReynolds
 2. Laura Williamson
 3. Kristen Lee
 4. Dale Ho
 5. Sophia L. Lakin
 6. William Hughes
 7. Noëlle Porter
 8. Sarah Saadian
 9. Dana Paikowsky
 10. Rob Weiner
 11. Blair Bowie
 12. Virginia Kase
 13. Jonathan M. Smith
 14. Hauwa Ahmed
 15. Mike Sozan
 16. Marc Elias
 17. Allie Rothenberg
 18. Thomas A. Saenz
 19. Aaron Scherb
 20. Wendy R. Weiser
 21. Daniel I. Weiner
 22. Hector Sanchez Barba

23. Xanthe Thomassen
 24. Tiana Epps-Johnson
 25. Whitney May
- Written or email correspondence (including records maintained in non-governmental email accounts) between Daniel Freeman and the individual at the following email address:
 1. Jonathan_Smith@washlaw.org
 - Written or email correspondence (including records maintained in non-governmental email accounts) between Daniel Freeman and individuals at the following domains:
 1. @demos.org
 2. @aclu.org
 3. @nhlp.org
 4. @nlihc.org
 5. @campaignlegalcenter.org
 6. @americanprogress.org
 7. @commoncause.org
 8. @elias.law
 9. @democracydocket.com
 10. @lww.org
 11. @maldef.org
 12. @brennan.law.nyu.edu
 13. @mifamiliavota.org
 14. @voteathome.org
 15. @centerforvoterinformation.org
 16. @techandciviclife.org
 17. @democracy.works
 18. @electioninnovation.org
 19. @aaldef.org
 20. @seiu.org
 21. @nea.org
 22. @lulac.org
 23. @naleo.org
 24. @aflcio.org

The first bullet point of this request includes requests for records relating to correspondence with certain named individuals. It is our expectation that the agency would search for the individual across multiple communication platforms such as email, text messaging, iMessage, and other forms of communication where a narrow definition such as an email address would not encompass all official correspondence with the individual by the agency staff person.

Please search for responsive records from January 20, 2021 through the date the search is conducted.

Records maintained in non-governmental email accounts and devices are still subject to FOIA. As the Congressional Research Service has noted when discussing CEI vs. OSTP, 92 F. Supp. 3d 228, 232-34 (D.C.C. 2015) “The D.C. Circuit’s decision in Competitive Enterprise Institute, therefore, stands for the

proposition that agency records are subject to FOIA even if contained in nongovernmental electronic accounts....”¹

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records.

If it is your position any portion of the requested records is exempt from disclosure, AAF requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep’t of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

FEE WAIVER

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$50. In accordance with 5 U.S.C 552(a)(4)(A)(iii), American Accountability Foundation also requests a waiver of all fees because the disclosure of the requested information is in the public interest and would contribute significantly to the public’s understanding of the decision making at the Department of Justice and who the Attorney General meets from outside the organization, how they coordinate with Department of Justice leadership, and what influence they may have on the actions and policies as a direct result of their interactions. Much as the ethics offices conduct investigations, it is vital that the public through journalists and watchdog groups be enabled to conduct similar investigations.

5 U.S.C 552(a)(4)(A)(iii):

(iii) Documents shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.”

The American Accountability Foundation (AAF) is a charitable and educational organization recognized by the Internal Revenue Service under section 501(c)3 of the Internal Revenue Code that conducts non-partisan research and fact-checking so Americans can hold their public leaders accountable. AAF is staffed by experienced researchers and public affairs officials who would analyze and disseminate the information. Further, AAF qualifies as a “representative of the news media” and utilizes the websites its own websites AmericanAccountabilityFoundation.com and BidenNoms.com to publicly distribute the original research stemming from the documents requested free of charge. Additionally, AAF maintains

¹ See <https://crsreports.congress.gov/product/pdf/R/R46238>

close relationships with reporters and policy makers who would amplify the findings associated with the requested documents.

For these reasons stated above, AAF satisfies the criteria for a fee waiver.

EXPEDITED PROCESS

The AAF requests expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E) based on a “compelling need” for these records. As defined by 5 U.S.C. § 552(a)(6)(E)(v)(II), there is an “urgen[t]” need for the information requested because AAF is primarily engaged in disseminating information with “urgency to inform the public concerning actual or alleged Federal Government activity.”

(1) AAF is an organization primarily engaged in disseminating information to the public concerning actual or alleged government activity.

The AAF is an organization primarily engaged in disseminating information in order to bring transparency regarding actual or alleged government activity directly to the public. It is critical to the mission of the AAF and for transparency regarding government activities to obtain information, scrutinize the information, and widely publish that information for the public consumption. The information obtained about government activity is directly published on our websites americanaccountabilityfoundation.com and bidennoms.com, and widely disseminated through social media platforms.

Additionally, the AAF publishes its findings and original analysis on its blogs <https://www.bidennoms.com/news> and <https://www.americanaccountabilityfoundation.com/blog>. Examples of posts include an original report on donations to the Republican Governors Association, an investigation into no-bid contracts given to political cronies at DHS, and alleged insider trading allegation involving Biden Administration nominee.² The AAF also directly disseminates findings obtained through FOIA requests with the press through press releases and through interviews with print, digital, and tv news outlets.³ This is an ongoing effort to provide timely, educational resources to the American public on the activities of government officials.⁴

² See the following links for blog posts cited as well as other content:

<https://www.americanaccountabilityfoundation.com/post/woke-capitalism-on-full-display-at-the-republican-governors-association>; <https://www.americanaccountabilityfoundation.com/post/american-accountability-foundation-sends-investigative-findings-on-endeavors-to-dhs-ig>; <https://www.bidennoms.com/news/912/james-kvaal-insider-trading-allegations>;

³ See FOIA request for disciplinary records of ATF nominee David Chipman:

<https://dailycaller.com/2021/06/22/american-accountability-foundation-david-chipman/>

⁴ The following links are a small, non-comprehensive list to illustrate how the AAF disseminates information to the public via other national news outlets:

<https://www.nbcnews.com/politics/politics-news/conservative-group-files-ethics-complaint-against-aoc-attending-met-gala-n1279308>

<https://nypost.com/2021/09/30/biden-reportedly-nominated-daughter-of-political-ally-clyburn-to-post/>

<https://www.foxbusiness.com/politics/biden-raises-eyebrows-donors-company-official-visit>

<https://www.newsweek.com/civilian-climate-corps-trojan-horse-radical-left-opinion-1632402>

<https://www.thedailybeast.com/the-nra-is-bankrupt-but-it-still-owns-americas-gun-agency>

<https://news.yahoo.com/conservative-group-behind-sunk-atf-003022173.html>

(2) *The records requested are urgently needed to disseminate information to the public on actual or alleged government activity.*

These records are urgently needed to inform the public about actual or alleged government activity. Specifically, requested records relating to the past and ongoing activity of the Department of Justice on election related items including, but not limited to, activities to protect the integrity of elections, voting rights, early voting, vote by mail, access to voting, and the right of eligible voters to vote. As mentioned in August 2021, Attorney General Garland expressed the urgency to act “on relatively short notice” to ensure we have safe elections in the United States.⁵ Additional measures taken by the Department of Justice in June 2021 also reveal their actions to “protect civil rights” through ongoing review of post-election audits when they stated, “We are scrutinizing new laws that seek to curb voter access, and where we see violations, we will not hesitate to act” indicating that decisions are made in real time as the need arises.⁶ Audits in several states, including Arizona and Wisconsin, maintain strict review periods that require the need for public access to information of activities undertaken by the Department of Justice while election audit and post-audit activities occur.⁷

28 C.F.R. § 16.5(e) expanded expedited processing to include requests for records involving the loss of substantial due process rights or matters of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence. Election administration and voting access necessarily implicates due process rights. See *Griffin v. Burns*, 570 F.2d 1065 (1st Cir. 1978); *Roe v. Alabama*, 68 F.3d 404 (11th Cir. 1995).

Trust in our Republic and its democratic election processes are of enormous public concern and require immediate dissemination of accurate information to the public on what the activities of their government leaders. As Attorney General Garland stated, “...there has been a dramatic rise in legislative efforts that will make it harder for millions of citizens to cast a vote that counts. So far this year, at least fourteen states have passed new laws that make it harder to vote. And some jurisdictions, based on disinformation, have utilized abnormal post-election audit methodologies that may put the integrity of the voting process at risk and undermine public confidence in our democracy.”⁸ Watchdog groups like

<https://thehill.com/homenews/house/544623-conservative-group-escalates-earmarks-war-by-infiltrating-trainings>

<https://spectrumnews1.com/ca/la-west/human-interest/2021/07/22/speaker-pelosi-s--1-million-request-for-the-courage-museum-heads-to-house-floor>

<https://www.buzzfeednews.com/article/zahrahirji/carlton-waterhouse-epa-tom-cotton-racism>

<https://www.foxnews.com/politics/biden-doj-kristen-clarke-conference-cop-killers>

⁵ Garland, M., 2021. *Attorney General Merrick B. Garland Delivers Remarks at Justice Department Leadership Meeting with State and Local Election Officials on Threats to Election Workers*. [online] Justice.gov. Available at: <<https://www.justice.gov/opa/speech/attorney-general-merrick-b-garland-delivers-remarks-justice-department-leadership-meeting>> [Accessed 22 October 2021].

⁶ Garland, M., 2021. *Attorney General Merrick B. Garland Delivered a Policy Address Regarding Voting Rights*. [online] Justice.gov. Available at: <<https://www.justice.gov/opa/speech/attorney-general-merrick-b-garland-delivered-policy-address-regarding-voting-rights>> [Accessed 22 October 2021].

⁷ Axelrod, T., 2021. *Wisconsin House speaker signs subpoenas in election audit*. [online] TheHill. Available at: <<https://thehill.com/homenews/state-watch/574937-wisconsin-house-speaker-signs-subpoenas-in-election-audit>> [Accessed 22 October 2021].

⁸ Garland, M., 2021. *Attorney General Merrick B. Garland Delivered a Policy Address Regarding Voting Rights*. [online] Justice.gov. Available at: <<https://www.justice.gov/opa/speech/attorney-general-merrick-b-garland-delivered-policy-address-regarding-voting-rights>> [Accessed 22 October 2021].

the AAF facilitate as their primary mission the dissemination of information and unique analysis on government activities that help promote public confidence in the democratic process.

Obtaining information from this request on communications and coordination from government officials and outside entities regarding ongoing election related items (specifically during election cycles and during election integrity initiatives such as audits) and disseminating to the public before election items expire meets the need for "urgency" as defined by statute and regulations.

* * * *

Please provide all responsive documents as attachments to emails to the address records@americanaccountabilityfoundation.com. For electronic records please provide them in their original electronic format and for paper documents, please provide them as PDF attachments to the email. If document sizes will exceed the capacity of email attachments, please email me and I will provide a location for uploading documents or will provide storage media to share the documents.

Thank you for your prompt attention to this matter.

Respectfully,



Matthew A. Buckham
Founder, American Accountability
Foundation

Thomas Jones
Founder, American Accountability
Foundation

EXHIBIT PP



U.S. Department of Justice
Civil Rights Division

KK:ANF:AKL

*Freedom of Information/PA Unit –4CON
950 Pennsylvania Ave., NW
Washington, DC 20530*

Via Electronic Mail

Mr. Thomas Jones
American Accountability Foundation
300 Independence Ave. SE
Washington, DC 20003
records@americanaccountabilityfoundation.com

November 17, 2021

Date Received: October 27, 2021

FOI/PA No.22-00060-F

Subject of Request: Information pertaining to copies of emails and text messages (iMessage, SMS messages, Signal message, What's App, or any other similar messaging services), including records from non-governmental email addresses and devices, between Daniel Freeman (to, from, cc, bcc) any of the following individuals: Amber McReynolds; Laura Williamson; Kristen Lee; Dale Ho; Sophia L. Lakin; William Hughes; Noëlle Porter; Sarah Saadian; Dana Paikowsky ; Rob Weiner; Blair Bowie; Virginia Kase; Jonathan M. Smith; Hauwa Ahmed; Mike Sozan; Marc Elias; Allie Rothenberg; Thomas A. Saenz; Aaron Scherb; Wendy R. Weiser; Daniel I. Weiner; Hector Sanchez Barba; Xanthe Thomassen; Tiana Epps-Johnson; Whitney May; Written or email correspondence (including records maintained in non-governmental email accounts) between Daniel Freeman and the individual at the following email address: Jonathan_Smith@washlaw.org; Written or email correspondence (including records maintained in non-governmental email accounts) between Daniel Freeman and individuals at the following domains: @demos.org; @aclu.org; @nhlp.org; @nlihc.org; @campaignlegalcenter.org; @americanprogress.org; @commoncause.org; @elias.law; @democracydocket.com; @lww.org; @maldef.org; @brennan.law.nyu.edu; @mifamiliavota.org; @voteathome.org; @centerforvoterinformation.org; @techandciviclife.org; @democracy.works; @electioninnovation.org; @aaldef.org; @seiu.org; @nea.org; @lulac.org; @naleo.org; @aflcio.org; from January 20, 2021 to the present

Dear Mr. Jones:

This is to inform you that your request for records from the files of the Civil Rights Division was received by the Division's Freedom of Information/Privacy Acts (FOI/PA) Branch on the date indicated above. Your request has been assigned the FOI/PA number shown above. Please refer to this number in any future correspondence concerning this request. In connection with review of your FOI/PA request, the following paragraph(s) are applicable:

_____ In searching its file for records responsive to your request, _____

located records that originated with the Civil Rights Division. These records were referred to the Civil Rights Division as the originating component for review and release determination. Upon completion of our review, the releasable document(s) will be sent directly to you.

XX As a result of the large number of Freedom of Information and Privacy Acts requests received by the Civil Rights Division, some delay may be encountered in processing your request. In an attempt to treat each requester fairly, we have adopted a policy of processing requests in the approximate order of receipt. Please be assured that your request is being handled as equitably as possible. We appreciate your patience and will provide you with a response at the earliest possible date. Please note that the Civil Rights Division utilizes multi-track processing in which processing ranges from faster tracks for requests (seeking access to documents already processed for prior requests) to much slower tracks for complex requests involving voluminous amounts of responsive documents or extensive consultation. At your option, you may wish to call the number below and limit the scope of your request to enable your request to be handled in the most expeditious manner available to fulfill your interests.

_____ Since your letter did not include authorization or a certification of identity, we will close your file for now. We will re-open your request on receipt of the required authorization forms. The Privacy Act, and the Department of Justice Privacy Act regulation, 28 C.F.R. §16.41, require each person requesting records indexed or maintained under his or her name or another person's name, to furnish the Department with proof of identity/consent to disclosure. Please complete the enclosed form and return it directly to the Freedom of Information/Privacy Acts Branch, Civil Rights Division, US Department of Justice, Washington, D.C. 20530.

XX We have to consult with other offices in the Civil Rights Division to conduct a search and locate records which may be responsive to your request. Because of the need to examine a voluminous amount of records, we can respond only after consulting with the other offices. Thus, there may be some delay in the processing of your request as a result. Accordingly, your request falls within "unusual circumstances." See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii). Because of these unusual circumstances, we are extending the time limit to respond to your request **beyond the ten additional days provided by the statute**. The time needed to process your request will necessarily depend on the volume and complexity of the records located. For your information, this Office assigns incoming requests to one of three tracks: simple, complex, or expedited. Each request is then handled on a first-in, first-out basis in relation to other requests in the same track. Simple requests usually receive a response in approximately **one month**, whereas complex requests necessarily take longer. To allow us to respond more quickly to you, you may wish to narrow the scope of your request to limit the number of potentially responsive records or agree to an alternative time frame for processing.

XX Please be advised that due to necessary operational changes as a result of the national emergency concerning the novel coronavirus disease (COVID-19) outbreak, there may be some delay in the processing of your request.

If you are not satisfied with the Civil Rights Division's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C.

Case 1:22-cv-01738-TJK Document 1-4 Filed 06/16/22 Page 15 of 71
20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account on the following website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

If you have any further questions, contact this office by calling (202) 514-4210.

Sincerely,

April N. Freeman

for

Kilian Kagle, Chief
Freedom of Information/Privacy Acts Unit
Civil Rights Division

EXHIBIT QQ



October 28, 2021

Public Integrity Section of the Criminal Division
Department of Justice
Civil Rights Division, 4CON Room 6.153
950 Pennsylvania Avenue NW
Washington, DC 20530

**Re: Request Under Freedom of Information Act
(Expedited Processing & Fee Waiver/Limitation Requested)**

To Whom It May Concern:

The American Accountability Foundation makes the following request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. Specifically, AAF requests copies of the following records relating to John Keller who is identified as most recently serving as: Principal Deputy Chief.

- Copies of emails and text messages (iMessage, SMS messages, Signal message, What's App, or any other similar messaging services), including records from non-governmental email addresses and devices, between John Keller (to, from, cc, bcc) any of the following individuals:
 1. Amber McReynolds
 2. Laura Williamson
 3. Kristen Lee
 4. Dale Ho
 5. Sophia L. Lakin
 6. William Hughes
 7. Noëlle Porter
 8. Sarah Saadian
 9. Dana Paikowsky
 10. Rob Weiner
 11. Blair Bowie
 12. Virginia Kase
 13. Jonathan M. Smith
 14. Hauwa Ahmed
 15. Mike Sozan
 16. Marc Elias
 17. Allie Rothenberg
 18. Thomas A. Saenz
 19. Aaron Scherb
 20. Wendy R. Weiser
 21. Daniel I. Weiner
 22. Hector Sanchez Barba

23. Xanthe Thomassen
 24. Tiana Epps-Johnson
 25. Whitney May
- Written or email correspondence (including records maintained in non-governmental email accounts) between John Keller and the individual at the following email address:
 1. Jonathan_Smith@washlaw.org
 - Written or email correspondence (including records maintained in non-governmental email accounts) between John Keller and individuals at the following domains:
 1. @demos.org
 2. @aclu.org
 3. @nhlp.org
 4. @nlihc.org
 5. @campaignlegalcenter.org
 6. @americanprogress.org
 7. @commoncause.org
 8. @elias.law
 9. @democracydocket.com
 10. @lww.org
 11. @maldef.org
 12. @brennan.law.nyu.edu
 13. @mifamiliavota.org
 14. @voteathome.org
 15. @centerforvoterinformation.org
 16. @techandciviclife.org
 17. @democracy.works
 18. @electioninnovation.org
 19. @aaldef.org
 20. @seiu.org
 21. @nea.org
 22. @lulac.org
 23. @naleo.org
 24. @aflcio.org

The first bullet point of this request includes requests for records relating to correspondence with certain named individuals. It is our expectation that the agency would search for the individual across multiple communication platforms such as email, text messaging, iMessage, and other forms of communication where a narrow definition such as an email address would not encompass all official correspondence with the individual by the agency staff person.

Please search for responsive records from January 20, 2021 through the date the search is conducted.

Records maintained in non-governmental email accounts and devices are still subject to FOIA. As the Congressional Research Service has noted when discussing CEI vs. OSTP, 92 F. Supp. 3d 228, 232-34 (D.C.C. 2015) "The D.C. Circuit's decision in Competitive Enterprise Institute, therefore, stands for the

proposition that agency records are subject to FOIA even if contained in nongovernmental electronic accounts...”¹

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records.

If it is your position any portion of the requested records is exempt from disclosure, AAF requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep’t of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

FEE WAIVER

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$50. In accordance with 5 U.S.C 552(a)(4)(A)(iii), American Accountability Foundation also requests a waiver of all fees because the disclosure of the requested information is in the public interest and would contribute significantly to the public’s understanding of the decision making at the Department of Justice and who the Attorney General meets from outside the organization, how they coordinate with Department of Justice leadership, and what influence they may have on the actions and policies as a direct result of their interactions. Much as the ethics offices conduct investigations, it is vital that the public through journalists and watchdog groups be enabled to conduct similar investigations.

5 U.S.C 552(a)(4)(A)(iii):

(iii) Documents shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.”

The American Accountability Foundation (AAF) is a charitable and educational organization recognized by the Internal Revenue Service under section 501(c)3 of the Internal Revenue Code that conducts non-partisan research and fact-checking so Americans can hold their public leaders accountable. AAF is staffed by experienced researchers and public affairs officials who would analyze and disseminate the information. Further, AAF qualifies as a “representative of the news media” and utilizes the websites its own websites AmericanAccountabilityFoundation.com and BidenNoms.com to publicly distribute the original research stemming from the documents requested free of charge. Additionally, AAF maintains

¹ See <https://crsreports.congress.gov/product/pdf/R/R46238>

close relationships with reporters and policy makers who would amplify the findings associated with the requested documents.

For these reasons stated above, AAF satisfies the criteria for a fee waiver.

EXPEDITED PROCESS

The AAF requests expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E) based on a “compelling need” for these records. As defined by 5 U.S.C. § 552(a)(6)(E)(v)(II), there is an “urgen[t]” need for the information requested because AAF is primarily engaged in disseminating information with “urgency to inform the public concerning actual or alleged Federal Government activity.”

(1) AAF is an organization primarily engaged in disseminating information to the public concerning actual or alleged government activity.

The AAF is an organization primarily engaged in disseminating information in order to bring transparency regarding actual or alleged government activity directly to the public. It is critical to the mission of the AAF and for transparency regarding government activities to obtain information, scrutinize the information, and widely publish that information for the public consumption. The information obtained about government activity is directly published on our websites americanaccountabilityfoundation.com and bidennoms.com, and widely disseminated through social media platforms.

Additionally, the AAF publishes its findings and original analysis on its blogs <https://www.bidennoms.com/news> and <https://www.americanaccountabilityfoundation.com/blog>. Examples of posts include an original report on donations to the Republican Governors Association, an investigation into no-bid contracts given to political cronies at DHS, and alleged insider trading allegation involving Biden Administration nominee.² The AAF also directly disseminates findings obtained through FOIA requests with the press through press releases and through interviews with print, digital, and tv news outlets.³ This is an ongoing effort to provide timely, educational resources to the American public on the activities of government officials.⁴

² See the following links for blog posts cited as well as other content:

<https://www.americanaccountabilityfoundation.com/post/woke-capitalism-on-full-display-at-the-republican-governors-association>; <https://www.americanaccountabilityfoundation.com/post/american-accountability-foundation-sends-investigative-findings-on-endeavors-to-dhs-ig>; <https://www.bidennoms.com/news/912/james-kvaal-insider-trading-allegations>;

³ See FOIA request for disciplinary records of ATF nominee David Chipman:

<https://dailycaller.com/2021/06/22/american-accountability-foundation-david-chipman/>

⁴ The following links are a small, non-comprehensive list to illustrate how the AAF disseminates information to the public via other national news outlets:

<https://www.nbcnews.com/politics/politics-news/conservative-group-files-ethics-complaint-against-aoc-attending-met-gala-n1279308>

<https://nypost.com/2021/09/30/biden-reportedly-nominated-daughter-of-political-ally-clyburn-to-post/>

<https://www.foxbusiness.com/politics/biden-raises-eyebrows-donors-company-official-visit>

<https://www.newsweek.com/civilian-climate-corps-trojan-horse-radical-left-opinion-1632402>

<https://www.thedailybeast.com/the-nra-is-bankrupt-but-it-still-owns-americas-gun-agency>

<https://news.yahoo.com/conservative-group-behind-sunk-atf-003022173.html>

(2) *The records requested are urgently needed to disseminate information to the public on actual or alleged government activity.*

These records are urgently needed to inform the public about actual or alleged government activity. Specifically, requested records relating to the past and ongoing activity of the Department of Justice on election related items including, but not limited to, activities to protect the integrity of elections, voting rights, early voting, vote by mail, access to voting, and the right of eligible voters to vote. As mentioned in August 2021, Attorney General Garland expressed the urgency to act “on relatively short notice” to ensure we have safe elections in the United States.⁵ Additional measures taken by the Department of Justice in June 2021 also reveal their actions to “protect civil rights” through ongoing review of post-election audits when they stated, “We are scrutinizing new laws that seek to curb voter access, and where we see violations, we will not hesitate to act” indicating that decisions are made in real time as the need arises.⁶ Audits in several states, including Arizona and Wisconsin, maintain strict review periods that require the need for public access to information of activities undertaken by the Department of Justice while election audit and post-audit activities occur.⁷

28 C.F.R. § 16.5(e) expanded expedited processing to include requests for records involving the loss of substantial due process rights or matters of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence. Election administration and voting access necessarily implicates due process rights. See *Griffin v. Burns*, 570 F.2d 1065 (1st Cir. 1978); *Roe v. Alabama*, 68 F.3d 404 (11th Cir. 1995).

Trust in our Republic and its democratic election processes are of enormous public concern and require immediate dissemination of accurate information to the public on what the activities of their government leaders. As Attorney General Garland stated, “...there has been a dramatic rise in legislative efforts that will make it harder for millions of citizens to cast a vote that counts. So far this year, at least fourteen states have passed new laws that make it harder to vote. And some jurisdictions, based on disinformation, have utilized abnormal post-election audit methodologies that may put the integrity of the voting process at risk and undermine public confidence in our democracy.”⁸ Watchdog groups like

<https://thehill.com/homenews/house/544623-conservative-group-escalates-earmarks-war-by-infiltrating-trainings>

<https://spectrumnews1.com/ca/la-west/human-interest/2021/07/22/speaker-pelosi-s--1-million-request-for-the-courage-museum-heads-to-house-floor>

<https://www.buzzfeednews.com/article/zahrahirji/carlton-waterhouse-epa-tom-cotton-racism>

<https://www.foxnews.com/politics/biden-doj-kristen-clarke-conference-cop-killers>

⁵ Garland, M., 2021. *Attorney General Merrick B. Garland Delivers Remarks at Justice Department Leadership Meeting with State and Local Election Officials on Threats to Election Workers*. [online] Justice.gov. Available at: <<https://www.justice.gov/opa/speech/attorney-general-merrick-b-garland-delivers-remarks-justice-department-leadership-meeting>> [Accessed 22 October 2021].

⁶ Garland, M., 2021. *Attorney General Merrick B. Garland Delivered a Policy Address Regarding Voting Rights*. [online] Justice.gov. Available at: <<https://www.justice.gov/opa/speech/attorney-general-merrick-b-garland-delivered-policy-address-regarding-voting-rights>> [Accessed 22 October 2021].

⁷ Axelrod, T., 2021. *Wisconsin House speaker signs subpoenas in election audit*. [online] TheHill. Available at: <<https://thehill.com/homenews/state-watch/574937-wisconsin-house-speaker-signs-subpoenas-in-election-audit>> [Accessed 22 October 2021].

⁸ Garland, M., 2021. *Attorney General Merrick B. Garland Delivered a Policy Address Regarding Voting Rights*. [online] Justice.gov. Available at: <<https://www.justice.gov/opa/speech/attorney-general-merrick-b-garland-delivered-policy-address-regarding-voting-rights>> [Accessed 22 October 2021].

the AAF facilitate as their primary mission the dissemination of information and unique analysis on government activities that help promote public confidence in the democratic process.

Obtaining information from this request on communications and coordination from government officials and outside entities regarding ongoing election related items (specifically during election cycles and during election integrity initiatives such as audits) and disseminating to the public before election items expire meets the need for “urgency” as defined by statute and regulations.

* * * *

Please provide all responsive documents as attachments to emails to the address records@americanaccountabilityfoundation.com. For electronic records please provide them in their original electronic format and for paper documents, please provide them as PDF attachments to the email. If document sizes will exceed the capacity of email attachments, please email me and I will provide a location for uploading documents or will provide storage media to share the documents.

Thank you for your prompt attention to this matter.

Respectfully,



Matthew A. Buckham
Founder, American Accountability
Foundation

Thomas Jones
Founder, American Accountability
Foundation

EXHIBIT RR



U.S. Department of Justice
Civil Rights Division

KK:ANF:AKL

Freedom of Information/PA Unit –4CON
950 Pennsylvania Ave., NW
Washington, DC 20530

Via Electronic Mail

Mr. Thomas Jones
American Accountability Foundation
300 Independence Ave. SE
Washington, DC 20003
records@americanaccountabilityfoundation.com

November 17, 2021

Date Received: October 28, 2021

FOI/PA No.22-00061-F

Subject of Request: Information pertaining to copies of emails and text messages (iMessage, SMS messages, Signal message, What's App, or any other similar messaging services), including records from non-governmental email addresses and devices, between John Keller (to, from, cc, bcc) any of the following individuals: Amber McReynolds; Laura Williamson; Kristen Lee; Dale Ho; Sophia L. Lakin; William Hughes; Noëlle Porter; Sarah Saadian; Dana Paikowsky ; Rob Weiner; Blair Bowie; Virginia Kase; Jonathan M. Smith; Hauwa Ahmed; Mike Sozan; Marc Elias; Allie Rothenberg; Thomas A. Saenz; Aaron Scherb; Wendy R. Weiser; Daniel I. Weiner; Hector Sanchez Barba; Xanthe Thomassen; Tiana Epps-Johnson; Whitney May; Written or email correspondence (including records maintained in non-governmental email accounts) between John Keller and the individual at the following email address: Jonathan_Smith@washlaw.org; Written or email correspondence (including records maintained in non-governmental email accounts) between John Keller and individuals at the following domains: @demos.org; @aclu.org; @nhlp.org; @nlihc.org; @campaignlegalcenter.org; @americanprogress.org; @commoncause.org; @elias.law; @democracydocket.com; @lwv.org; @maldef.org; @brennan.law.nyu.edu; @mifamiliavota.org; @voteathome.org; @centerforvoterinformation.org; @techandciviclife.org; @democracy.works; @electioninnovation.org; @aaldef.org; @seiu.org; @nea.org; @lulac.org; @naleo.org; @aflcio.org; from January 20, 2021 to the present

Dear Mr. Jones:

This is to inform you that your request for records from the files of the Civil Rights Division was received by the Division's Freedom of Information/Privacy Acts (FOI/PA) Branch on the date indicated above. Your request has been assigned the FOI/PA number shown above. Please refer to this number in any future correspondence concerning this request. In connection with review of your FOI/PA request, the following paragraph(s) are applicable:

_____ In searching its file for records responsive to your request, _____

located records that originated with the Civil Rights Division. These records were referred to the Civil Rights Division as the originating component for review and release determination. Upon completion of our review, the releasable document(s) will be sent directly to you.

XX As a result of the large number of Freedom of Information and Privacy Acts requests received by the Civil Rights Division, some delay may be encountered in processing your request. In an attempt to treat each requester fairly, we have adopted a policy of processing requests in the approximate order of receipt. Please be assured that your request is being handled as equitably as possible. We appreciate your patience and will provide you with a response at the earliest possible date. Please note that the Civil Rights Division utilizes multi-track processing in which processing ranges from faster tracks for requests (seeking access to documents already processed for prior requests) to much slower tracks for complex requests involving voluminous amounts of responsive documents or extensive consultation. At your option, you may wish to call the number below and limit the scope of your request to enable your request to be handled in the most expeditious manner available to fulfill your interests.

_____ Since your letter did not include authorization or a certification of identity, we will close your file for now. We will re-open your request on receipt of the required authorization forms. The Privacy Act, and the Department of Justice Privacy Act regulation, 28 C.F.R. §16.41, require each person requesting records indexed or maintained under his or her name or another person's name, to furnish the Department with proof of identity/consent to disclosure. Please complete the enclosed form and return it directly to the Freedom of Information/Privacy Acts Branch, Civil Rights Division, US Department of Justice, Washington, D.C. 20530.

XX We have to consult with other offices in the Civil Rights Division to conduct a search and locate records which may be responsive to your request. Because of the need to examine a voluminous amount of records, we can respond only after consulting with the other offices. Thus, there may be some delay in the processing of your request as a result. Accordingly, your request falls within "unusual circumstances." See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii). Because of these unusual circumstances, we are extending the time limit to respond to your request **beyond the ten additional days provided by the statute**. The time needed to process your request will necessarily depend on the volume and complexity of the records located. For your information, this Office assigns incoming requests to one of three tracks: simple, complex, or expedited. Each request is then handled on a first-in, first-out basis in relation to other requests in the same track. Simple requests usually receive a response in approximately **one month**, whereas complex requests necessarily take longer. To allow us to respond more quickly to you, you may wish to narrow the scope of your request to limit the number of potentially responsive records or agree to an alternative time frame for processing.

XX Please be advised that due to necessary operational changes as a result of the national emergency concerning the novel coronavirus disease (COVID-19) outbreak, there may be some delay in the processing of your request.

If you are not satisfied with the Civil Rights Division's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C.

Case 1:22-cv-01738-TJK Document 1-4 Filed 06/16/22 Page 26 of 71
20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account on the following website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

If you have any further questions, contact this office by calling (202) 514-4210.

Sincerely,

April N. Freeman

for

Kilian Kagle, Chief
Freedom of Information/Privacy Acts Unit
Civil Rights Division

EXHIBIT SS



American Accountability Foundation <records@americanaccountabilityfoundation.com>

22-00061-F RE: [EXTERNAL] FOIA Request for Contacts 10-28-2021 EXPIDTED PROCESSING REQUESTED

1 message

FOIArequests, CRT (CRT) <CRT.FOIArequests@usdoj.gov>

Wed, Dec 8, 2021 at 5:52 PM

To: American Accountability Foundation <records@americanaccountabilityfoundation.com>

Cc: "FOIArequests, CRT (CRT)" <CRT.FOIArequests@usdoj.gov>

Dear Mr. Jones:

While reviewing the attached request to the Civil Rights Division pertaining to John Keller (22-00061-F), we realized it should be directed to the Criminal Division as Mr. Keller is with that component. The Civil Rights Division is only responsible for and maintain records pertaining to the Civil Rights Division. This office will forward your request to the Criminal Division and close it in our system. Any questions you have pertaining this request, should be addressed to the Criminal Division.

Margaret Harris, FOIA Public Liaison

202-616-0307

Amanda M. Jones Acting Chief, FOIA/PA Unit
Suite 1127, Keeney Building 950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

<https://www.foia.gov/?id=10bd62cb-aa01-4e3f-bf90-04a3af627789&type=component>

Best,

April N. Freeman

FOI/PA Unit

Civil Rights Division

CRT.FOIArequests@usdoj.gov

From: American Accountability Foundation <records@americanaccountabilityfoundation.com>

Sent: Thursday, October 28, 2021 1:57 PM

To: FOIArequests, CRT (CRT) <CRT.FOIArequests@usdoj.gov>

Subject: [EXTERNAL] FOIA Request for Contacts 10-28-2021 EXPIDTED PROCESSING REQUESTED

To whom it may concern,

Please see the attached freedom of information request.

Thank you for any help you can provide,

Thomas Jones
Founder, American Accountability Foundation

[300 Independence Ave SE](#)

[Washington, DC 20003](#)

(202) 495-072

 **John Keller FOIA Request for Contacts 10-28-2021.pdf**
808K

EXHIBIT TT



U.S. Department of Justice

Criminal Division

Office of Enforcement Operations

Washington, D.C. 20530

VIA Electronic Mail

January 6, 2022

Mr. Thomas Jones

records@americanaccountabilityfoundation.com

Request No. CRM-301691923

Subject: Principal Deputy Chief

communications with individuals and domains

Dear Mr. Jones

This acknowledges receipt of your Freedom of Information Act request seeking records maintained by the Criminal Division, which was routed to this Office by the Civil Rights Division. Your request was received in this Office on December 8, 2021. The request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

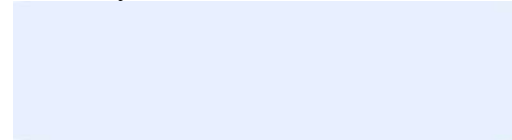
- Your request has been received by the Freedom of Information Act/Privacy Act Unit and we are searching the section(s) most likely to maintain responsive records.
- Because your request presents “unusual circumstances” (See 5 U.S.C. § 552(a)(6)(B)(i)-(iii)), we are extending the time limit to respond to your request beyond the ten additional days provided by the statute.
- We have not yet made a decision on your request for a fee waiver. We will do so after we determine whether the processing of your request will result in any assessable fees.
- We have not yet made a decision on your request for preferred fee status. We will do so after we determine whether the processing of your request will result in any assessable fees.
- Your request for expedited treatment has been:
 - Granted. Accordingly, your request has been assigned to a Government Information Specialist in this Office and we will respond to your request as soon as practicable.
 - Denied. You have not established that your request fits within any of the four U.S. Department of Justice standards for expedited treatment. If you are not satisfied with the Criminal Division’s determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor,

Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account on the following website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

I regret the necessity of this delay, but I assure you that your request will be processed as soon as possible. If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, you may contact me by telephone at (202) 616-0307, by email at crm.foia@usdoj.gov, or by mail at the Criminal Division, U.S. Department of Justice, Room 803, Keeney Building, NW, Washington, DC 20530-0001.

You may contact our FOIA Public Liaison at the telephone number listed above for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

A rectangular area of the document is redacted with a light blue background, obscuring the signature of Amanda Marchand Jones.

Amanda Marchand Jones
Chief
FOIA/PA Unit

EXHIBIT UU



October 28, 2021

Office of Legislative Affairs
Department of Justice
Office of Information Policy, 6th Floor
441 G St NW
Washington, DC 20530

**Re: Request Under Freedom of Information Act
(Expedited Processing & Fee Waiver/Limitation Requested)**

To Whom It May Concern:

The American Accountability Foundation makes the following request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. Specifically, AAF requests copies of the following records relating to Joseph Geata who is identified as most recently serving as: DAAG.

- Copies of emails and text messages (iMessage, SMS messages, Signal message, What's App, or any other similar messaging services), including records from non-governmental email addresses and devices, between Joseph Geata (to, from, cc, bcc) any of the following individuals:
 1. Amber McReynolds
 2. Laura Williamson
 3. Kristen Lee
 4. Dale Ho
 5. Sophia L. Lakin
 6. William Hughes
 7. Noëlle Porter
 8. Sarah Saadian
 9. Dana Paikowsky
 10. Rob Weiner
 11. Blair Bowie
 12. Virginia Kase
 13. Jonathan M. Smith
 14. Hauwa Ahmed
 15. Mike Sozan
 16. Marc Elias
 17. Allie Rothenberg
 18. Thomas A. Saenz
 19. Aaron Scherb
 20. Wendy R. Weiser
 21. Daniel I. Weiner
 22. Hector Sanchez Barba

23. Xanthe Thomassen
 24. Tiana Epps-Johnson
 25. Whitney May
- Written or email correspondence (including records maintained in non-governmental email accounts) between Joseph Geata and the individual at the following email address:
 1. Jonathan_Smith@washlaw.org
 - Written or email correspondence (including records maintained in non-governmental email accounts) between Joseph Geata and individuals at the following domains:
 1. @demos.org
 2. @aclu.org
 3. @nhlp.org
 4. @nlihc.org
 5. @campaignlegalcenter.org
 6. @americanprogress.org
 7. @commoncause.org
 8. @elias.law
 9. @democracydocket.com
 10. @lww.org
 11. @maldef.org
 12. @brennan.law.nyu.edu
 13. @mifamiliavota.org
 14. @voteathome.org
 15. @centerforvoterinformation.org
 16. @techandciviclife.org
 17. @democracy.works
 18. @electioninnovation.org
 19. @aaldef.org
 20. @seiu.org
 21. @nea.org
 22. @lulac.org
 23. @naleo.org
 24. @aflcio.org

The first bullet point of this request includes requests for records relating to correspondence with certain named individuals. It is our expectation that the agency would search for the individual across multiple communication platforms such as email, text messaging, iMessage, and other forms of communication where a narrow definition such as an email address would not encompass all official correspondence with the individual by the agency staff person.

Please search for responsive records from January 20, 2021 through the date the search is conducted.

Records maintained in non-governmental email accounts and devices are still subject to FOIA. As the Congressional Research Service has noted when discussing CEI vs. OSTP, 92 F. Supp. 3d 228, 232-34 (D.C.C. 2015) "The D.C. Circuit's decision in Competitive Enterprise Institute, therefore, stands for the

proposition that agency records are subject to FOIA even if contained in nongovernmental electronic accounts...”¹

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records.

If it is your position any portion of the requested records is exempt from disclosure, AAF requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep’t of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

FEE WAIVER

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$50. In accordance with 5 U.S.C 552(a)(4)(A)(iii), American Accountability Foundation also requests a waiver of all fees because the disclosure of the requested information is in the public interest and would contribute significantly to the public’s understanding of the decision making at the Department of Justice and who the Attorney General meets from outside the organization, how they coordinate with Department of Justice leadership, and what influence they may have on the actions and policies as a direct result of their interactions. Much as the ethics offices conduct investigations, it is vital that the public through journalists and watchdog groups be enabled to conduct similar investigations.

5 U.S.C 552(a)(4)(A)(iii):

(iii) Documents shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.”

The American Accountability Foundation (AAF) is a charitable and educational organization recognized by the Internal Revenue Service under section 501(c)3 of the Internal Revenue Code that conducts non-partisan research and fact-checking so Americans can hold their public leaders accountable. AAF is staffed by experienced researchers and public affairs officials who would analyze and disseminate the information. Further, AAF qualifies as a “representative of the news media” and utilizes the websites its own websites AmericanAccountabilityFoundation.com and BidenNoms.com to publicly distribute the original research stemming from the documents requested free of charge. Additionally, AAF maintains

¹ See <https://crsreports.congress.gov/product/pdf/R/R46238>

close relationships with reporters and policy makers who would amplify the findings associated with the requested documents.

For these reasons stated above, AAF satisfies the criteria for a fee waiver.

EXPEDITED PROCESS

The AAF requests expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E) based on a “compelling need” for these records. As defined by 5 U.S.C. § 552(a)(6)(E)(v)(II), there is an “urgen[t]” need for the information requested because AAF is primarily engaged in disseminating information with “urgency to inform the public concerning actual or alleged Federal Government activity.”

(1) AAF is an organization primarily engaged in disseminating information to the public concerning actual or alleged government activity.

The AAF is an organization primarily engaged in disseminating information in order to bring transparency regarding actual or alleged government activity directly to the public. It is critical to the mission of the AAF and for transparency regarding government activities to obtain information, scrutinize the information, and widely publish that information for the public consumption. The information obtained about government activity is directly published on our websites americanaccountabilityfoundation.com and bidennoms.com, and widely disseminated through social media platforms.

Additionally, the AAF publishes its findings and original analysis on its blogs <https://www.bidennoms.com/news> and <https://www.americanaccountabilityfoundation.com/blog>. Examples of posts include an original report on donations to the Republican Governors Association, an investigation into no-bid contracts given to political cronies at DHS, and alleged insider trading allegation involving Biden Administration nominee.² The AAF also directly disseminates findings obtained through FOIA requests with the press through press releases and through interviews with print, digital, and tv news outlets.³ This is an ongoing effort to provide timely, educational resources to the American public on the activities of government officials.⁴

² See the following links for blog posts cited as well as other content:

<https://www.americanaccountabilityfoundation.com/post/woke-capitalism-on-full-display-at-the-republican-governors-association>; <https://www.americanaccountabilityfoundation.com/post/american-accountability-foundation-sends-investigative-findings-on-endeavors-to-dhs-ig>; <https://www.bidennoms.com/news/912/james-kvaal-insider-trading-allegations>;

³ See FOIA request for disciplinary records of ATF nominee David Chipman:

<https://dailycaller.com/2021/06/22/american-accountability-foundation-david-chipman/>

⁴ The following links are a small, non-comprehensive list to illustrate how the AAF disseminates information to the public via other national news outlets:

<https://www.nbcnews.com/politics/politics-news/conservative-group-files-ethics-complaint-against-aoc-attending-met-gala-n1279308>

<https://nypost.com/2021/09/30/biden-reportedly-nominated-daughter-of-political-ally-clyburn-to-post/>

<https://www.foxbusiness.com/politics/biden-raises-eyebrows-donors-company-official-visit>

<https://www.newsweek.com/civilian-climate-corps-trojan-horse-radical-left-opinion-1632402>

<https://www.thedailybeast.com/the-nra-is-bankrupt-but-it-still-owns-americas-gun-agency>

<https://news.yahoo.com/conservative-group-behind-sunk-atf-003022173.html>

(2) *The records requested are urgently needed to disseminate information to the public on actual or alleged government activity.*

These records are urgently needed to inform the public about actual or alleged government activity. Specifically, requested records relating to the past and ongoing activity of the Department of Justice on election related items including, but not limited to, activities to protect the integrity of elections, voting rights, early voting, vote by mail, access to voting, and the right of eligible voters to vote. As mentioned in August 2021, Attorney General Garland expressed the urgency to act “on relatively short notice” to ensure we have safe elections in the United States.⁵ Additional measures taken by the Department of Justice in June 2021 also reveal their actions to “protect civil rights” through ongoing review of post-election audits when they stated, “We are scrutinizing new laws that seek to curb voter access, and where we see violations, we will not hesitate to act” indicating that decisions are made in real time as the need arises.⁶ Audits in several states, including Arizona and Wisconsin, maintain strict review periods that require the need for public access to information of activities undertaken by the Department of Justice while election audit and post-audit activities occur.⁷

28 C.F.R. § 16.5(e) expanded expedited processing to include requests for records involving the loss of substantial due process rights or matters of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence. Election administration and voting access necessarily implicates due process rights. See *Griffin v. Burns*, 570 F.2d 1065 (1st Cir. 1978); *Roe v. Alabama*, 68 F.3d 404 (11th Cir. 1995).

Trust in our Republic and its democratic election processes are of enormous public concern and require immediate dissemination of accurate information to the public on what the activities of their government leaders. As Attorney General Garland stated, “...there has been a dramatic rise in legislative efforts that will make it harder for millions of citizens to cast a vote that counts. So far this year, at least fourteen states have passed new laws that make it harder to vote. And some jurisdictions, based on disinformation, have utilized abnormal post-election audit methodologies that may put the integrity of the voting process at risk and undermine public confidence in our democracy.”⁸ Watchdog groups like

<https://thehill.com/homenews/house/544623-conservative-group-escalates-earmarks-war-by-infiltrating-trainings>

<https://spectrumnews1.com/ca/la-west/human-interest/2021/07/22/speaker-pelosi-s--1-million-request-for-the-courage-museum-heads-to-house-floor>

<https://www.buzzfeednews.com/article/zahrahirji/carlton-waterhouse-epa-tom-cotton-racism>

<https://www.foxnews.com/politics/biden-doj-kristen-clarke-conference-cop-killers>

⁵ Garland, M., 2021. *Attorney General Merrick B. Garland Delivers Remarks at Justice Department Leadership Meeting with State and Local Election Officials on Threats to Election Workers*. [online] Justice.gov. Available at: <<https://www.justice.gov/opa/speech/attorney-general-merrick-b-garland-delivers-remarks-justice-department-leadership-meeting>> [Accessed 22 October 2021].

⁶ Garland, M., 2021. *Attorney General Merrick B. Garland Delivered a Policy Address Regarding Voting Rights*. [online] Justice.gov. Available at: <<https://www.justice.gov/opa/speech/attorney-general-merrick-b-garland-delivered-policy-address-regarding-voting-rights>> [Accessed 22 October 2021].

⁷ Axelrod, T., 2021. *Wisconsin House speaker signs subpoenas in election audit*. [online] TheHill. Available at: <<https://thehill.com/homenews/state-watch/574937-wisconsin-house-speaker-signs-subpoenas-in-election-audit>> [Accessed 22 October 2021].

⁸ Garland, M., 2021. *Attorney General Merrick B. Garland Delivered a Policy Address Regarding Voting Rights*. [online] Justice.gov. Available at: <<https://www.justice.gov/opa/speech/attorney-general-merrick-b-garland-delivered-policy-address-regarding-voting-rights>> [Accessed 22 October 2021].

the AAF facilitate as their primary mission the dissemination of information and unique analysis on government activities that help promote public confidence in the democratic process.

Obtaining information from this request on communications and coordination from government officials and outside entities regarding ongoing election related items (specifically during election cycles and during election integrity initiatives such as audits) and disseminating to the public before election items expire meets the need for “urgency” as defined by statute and regulations.

* * * *

Please provide all responsive documents as attachments to emails to the address records@americanaccountabilityfoundation.com. For electronic records please provide them in their original electronic format and for paper documents, please provide them as PDF attachments to the email. If document sizes will exceed the capacity of email attachments, please email me and I will provide a location for uploading documents or will provide storage media to share the documents.

Thank you for your prompt attention to this matter.

Respectfully,



Matthew A. Buckham
Founder, American Accountability
Foundation

Thomas Jones
Founder, American Accountability
Foundation

EXHIBIT VV



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

October 29, 2021

Re: FOIA-2022-00215
FOIA-2022-00216
FOIA-2022-00217
FOIA-2022-00218
FOIA-2022-00219
FOIA-2022-00220
FOIA-2022-00221
FOIA-2022-00222
FOIA-2022-00223
DRH:GMG

Thomas Jones
American Accountability Foundation
300 Independence Avenue, SE
Washington, DC 20003
records@americanaccountabilityfoundation.com

Dear Thomas Jones:

This is to acknowledge receipt of your Freedom of Information Act (FOIA) requests dated and received in this Office on October 28, 2021, in which you requested communications between several Department of Justice officials and various listed individuals and email domains.

On the same business day, you submitted to this Office nine separate, but inter-related FOIA request letters seeking various records of the Office of the Attorney General, Office of the Associate Attorney General, and Office of Legislative Affairs. For purposes of clarity, below is a chart of these requests:

Tracking Number	Received	Subject
FOIA-2022-00215	10/28/21	Communications between Associate Attorney General Vanita Gupta and various listed individuals and email domains.
FOIA-2021-00216	10/28/21	Communications between Deputy Assistant Attorney General for Legislative Affairs Joseph Gaeta and various listed individuals and email domains.
FOIA-2021-00217	10/28/21	Communications between Deputy Assistant Attorney General for Legislative Affairs Winita Woldemariam and various listed individuals and email domains.
FOIA-2021-00218	10/28/21	Communications between Chief of Staff for the Office of Legislative Affairs Christina Calce and various listed individuals and email domains.
FOIA-2021-00219	10/28/21	Communications between Senior Counsel Rachel Appleton (OLA) and various listed individuals and email domains.

FOIA-2021-00220	10/28/21	Communications between Deputy Associate Attorney General Ricki Seidman and various listed individuals and email domains.
FOIA-2021-00221	10/28/21	Communications between Attorney General Merrick Garland and various listed individuals and email domains.
FOIA-2021-00222	10/28/21	Communications between Chief of Staff for the Office Attorney General Matthew Klapper and various listed individuals and email domains.
FOIA-2021-00223	10/28/21	Communications between Chief Counsel to the Attorney General Kate Heinzelman and various listed individuals and email domains.

The above-referenced requests relate to the same overarching topic inasmuch as they are seeking the same type of records from various Department officials. Accordingly, as a matter of administrative efficiency and in an effort to facilitate our records searches and the processing and consultation of potentially responsive records, and ultimately to more efficiently respond to your requests, we are aggregating your requests under the tracking number FOIA-2022-00215. We will conduct a comprehensive records search designed to locate records that may be responsive to any or all of your requests. This administrative action will eliminate any redundancies amongst our records searches. The remaining tracking numbers will be closed administratively.

You have requested expedited processing of your request pursuant to the Department's standard permitting expedition for requests involving "[a]n urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information." See 28 C.F.R. § 16.5(e)(1)(ii) (2018). Based on the information you have provided, I have determined that your request for expedited processing under this standard should be denied. This Office cannot identify a particular urgency to inform the public about an actual or alleged federal government activity beyond the public's right to know about government activities generally. Please be advised that, although your request for expedited processing has been denied, it has been assigned to an analyst in this Office and our processing of it has been initiated.

To the extent that your request requires a search in another Office, consultations with other Department components or another agency, and/or involves a voluminous amount of material, your request falls within "unusual circumstances." See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii) (2018). Accordingly, we will need to extend the time limit to respond to your request beyond the ten additional days provided by the statute. For your information, we use multiple tracks to process requests, but within those tracks we work in an agile manner, and the time needed to complete our work on your request will necessarily depend on a variety of factors, including the complexity of our records search, the volume and complexity of any material located, and the order of receipt of your request. At this time we have assigned your request to the complex track. In an effort to speed up our process, you may wish to narrow the scope of your request to limit the number of potentially responsive records so that it can be placed in a different processing track. You can also agree to an alternative time frame for processing,

should records be located, or you may wish to await the completion of our records search to discuss either of these options. Any decision with regard to the application of fees will be made only after we determine whether fees will be implicated for this request.

If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, you may contact the analyst handing your request, Georgianna Gilbeaux, by telephone at the above number or you may write to them at the above address. You may contact our FOIA Public Liaison, Valeree Villanueva, for any further assistance and to discuss any aspect of your request at: Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001; telephone at 202-514-3642.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, MD 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically submitted within ninety days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in blue ink, appearing to read "Douglas R. Hibbard", with a small "BR" monogram at the end.

Douglas R. Hibbard
Chief, Initial Request Staff

EXHIBIT WW



October 28, 2021

Office of Legislative Affairs
Department of Justice
Office of Information Policy, 6th Floor
441 G St NW
Washington, DC 20530

**Re: Request Under Freedom of Information Act
(Expedited Processing & Fee Waiver/Limitation Requested)**

To Whom It May Concern:

The American Accountability Foundation makes the following request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. Specifically, AAF requests copies of the following records relating to Christina Calce who is identified as most recently serving as: Chief of Staff.

- Copies of emails and text messages (iMessage, SMS messages, Signal message, What's App, or any other similar messaging services), including records from non-governmental email addresses and devices, between Christina Calce (to, from, cc, bcc) any of the following individuals:
 1. Amber McReynolds
 2. Laura Williamson
 3. Kristen Lee
 4. Dale Ho
 5. Sophia L. Lakin
 6. William Hughes
 7. Noëlle Porter
 8. Sarah Saadian
 9. Dana Paikowsky
 10. Rob Weiner
 11. Blair Bowie
 12. Virginia Kase
 13. Jonathan M. Smith
 14. Hauwa Ahmed
 15. Mike Sozan
 16. Marc Elias
 17. Allie Rothenberg
 18. Thomas A. Saenz
 19. Aaron Scherb
 20. Wendy R. Weiser
 21. Daniel I. Weiner
 22. Hector Sanchez Barba

23. Xanthe Thomassen
 24. Tiana Epps-Johnson
 25. Whitney May
- Written or email correspondence (including records maintained in non-governmental email accounts) between Christina Calce and the individual at the following email address:
 1. Jonathan_Smith@washlaw.org
 - Written or email correspondence (including records maintained in non-governmental email accounts) between Christina Calce and individuals at the following domains:
 1. @demos.org
 2. @aclu.org
 3. @nhlp.org
 4. @nlihc.org
 5. @campaignlegalcenter.org
 6. @americanprogress.org
 7. @commoncause.org
 8. @elias.law
 9. @democracydocket.com
 10. @lww.org
 11. @maldef.org
 12. @brennan.law.nyu.edu
 13. @mifamiliavota.org
 14. @voteathome.org
 15. @centerforvoterinformation.org
 16. @techandciviclife.org
 17. @democracy.works
 18. @electioninnovation.org
 19. @aaldef.org
 20. @seiu.org
 21. @nea.org
 22. @lulac.org
 23. @naleo.org
 24. @aflcio.org

The first bullet point of this request includes requests for records relating to correspondence with certain named individuals. It is our expectation that the agency would search for the individual across multiple communication platforms such as email, text messaging, iMessage, and other forms of communication where a narrow definition such as an email address would not encompass all official correspondence with the individual by the agency staff person.

Please search for responsive records from January 20, 2021 through the date the search is conducted.

Records maintained in non-governmental email accounts and devices are still subject to FOIA. As the Congressional Research Service has noted when discussing CEI vs. OSTP, 92 F. Supp. 3d 228, 232-34 (D.C.C. 2015) "The D.C. Circuit's decision in Competitive Enterprise Institute, therefore, stands for the

proposition that agency records are subject to FOIA even if contained in nongovernmental electronic accounts...”¹

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records.

If it is your position any portion of the requested records is exempt from disclosure, AAF requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep’t of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

FEE WAIVER

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$50. In accordance with 5 U.S.C 552(a)(4)(A)(iii), American Accountability Foundation also requests a waiver of all fees because the disclosure of the requested information is in the public interest and would contribute significantly to the public’s understanding of the decision making at the Department of Justice and who the Attorney General meets from outside the organization, how they coordinate with Department of Justice leadership, and what influence they may have on the actions and policies as a direct result of their interactions. Much as the ethics offices conduct investigations, it is vital that the public through journalists and watchdog groups be enabled to conduct similar investigations.

5 U.S.C 552(a)(4)(A)(iii):

(iii) Documents shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.”

The American Accountability Foundation (AAF) is a charitable and educational organization recognized by the Internal Revenue Service under section 501(c)3 of the Internal Revenue Code that conducts non-partisan research and fact-checking so Americans can hold their public leaders accountable. AAF is staffed by experienced researchers and public affairs officials who would analyze and disseminate the information. Further, AAF qualifies as a “representative of the news media” and utilizes the websites its own websites AmericanAccountabilityFoundation.com and BidenNoms.com to publicly distribute the original research stemming from the documents requested free of charge. Additionally, AAF maintains

¹ See <https://crsreports.congress.gov/product/pdf/R/R46238>

close relationships with reporters and policy makers who would amplify the findings associated with the requested documents.

For these reasons stated above, AAF satisfies the criteria for a fee waiver.

EXPEDITED PROCESS

The AAF requests expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E) based on a “compelling need” for these records. As defined by 5 U.S.C. § 552(a)(6)(E)(v)(II), there is an “urgen[t]” need for the information requested because AAF is primarily engaged in disseminating information with “urgency to inform the public concerning actual or alleged Federal Government activity.”

(1) AAF is an organization primarily engaged in disseminating information to the public concerning actual or alleged government activity.

The AAF is an organization primarily engaged in disseminating information in order to bring transparency regarding actual or alleged government activity directly to the public. It is critical to the mission of the AAF and for transparency regarding government activities to obtain information, scrutinize the information, and widely publish that information for the public consumption. The information obtained about government activity is directly published on our websites americanaccountabilityfoundation.com and bidennoms.com, and widely disseminated through social media platforms.

Additionally, the AAF publishes its findings and original analysis on its blogs <https://www.bidennoms.com/news> and <https://www.americanaccountabilityfoundation.com/blog>. Examples of posts include an original report on donations to the Republican Governors Association, an investigation into no-bid contracts given to political cronies at DHS, and alleged insider trading allegation involving Biden Administration nominee.² The AAF also directly disseminates findings obtained through FOIA requests with the press through press releases and through interviews with print, digital, and tv news outlets.³ This is an ongoing effort to provide timely, educational resources to the American public on the activities of government officials.⁴

² See the following links for blog posts cited as well as other content:

<https://www.americanaccountabilityfoundation.com/post/woke-capitalism-on-full-display-at-the-republican-governors-association>; <https://www.americanaccountabilityfoundation.com/post/american-accountability-foundation-sends-investigative-findings-on-endeavors-to-dhs-ig>; <https://www.bidennoms.com/news/912/james-kvaal-insider-trading-allegations>;

³ See FOIA request for disciplinary records of ATF nominee David Chipman:

<https://dailycaller.com/2021/06/22/american-accountability-foundation-david-chipman/>

⁴ The following links are a small, non-comprehensive list to illustrate how the AAF disseminates information to the public via other national news outlets:

<https://www.nbcnews.com/politics/politics-news/conservative-group-files-ethics-complaint-against-aoc-attending-met-gala-n1279308>

<https://nypost.com/2021/09/30/biden-reportedly-nominated-daughter-of-political-ally-clyburn-to-post/>

<https://www.foxbusiness.com/politics/biden-raises-eyebrows-donors-company-official-visit>

<https://www.newsweek.com/civilian-climate-corps-trojan-horse-radical-left-opinion-1632402>

<https://www.thedailybeast.com/the-nra-is-bankrupt-but-it-still-owns-americas-gun-agency>

<https://news.yahoo.com/conservative-group-behind-sunk-atf-003022173.html>

(2) *The records requested are urgently needed to disseminate information to the public on actual or alleged government activity.*

These records are urgently needed to inform the public about actual or alleged government activity. Specifically, requested records relating to the past and ongoing activity of the Department of Justice on election related items including, but not limited to, activities to protect the integrity of elections, voting rights, early voting, vote by mail, access to voting, and the right of eligible voters to vote. As mentioned in August 2021, Attorney General Garland expressed the urgency to act “on relatively short notice” to ensure we have safe elections in the United States.⁵ Additional measures taken by the Department of Justice in June 2021 also reveal their actions to “protect civil rights” through ongoing review of post-election audits when they stated, “We are scrutinizing new laws that seek to curb voter access, and where we see violations, we will not hesitate to act” indicating that decisions are made in real time as the need arises.⁶ Audits in several states, including Arizona and Wisconsin, maintain strict review periods that require the need for public access to information of activities undertaken by the Department of Justice while election audit and post-audit activities occur.⁷

28 C.F.R. § 16.5(e) expanded expedited processing to include requests for records involving the loss of substantial due process rights or matters of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence. Election administration and voting access necessarily implicates due process rights. See *Griffin v. Burns*, 570 F.2d 1065 (1st Cir. 1978); *Roe v. Alabama*, 68 F.3d 404 (11th Cir. 1995).

Trust in our Republic and its democratic election processes are of enormous public concern and require immediate dissemination of accurate information to the public on what the activities of their government leaders. As Attorney General Garland stated, “...there has been a dramatic rise in legislative efforts that will make it harder for millions of citizens to cast a vote that counts. So far this year, at least fourteen states have passed new laws that make it harder to vote. And some jurisdictions, based on disinformation, have utilized abnormal post-election audit methodologies that may put the integrity of the voting process at risk and undermine public confidence in our democracy.”⁸ Watchdog groups like

<https://thehill.com/homenews/house/544623-conservative-group-escalates-earmarks-war-by-infiltrating-trainings>
<https://spectrumnews1.com/ca/la-west/human-interest/2021/07/22/speaker-pelosi-s--1-million-request-for-the-courage-museum-heads-to-house-floor>
<https://www.buzzfeednews.com/article/zahrahirji/carlton-waterhouse-epa-tom-cotton-racism>
<https://www.foxnews.com/politics/biden-doj-kristen-clarke-conference-cop-killers>

⁵ Garland, M., 2021. *Attorney General Merrick B. Garland Delivers Remarks at Justice Department Leadership Meeting with State and Local Election Officials on Threats to Election Workers*. [online] Justice.gov. Available at: <<https://www.justice.gov/opa/speech/attorney-general-merrick-b-garland-delivers-remarks-justice-department-leadership-meeting>> [Accessed 22 October 2021].

⁶ Garland, M., 2021. *Attorney General Merrick B. Garland Delivered a Policy Address Regarding Voting Rights*. [online] Justice.gov. Available at: <<https://www.justice.gov/opa/speech/attorney-general-merrick-b-garland-delivered-policy-address-regarding-voting-rights>> [Accessed 22 October 2021].

⁷ Axelrod, T., 2021. *Wisconsin House speaker signs subpoenas in election audit*. [online] TheHill. Available at: <<https://thehill.com/homenews/state-watch/574937-wisconsin-house-speaker-signs-subpoenas-in-election-audit>> [Accessed 22 October 2021].

⁸ Garland, M., 2021. *Attorney General Merrick B. Garland Delivered a Policy Address Regarding Voting Rights*. [online] Justice.gov. Available at: <<https://www.justice.gov/opa/speech/attorney-general-merrick-b-garland-delivered-policy-address-regarding-voting-rights>> [Accessed 22 October 2021].

the AAF facilitate as their primary mission the dissemination of information and unique analysis on government activities that help promote public confidence in the democratic process.

Obtaining information from this request on communications and coordination from government officials and outside entities regarding ongoing election related items (specifically during election cycles and during election integrity initiatives such as audits) and disseminating to the public before election items expire meets the need for “urgency” as defined by statute and regulations.

* * * *

Please provide all responsive documents as attachments to emails to the address records@americanaccountabilityfoundation.com. For electronic records please provide them in their original electronic format and for paper documents, please provide them as PDF attachments to the email. If document sizes will exceed the capacity of email attachments, please email me and I will provide a location for uploading documents or will provide storage media to share the documents.

Thank you for your prompt attention to this matter.

Respectfully,



Matthew A. Buckham
Founder, American Accountability
Foundation

Thomas Jones
Founder, American Accountability
Foundation

EXHIBIT XX



October 28, 2021

Office of Legislative Affairs
Department of Justice
Office of Information Policy, 6th Floor
441 G St NW
Washington, DC 20530

**Re: Request Under Freedom of Information Act
(Expedited Processing & Fee Waiver/Limitation Requested)**

To Whom It May Concern:

The American Accountability Foundation makes the following request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. Specifically, AAF requests copies of the following records relating to Rachel Appleton who is identified as most recently serving as: Senior Counsel.

- Copies of emails and text messages (iMessage, SMS messages, Signal message, What's App, or any other similar messaging services), including records from non-governmental email addresses and devices, between Rachel Appleton (to, from, cc, bcc) any of the following individuals:
 1. Amber McReynolds
 2. Laura Williamson
 3. Kristen Lee
 4. Dale Ho
 5. Sophia L. Lakin
 6. William Hughes
 7. Noëlle Porter
 8. Sarah Saadian
 9. Dana Paikowsky
 10. Rob Weiner
 11. Blair Bowie
 12. Virginia Kase
 13. Jonathan M. Smith
 14. Hauwa Ahmed
 15. Mike Sozan
 16. Marc Elias
 17. Allie Rothenberg
 18. Thomas A. Saenz
 19. Aaron Scherb
 20. Wendy R. Weiser
 21. Daniel I. Weiner
 22. Hector Sanchez Barba

23. Xanthe Thomassen
 24. Tiana Epps-Johnson
 25. Whitney May
- Written or email correspondence (including records maintained in non-governmental email accounts) between Rachel Appleton and the individual at the following email address:
 1. Jonathan_Smith@washlaw.org
 - Written or email correspondence (including records maintained in non-governmental email accounts) between Rachel Appleton and individuals at the following domains:
 1. @demos.org
 2. @aclu.org
 3. @nhlp.org
 4. @nlihc.org
 5. @campaignlegalcenter.org
 6. @americanprogress.org
 7. @commoncause.org
 8. @elias.law
 9. @democracydocket.com
 10. @lww.org
 11. @maldef.org
 12. @brennan.law.nyu.edu
 13. @mifamiliavota.org
 14. @voteathome.org
 15. @centerforvoterinformation.org
 16. @techandciviclife.org
 17. @democracy.works
 18. @electioninnovation.org
 19. @aaldef.org
 20. @seiu.org
 21. @nea.org
 22. @lulac.org
 23. @naleo.org
 24. @aflcio.org

The first bullet point of this request includes requests for records relating to correspondence with certain named individuals. It is our expectation that the agency would search for the individual across multiple communication platforms such as email, text messaging, iMessage, and other forms of communication where a narrow definition such as an email address would not encompass all official correspondence with the individual by the agency staff person.

Please search for responsive records from January 20, 2021 through the date the search is conducted.

Records maintained in non-governmental email accounts and devices are still subject to FOIA. As the Congressional Research Service has noted when discussing CEI vs. OSTP, 92 F. Supp. 3d 228, 232-34 (D.C.C. 2015) "The D.C. Circuit's decision in Competitive Enterprise Institute, therefore, stands for the

proposition that agency records are subject to FOIA even if contained in nongovernmental electronic accounts...”¹

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records.

If it is your position any portion of the requested records is exempt from disclosure, AAF requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep’t of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

FEE WAIVER

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$50. In accordance with 5 U.S.C 552(a)(4)(A)(iii), American Accountability Foundation also requests a waiver of all fees because the disclosure of the requested information is in the public interest and would contribute significantly to the public’s understanding of the decision making at the Department of Justice and who the Attorney General meets from outside the organization, how they coordinate with Department of Justice leadership, and what influence they may have on the actions and policies as a direct result of their interactions. Much as the ethics offices conduct investigations, it is vital that the public through journalists and watchdog groups be enabled to conduct similar investigations.

5 U.S.C 552(a)(4)(A)(iii):

(iii) Documents shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.”

The American Accountability Foundation (AAF) is a charitable and educational organization recognized by the Internal Revenue Service under section 501(c)3 of the Internal Revenue Code that conducts non-partisan research and fact-checking so Americans can hold their public leaders accountable. AAF is staffed by experienced researchers and public affairs officials who would analyze and disseminate the information. Further, AAF qualifies as a “representative of the news media” and utilizes the websites its own websites AmericanAccountabilityFoundation.com and BidenNoms.com to publicly distribute the original research stemming from the documents requested free of charge. Additionally, AAF maintains

¹ See <https://crsreports.congress.gov/product/pdf/R/R46238>

close relationships with reporters and policy makers who would amplify the findings associated with the requested documents.

For these reasons stated above, AAF satisfies the criteria for a fee waiver.

EXPEDITED PROCESS

The AAF requests expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E) based on a “compelling need” for these records. As defined by 5 U.S.C. § 552(a)(6)(E)(v)(II), there is an “urgen[t]” need for the information requested because AAF is primarily engaged in disseminating information with “urgency to inform the public concerning actual or alleged Federal Government activity.”

(1) AAF is an organization primarily engaged in disseminating information to the public concerning actual or alleged government activity.

The AAF is an organization primarily engaged in disseminating information in order to bring transparency regarding actual or alleged government activity directly to the public. It is critical to the mission of the AAF and for transparency regarding government activities to obtain information, scrutinize the information, and widely publish that information for the public consumption. The information obtained about government activity is directly published on our websites americanaccountabilityfoundation.com and bidennoms.com, and widely disseminated through social media platforms.

Additionally, the AAF publishes its findings and original analysis on its blogs <https://www.bidennoms.com/news> and <https://www.americanaccountabilityfoundation.com/blog>. Examples of posts include an original report on donations to the Republican Governors Association, an investigation into no-bid contracts given to political cronies at DHS, and alleged insider trading allegation involving Biden Administration nominee.² The AAF also directly disseminates findings obtained through FOIA requests with the press through press releases and through interviews with print, digital, and tv news outlets.³ This is an ongoing effort to provide timely, educational resources to the American public on the activities of government officials.⁴

² See the following links for blog posts cited as well as other content:

<https://www.americanaccountabilityfoundation.com/post/woke-capitalism-on-full-display-at-the-republican-governors-association>; <https://www.americanaccountabilityfoundation.com/post/american-accountability-foundation-sends-investigative-findings-on-endeavors-to-dhs-ig>; <https://www.bidennoms.com/news/912/james-kvaal-insider-trading-allegations>;

³ See FOIA request for disciplinary records of ATF nominee David Chipman:

<https://dailycaller.com/2021/06/22/american-accountability-foundation-david-chipman/>

⁴ The following links are a small, non-comprehensive list to illustrate how the AAF disseminates information to the public via other national news outlets:

<https://www.nbcnews.com/politics/politics-news/conservative-group-files-ethics-complaint-against-aoc-attending-met-gala-n1279308>

<https://nypost.com/2021/09/30/biden-reportedly-nominated-daughter-of-political-ally-clyburn-to-post/>

<https://www.foxbusiness.com/politics/biden-raises-eyebrows-donors-company-official-visit>

<https://www.newsweek.com/civilian-climate-corps-trojan-horse-radical-left-opinion-1632402>

<https://www.thedailybeast.com/the-nra-is-bankrupt-but-it-still-owns-americas-gun-agency>

<https://news.yahoo.com/conservative-group-behind-sunk-atf-003022173.html>

(2) *The records requested are urgently needed to disseminate information to the public on actual or alleged government activity.*

These records are urgently needed to inform the public about actual or alleged government activity. Specifically, requested records relating to the past and ongoing activity of the Department of Justice on election related items including, but not limited to, activities to protect the integrity of elections, voting rights, early voting, vote by mail, access to voting, and the right of eligible voters to vote. As mentioned in August 2021, Attorney General Garland expressed the urgency to act “on relatively short notice” to ensure we have safe elections in the United States.⁵ Additional measures taken by the Department of Justice in June 2021 also reveal their actions to “protect civil rights” through ongoing review of post-election audits when they stated, “We are scrutinizing new laws that seek to curb voter access, and where we see violations, we will not hesitate to act” indicating that decisions are made in real time as the need arises.⁶ Audits in several states, including Arizona and Wisconsin, maintain strict review periods that require the need for public access to information of activities undertaken by the Department of Justice while election audit and post-audit activities occur.⁷

28 C.F.R. § 16.5(e) expanded expedited processing to include requests for records involving the loss of substantial due process rights or matters of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence. Election administration and voting access necessarily implicates due process rights. See *Griffin v. Burns*, 570 F.2d 1065 (1st Cir. 1978); *Roe v. Alabama*, 68 F.3d 404 (11th Cir. 1995).

Trust in our Republic and its democratic election processes are of enormous public concern and require immediate dissemination of accurate information to the public on what the activities of their government leaders. As Attorney General Garland stated, “...there has been a dramatic rise in legislative efforts that will make it harder for millions of citizens to cast a vote that counts. So far this year, at least fourteen states have passed new laws that make it harder to vote. And some jurisdictions, based on disinformation, have utilized abnormal post-election audit methodologies that may put the integrity of the voting process at risk and undermine public confidence in our democracy.”⁸ Watchdog groups like

<https://thehill.com/homenews/house/544623-conservative-group-escalates-earmarks-war-by-infiltrating-trainings>

<https://spectrumnews1.com/ca/la-west/human-interest/2021/07/22/speaker-pelosi-s--1-million-request-for-the-courage-museum-heads-to-house-floor>

<https://www.buzzfeednews.com/article/zahrahirji/carlton-waterhouse-epa-tom-cotton-racism>

<https://www.foxnews.com/politics/biden-doj-kristen-clarke-conference-cop-killers>

⁵ Garland, M., 2021. *Attorney General Merrick B. Garland Delivers Remarks at Justice Department Leadership Meeting with State and Local Election Officials on Threats to Election Workers*. [online] Justice.gov. Available at: <<https://www.justice.gov/opa/speech/attorney-general-merrick-b-garland-delivers-remarks-justice-department-leadership-meeting>> [Accessed 22 October 2021].

⁶ Garland, M., 2021. *Attorney General Merrick B. Garland Delivered a Policy Address Regarding Voting Rights*. [online] Justice.gov. Available at: <<https://www.justice.gov/opa/speech/attorney-general-merrick-b-garland-delivered-policy-address-regarding-voting-rights>> [Accessed 22 October 2021].

⁷ Axelrod, T., 2021. *Wisconsin House speaker signs subpoenas in election audit*. [online] TheHill. Available at: <<https://thehill.com/homenews/state-watch/574937-wisconsin-house-speaker-signs-subpoenas-in-election-audit>> [Accessed 22 October 2021].

⁸ Garland, M., 2021. *Attorney General Merrick B. Garland Delivered a Policy Address Regarding Voting Rights*. [online] Justice.gov. Available at: <<https://www.justice.gov/opa/speech/attorney-general-merrick-b-garland-delivered-policy-address-regarding-voting-rights>> [Accessed 22 October 2021].

the AAF facilitate as their primary mission the dissemination of information and unique analysis on government activities that help promote public confidence in the democratic process.

Obtaining information from this request on communications and coordination from government officials and outside entities regarding ongoing election related items (specifically during election cycles and during election integrity initiatives such as audits) and disseminating to the public before election items expire meets the need for “urgency” as defined by statute and regulations.

* * * *

Please provide all responsive documents as attachments to emails to the address records@americanaccountabilityfoundation.com. For electronic records please provide them in their original electronic format and for paper documents, please provide them as PDF attachments to the email. If document sizes will exceed the capacity of email attachments, please email me and I will provide a location for uploading documents or will provide storage media to share the documents.

Thank you for your prompt attention to this matter.

Respectfully,



Matthew A. Buckham
Founder, American Accountability
Foundation

Thomas Jones
Founder, American Accountability
Foundation

EXHIBIT YY



October 28, 2021

Office of the Associate Attorney General
Department of Justice
Office of Information Policy, 6th Floor
441 G St NW
Washington, DC 20530

**Re: Request Under Freedom of Information Act
(Expedited Processing & Fee Waiver/Limitation Requested)**

To Whom It May Concern:

The American Accountability Foundation makes the following request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. Specifically, AAF requests copies of the following records relating to Vanita Gupta who is identified as most recently serving as: Associate Attorney General.

- Copies of emails and text messages (iMessage, SMS messages, Signal message, What's App, or any other similar messaging services), including records from non-governmental email addresses and devices, between Vanita Gupta (to, from, cc, bcc) any of the following individuals:
 1. Amber McReynolds
 2. Laura Williamson
 3. Kristen Lee
 4. Dale Ho
 5. Sophia L. Lakin
 6. William Hughes
 7. Noëlle Porter
 8. Sarah Saadian
 9. Dana Paikowsky
 10. Rob Weiner
 11. Blair Bowie
 12. Virginia Kase
 13. Jonathan M. Smith
 14. Hauwa Ahmed
 15. Mike Sozan
 16. Marc Elias
 17. Allie Rothenberg
 18. Thomas A. Saenz
 19. Aaron Scherb
 20. Wendy R. Weiser
 21. Daniel I. Weiner
 22. Hector Sanchez Barba

23. Xanthe Thomassen
 24. Tiana Epps-Johnson
 25. Whitney May
- Written or email correspondence (including records maintained in non-governmental email accounts) between Vanita Gupta and the individual at the following email address:
 1. Jonathan_Smith@washlaw.org
 - Written or email correspondence (including records maintained in non-governmental email accounts) between Vanita Gupta and individuals at the following domains:
 1. @demos.org
 2. @aclu.org
 3. @nhlp.org
 4. @nlihc.org
 5. @campaignlegalcenter.org
 6. @americanprogress.org
 7. @commoncause.org
 8. @elias.law
 9. @democracydocket.com
 10. @lww.org
 11. @maldef.org
 12. @brennan.law.nyu.edu
 13. @mifamiliavota.org
 14. @voteathome.org
 15. @centerforvoterinformation.org
 16. @techandciviclife.org
 17. @democracy.works
 18. @electioninnovation.org
 19. @aaldef.org
 20. @seiu.org
 21. @nea.org
 22. @lulac.org
 23. @naleo.org
 24. @aflcio.org

The first bullet point of this request includes requests for records relating to correspondence with certain named individuals. It is our expectation that the agency would search for the individual across multiple communication platforms such as email, text messaging, iMessage, and other forms of communication where a narrow definition such as an email address would not encompass all official correspondence with the individual by the agency staff person.

Please search for responsive records from January 20, 2021 through the date the search is conducted.

Records maintained in non-governmental email accounts and devices are still subject to FOIA. As the Congressional Research Service has noted when discussing CEI vs. OSTP, 92 F. Supp. 3d 228, 232-34 (D.C.C. 2015) "The D.C. Circuit's decision in Competitive Enterprise Institute, therefore, stands for the

proposition that agency records are subject to FOIA even if contained in nongovernmental electronic accounts....”¹

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records.

If it is your position any portion of the requested records is exempt from disclosure, AAF requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep’t of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

FEE WAIVER

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$50. In accordance with 5 U.S.C 552(a)(4)(A)(iii), American Accountability Foundation also requests a waiver of all fees because the disclosure of the requested information is in the public interest and would contribute significantly to the public’s understanding of the decision making at the Department of Justice and who the Attorney General meets from outside the organization, how they coordinate with Department of Justice leadership, and what influence they may have on the actions and policies as a direct result of their interactions. Much as the ethics offices conduct investigations, it is vital that the public through journalists and watchdog groups be enabled to conduct similar investigations.

5 U.S.C 552(a)(4)(A)(iii):

(iii) Documents shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.”

The American Accountability Foundation (AAF) is a charitable and educational organization recognized by the Internal Revenue Service under section 501(c)3 of the Internal Revenue Code that conducts non-partisan research and fact-checking so Americans can hold their public leaders accountable. AAF is staffed by experienced researchers and public affairs officials who would analyze and disseminate the information. Further, AAF qualifies as a “representative of the news media” and utilizes the websites its own websites AmericanAccountabilityFoundation.com and BidenNoms.com to publicly distribute the original research stemming from the documents requested free of charge. Additionally, AAF maintains

¹ See <https://crsreports.congress.gov/product/pdf/R/R46238>

close relationships with reporters and policy makers who would amplify the findings associated with the requested documents.

For these reasons stated above, AAF satisfies the criteria for a fee waiver.

EXPEDITED PROCESS

The AAF requests expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E) based on a “compelling need” for these records. As defined by 5 U.S.C. § 552(a)(6)(E)(v)(II), there is an “urgen[t]” need for the information requested because AAF is primarily engaged in disseminating information with “urgency to inform the public concerning actual or alleged Federal Government activity.”

(1) AAF is an organization primarily engaged in disseminating information to the public concerning actual or alleged government activity.

The AAF is an organization primarily engaged in disseminating information in order to bring transparency regarding actual or alleged government activity directly to the public. It is critical to the mission of the AAF and for transparency regarding government activities to obtain information, scrutinize the information, and widely publish that information for the public consumption. The information obtained about government activity is directly published on our websites americanaccountabilityfoundation.com and bidennoms.com, and widely disseminated through social media platforms.

Additionally, the AAF publishes its findings and original analysis on its blogs <https://www.bidennoms.com/news> and <https://www.americanaccountabilityfoundation.com/blog>. Examples of posts include an original report on donations to the Republican Governors Association, an investigation into no-bid contracts given to political cronies at DHS, and alleged insider trading allegation involving Biden Administration nominee.² The AAF also directly disseminates findings obtained through FOIA requests with the press through press releases and through interviews with print, digital, and tv news outlets.³ This is an ongoing effort to provide timely, educational resources to the American public on the activities of government officials.⁴

² See the following links for blog posts cited as well as other content:

<https://www.americanaccountabilityfoundation.com/post/woke-capitalism-on-full-display-at-the-republican-governors-association>; <https://www.americanaccountabilityfoundation.com/post/american-accountability-foundation-sends-investigative-findings-on-endeavors-to-dhs-ig>; <https://www.bidennoms.com/news/912/james-kvaal-insider-trading-allegations>;

³ See FOIA request for disciplinary records of ATF nominee David Chipman:

<https://dailycaller.com/2021/06/22/american-accountability-foundation-david-chipman/>

⁴ The following links are a small, non-comprehensive list to illustrate how the AAF disseminates information to the public via other national news outlets:

<https://www.nbcnews.com/politics/politics-news/conservative-group-files-ethics-complaint-against-aoc-attending-met-gala-n1279308>

<https://nypost.com/2021/09/30/biden-reportedly-nominated-daughter-of-political-ally-clyburn-to-post/>

<https://www.foxbusiness.com/politics/biden-raises-eyebrows-donors-company-official-visit>

<https://www.newsweek.com/civilian-climate-corps-trojan-horse-radical-left-opinion-1632402>

<https://www.thedailybeast.com/the-nra-is-bankrupt-but-it-still-owns-americas-gun-agency>

<https://news.yahoo.com/conservative-group-behind-sunk-atf-003022173.html>

(2) *The records requested are urgently needed to disseminate information to the public on actual or alleged government activity.*

These records are urgently needed to inform the public about actual or alleged government activity. Specifically, requested records relating to the past and ongoing activity of the Department of Justice on election related items including, but not limited to, activities to protect the integrity of elections, voting rights, early voting, vote by mail, access to voting, and the right of eligible voters to vote. As mentioned in August 2021, Attorney General Garland expressed the urgency to act “on relatively short notice” to ensure we have safe elections in the United States.⁵ Additional measures taken by the Department of Justice in June 2021 also reveal their actions to “protect civil rights” through ongoing review of post-election audits when they stated, “We are scrutinizing new laws that seek to curb voter access, and where we see violations, we will not hesitate to act” indicating that decisions are made in real time as the need arises.⁶ Audits in several states, including Arizona and Wisconsin, maintain strict review periods that require the need for public access to information of activities undertaken by the Department of Justice while election audit and post-audit activities occur.⁷

28 C.F.R. § 16.5(e) expanded expedited processing to include requests for records involving the loss of substantial due process rights or matters of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence. Election administration and voting access necessarily implicates due process rights. See *Griffin v. Burns*, 570 F.2d 1065 (1st Cir. 1978); *Roe v. Alabama*, 68 F.3d 404 (11th Cir. 1995).

Trust in our Republic and its democratic election processes are of enormous public concern and require immediate dissemination of accurate information to the public on what the activities of their government leaders. As Attorney General Garland stated, “...there has been a dramatic rise in legislative efforts that will make it harder for millions of citizens to cast a vote that counts. So far this year, at least fourteen states have passed new laws that make it harder to vote. And some jurisdictions, based on disinformation, have utilized abnormal post-election audit methodologies that may put the integrity of the voting process at risk and undermine public confidence in our democracy.”⁸ Watchdog groups like

<https://thehill.com/homenews/house/544623-conservative-group-escalates-earmarks-war-by-infiltrating-trainings>

<https://spectrumnews1.com/ca/la-west/human-interest/2021/07/22/speaker-pelosi-s--1-million-request-for-the-courage-museum-heads-to-house-floor>

<https://www.buzzfeednews.com/article/zahrahirji/carlton-waterhouse-epa-tom-cotton-racism>

<https://www.foxnews.com/politics/biden-doj-kristen-clarke-conference-cop-killers>

⁵ Garland, M., 2021. *Attorney General Merrick B. Garland Delivers Remarks at Justice Department Leadership Meeting with State and Local Election Officials on Threats to Election Workers*. [online] Justice.gov. Available at: <<https://www.justice.gov/opa/speech/attorney-general-merrick-b-garland-delivers-remarks-justice-department-leadership-meeting>> [Accessed 22 October 2021].

⁶ Garland, M., 2021. *Attorney General Merrick B. Garland Delivered a Policy Address Regarding Voting Rights*. [online] Justice.gov. Available at: <<https://www.justice.gov/opa/speech/attorney-general-merrick-b-garland-delivered-policy-address-regarding-voting-rights>> [Accessed 22 October 2021].

⁷ Axelrod, T., 2021. *Wisconsin House speaker signs subpoenas in election audit*. [online] TheHill. Available at: <<https://thehill.com/homenews/state-watch/574937-wisconsin-house-speaker-signs-subpoenas-in-election-audit>> [Accessed 22 October 2021].

⁸ Garland, M., 2021. *Attorney General Merrick B. Garland Delivered a Policy Address Regarding Voting Rights*. [online] Justice.gov. Available at: <<https://www.justice.gov/opa/speech/attorney-general-merrick-b-garland-delivered-policy-address-regarding-voting-rights>> [Accessed 22 October 2021].

the AAF facilitate as their primary mission the dissemination of information and unique analysis on government activities that help promote public confidence in the democratic process.

Obtaining information from this request on communications and coordination from government officials and outside entities regarding ongoing election related items (specifically during election cycles and during election integrity initiatives such as audits) and disseminating to the public before election items expire meets the need for “urgency” as defined by statute and regulations.

* * * *

Please provide all responsive documents as attachments to emails to the address records@americanaccountabilityfoundation.com. For electronic records please provide them in their original electronic format and for paper documents, please provide them as PDF attachments to the email. If document sizes will exceed the capacity of email attachments, please email me and I will provide a location for uploading documents or will provide storage media to share the documents.

Thank you for your prompt attention to this matter.

Respectfully,



Matthew A. Buckham
Founder, American Accountability
Foundation

Thomas Jones
Founder, American Accountability
Foundation

EXHIBIT ZZ



October 28, 2021

Office of the Associate Attorney General
Department of Justice
Office of Information Policy, 6th Floor
441 G St NW
Washington, DC 20530

**Re: Request Under Freedom of Information Act
(Expedited Processing & Fee Waiver/Limitation Requested)**

To Whom It May Concern:

The American Accountability Foundation makes the following request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. Specifically, AAF requests copies of the following records relating to Ricki Seidman who is identified as most recently serving as: Deputy Associate Attorney General.

- Copies of emails and text messages (iMessage, SMS messages, Signal message, What's App, or any other similar messaging services), including records from non-governmental email addresses and devices, between Ricki Seidman (to, from, cc, bcc) any of the following individuals:
 1. Amber McReynolds
 2. Laura Williamson
 3. Kristen Lee
 4. Dale Ho
 5. Sophia L. Lakin
 6. William Hughes
 7. Noëlle Porter
 8. Sarah Saadian
 9. Dana Paikowsky
 10. Rob Weiner
 11. Blair Bowie
 12. Virginia Kase
 13. Jonathan M. Smith
 14. Hauwa Ahmed
 15. Mike Sozan
 16. Marc Elias
 17. Allie Rothenberg
 18. Thomas A. Saenz
 19. Aaron Scherb
 20. Wendy R. Weiser
 21. Daniel I. Weiner

22. Hector Sanchez Barba
 23. Xanthe Thomassen
 24. Tiana Epps-Johnson
 25. Whitney May
- Written or email correspondence (including records maintained in non-governmental email accounts) between Ricki Seidman and the individual at the following email address:
 1. Jonathan_Smith@washlaw.org
 - Written or email correspondence (including records maintained in non-governmental email accounts) between Ricki Seidman and individuals at the following domains:
 1. @demos.org
 2. @aclu.org
 3. @nhlp.org
 4. @nlihc.org
 5. @campaignlegalcenter.org
 6. @americanprogress.org
 7. @commoncause.org
 8. @elias.law
 9. @democracydocket.com
 10. @lww.org
 11. @maldef.org
 12. @brennan.law.nyu.edu
 13. @mifamiliavota.org
 14. @voteathome.org
 15. @centerforvoterinformation.org
 16. @techandciviclife.org
 17. @democracy.works
 18. @electioninnovation.org
 19. @aaldef.org
 20. @seiu.org
 21. @nea.org
 22. @lulac.org
 23. @naleo.org
 24. @aflcio.org

The first bullet point of this request includes requests for records relating to correspondence with certain named individuals. It is our expectation that the agency would search for the individual across multiple communication platforms such as email, text messaging, iMessage, and other forms of communication where a narrow definition such as an email address would not encompass all official correspondence with the individual by the agency staff person.

Please search for responsive records from January 20, 2021 through the date the search is conducted.

Records maintained in non-governmental email accounts and devices are still subject to FOIA. As the Congressional Research Service has noted when discussing CEI vs. OSTP, 92 F. Supp. 3d 228, 232-34 (D.C.C. 2015) “The D.C. Circuit’s decision in Competitive Enterprise Institute, therefore, stands for the

proposition that agency records are subject to FOIA even if contained in nongovernmental electronic accounts....”¹

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records.

If it is your position any portion of the requested records is exempt from disclosure, AAF requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep’t of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

FEE WAIVER

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$50. In accordance with 5 U.S.C 552(a)(4)(A)(iii), American Accountability Foundation also requests a waiver of all fees because the disclosure of the requested information is in the public interest and would contribute significantly to the public’s understanding of the decision making at the Department of Justice and who the Attorney General meets from outside the organization, how they coordinate with Department of Justice leadership, and what influence they may have on the actions and policies as a direct result of their interactions. Much as the ethics offices conduct investigations, it is vital that the public through journalists and watchdog groups be enabled to conduct similar investigations.

5 U.S.C 552(a)(4)(A)(iii):

(iii) Documents shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.”

The American Accountability Foundation (AAF) is a charitable and educational organization recognized by the Internal Revenue Service under section 501(c)3 of the Internal Revenue Code that conducts non-partisan research and fact-checking so Americans can hold their public leaders accountable. AAF is staffed by experienced researchers and public affairs officials who would analyze and disseminate the information. Further, AAF qualifies as a “representative of the news media” and utilizes the websites its own websites AmericanAccountabilityFoundation.com and BidenNoms.com to publicly distribute the original research stemming from the documents requested free of charge. Additionally, AAF maintains

¹ See <https://crsreports.congress.gov/product/pdf/R/R46238>

close relationships with reporters and policy makers who would amplify the findings associated with the requested documents.

For these reasons stated above, AAF satisfies the criteria for a fee waiver.

EXPEDITED PROCESS

The AAF requests expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E) based on a “compelling need” for these records. As defined by 5 U.S.C. § 552(a)(6)(E)(v)(II), there is an “urgen[t]” need for the information requested because AAF is primarily engaged in disseminating information with “urgency to inform the public concerning actual or alleged Federal Government activity.”

(1) AAF is an organization primarily engaged in disseminating information to the public concerning actual or alleged government activity.

The AAF is an organization primarily engaged in disseminating information in order to bring transparency regarding actual or alleged government activity directly to the public. It is critical to the mission of the AAF and for transparency regarding government activities to obtain information, scrutinize the information, and widely publish that information for the public consumption. The information obtained about government activity is directly published on our websites americanaccountabilityfoundation.com and bidennoms.com, and widely disseminated through social media platforms.

Additionally, the AAF publishes its findings and original analysis on its blogs <https://www.bidennoms.com/news> and <https://www.americanaccountabilityfoundation.com/blog>. Examples of posts include an original report on donations to the Republican Governors Association, an investigation into no-bid contracts given to political cronies at DHS, and alleged insider trading allegation involving Biden Administration nominee.² The AAF also directly disseminates findings obtained through FOIA requests with the press through press releases and through interviews with print, digital, and tv news outlets.³ This is an ongoing effort to provide timely, educational resources to the American public on the activities of government officials.⁴

² See the following links for blog posts cited as well as other content:

<https://www.americanaccountabilityfoundation.com/post/woke-capitalism-on-full-display-at-the-republican-governors-association>; <https://www.americanaccountabilityfoundation.com/post/american-accountability-foundation-sends-investigative-findings-on-endeavors-to-dhs-ig>; <https://www.bidennoms.com/news/912/james-kvaal-insider-trading-allegations>;

³ See FOIA request for disciplinary records of ATF nominee David Chipman:

<https://dailycaller.com/2021/06/22/american-accountability-foundation-david-chipman/>

⁴ The following links are a small, non-comprehensive list to illustrate how the AAF disseminates information to the public via other national news outlets:

<https://www.nbcnews.com/politics/politics-news/conservative-group-files-ethics-complaint-against-aoc-attending-met-gala-n1279308>

<https://nypost.com/2021/09/30/biden-reportedly-nominated-daughter-of-political-ally-clyburn-to-post/>

<https://www.foxbusiness.com/politics/biden-raises-eyebrows-donors-company-official-visit>

<https://www.newsweek.com/civilian-climate-corps-trojan-horse-radical-left-opinion-1632402>

<https://www.thedailybeast.com/the-nra-is-bankrupt-but-it-still-owns-americas-gun-agency>

<https://news.yahoo.com/conservative-group-behind-sunk-atf-003022173.html>

(2) *The records requested are urgently needed to disseminate information to the public on actual or alleged government activity.*

These records are urgently needed to inform the public about actual or alleged government activity. Specifically, requested records relating to the past and ongoing activity of the Department of Justice on election related items including, but not limited to, activities to protect the integrity of elections, voting rights, early voting, vote by mail, access to voting, and the right of eligible voters to vote. As mentioned in August 2021, Attorney General Garland expressed the urgency to act “on relatively short notice” to ensure we have safe elections in the United States.⁵ Additional measures taken by the Department of Justice in June 2021 also reveal their actions to “protect civil rights” through ongoing review of post-election audits when they stated, “We are scrutinizing new laws that seek to curb voter access, and where we see violations, we will not hesitate to act” indicating that decisions are made in real time as the need arises.⁶ Audits in several states, including Arizona and Wisconsin, maintain strict review periods that require the need for public access to information of activities undertaken by the Department of Justice while election audit and post-audit activities occur.⁷

28 C.F.R. § 16.5(e) expanded expedited processing to include requests for records involving the loss of substantial due process rights or matters of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence. Election administration and voting access necessarily implicates due process rights. See *Griffin v. Burns*, 570 F.2d 1065 (1st Cir. 1978); *Roe v. Alabama*, 68 F.3d 404 (11th Cir. 1995).

Trust in our Republic and its democratic election processes are of enormous public concern and require immediate dissemination of accurate information to the public on what the activities of their government leaders. As Attorney General Garland stated, “...there has been a dramatic rise in legislative efforts that will make it harder for millions of citizens to cast a vote that counts. So far this year, at least fourteen states have passed new laws that make it harder to vote. And some jurisdictions, based on disinformation, have utilized abnormal post-election audit methodologies that may put the integrity of the voting process at risk and undermine public confidence in our democracy.”⁸ Watchdog groups like

<https://thehill.com/homenews/house/544623-conservative-group-escalates-earmarks-war-by-infiltrating-trainings>

<https://spectrumnews1.com/ca/la-west/human-interest/2021/07/22/speaker-pelosi-s--1-million-request-for-the-courage-museum-heads-to-house-floor>

<https://www.buzzfeednews.com/article/zahrahirji/carlton-waterhouse-epa-tom-cotton-racism>

<https://www.foxnews.com/politics/biden-doj-kristen-clarke-conference-cop-killers>

⁵ Garland, M., 2021. *Attorney General Merrick B. Garland Delivers Remarks at Justice Department Leadership Meeting with State and Local Election Officials on Threats to Election Workers*. [online] Justice.gov. Available at: <<https://www.justice.gov/opa/speech/attorney-general-merrick-b-garland-delivers-remarks-justice-department-leadership-meeting>> [Accessed 22 October 2021].

⁶ Garland, M., 2021. *Attorney General Merrick B. Garland Delivered a Policy Address Regarding Voting Rights*. [online] Justice.gov. Available at: <<https://www.justice.gov/opa/speech/attorney-general-merrick-b-garland-delivered-policy-address-regarding-voting-rights>> [Accessed 22 October 2021].

⁷ Axelrod, T., 2021. *Wisconsin House speaker signs subpoenas in election audit*. [online] TheHill. Available at: <<https://thehill.com/homenews/state-watch/574937-wisconsin-house-speaker-signs-subpoenas-in-election-audit>> [Accessed 22 October 2021].

⁸ Garland, M., 2021. *Attorney General Merrick B. Garland Delivered a Policy Address Regarding Voting Rights*. [online] Justice.gov. Available at: <<https://www.justice.gov/opa/speech/attorney-general-merrick-b-garland-delivered-policy-address-regarding-voting-rights>> [Accessed 22 October 2021].

the AAF facilitate as their primary mission the dissemination of information and unique analysis on government activities that help promote public confidence in the democratic process.

Obtaining information from this request on communications and coordination from government officials and outside entities regarding ongoing election related items (specifically during election cycles and during election integrity initiatives such as audits) and disseminating to the public before election items expire meets the need for “urgency” as defined by statute and regulations.

* * * *

Please provide all responsive documents as attachments to emails to the address records@americanaccountabilityfoundation.com. For electronic records please provide them in their original electronic format and for paper documents, please provide them as PDF attachments to the email. If document sizes will exceed the capacity of email attachments, please email me and I will provide a location for uploading documents or will provide storage media to share the documents.

Thank you for your prompt attention to this matter.

Respectfully,



Matthew A. Buckham
Founder, American Accountability
Foundation

Thomas Jones
Founder, American Accountability
Foundation