

EXHIBIT N



U.S. Department of Justice

Criminal Division

Office of Enforcement Operations

Washington, D.C. 20530

VIA Electronic Mail

December 16, 2021

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

Request No. CRM-301681743
Subject: Principal Deputy Chief John Keller
calendar entries

Dear Mr. Buckham and Mr. Jones:

This acknowledges receipt of your Freedom of Information Act request dated October 26, 2021, seeking records maintained by the Criminal Division. Your request was received in this Office on October 27, 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 an additional ten days as 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."

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,

FOIA/PA Unit
Criminal Division
U.S. Department of Justice

EXHIBIT O



U.S. Department of Justice

Criminal Division

Office of Enforcement Operations

Washington, D.C. 20530

VIA Electronic Mail

March 8, 2022

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

Request No. CRM-301681743
Subject: Principal Deputy Chief John Keller
calendar entries

Dear Mr. Buckham and Mr. Jones:

This responds to your status inquiry dated March 8, 2022 concerning your pending Freedom of Information Act request received on October 27, 2021 for records concerning the above-mentioned subject.

Please be advised that your request is being processed on the complex track. On average, it takes the FOIA/PA Unit 853 days to process a complex request. At this time, your request has been pending for 88 business days. The search has been completed and the request is under review.

Your continued patience is appreciated and we apologize for the delays in the processing of your request. Please feel free to follow up with the FOIA/PA Unit in sixty days if you would like another status update on your request.

Sincerely,

FOIA/PA Unit
Criminal Division
U.S. Department of Justice

EXHIBIT P



October 26, 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 Kristen Clarke who is identified as recently serving in the following position: Assistant Attorney General.

- All calendars or calendar entries for Kristen Clarke between the date of January 20, 2021, to the date a search is conducted, including any calendars maintained on behalf of Kristen Clarke.
- Documents providing detailed information regarding the day-to-day activities of Kristen Clarke. These documents should include a copy of Kristen Clarke's paper and/or digital schedule(s), such as in the example below, and should reflect scheduled meetings, calls, and events that occurred.
 - Please see the public release of Secretary Yellen's calendar as an example:
<https://home.treasury.gov/system/files/136/Secretary-Yellen-Calendar-April-2021-June-2021.pdf>

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

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 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.¹ 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.² This is an ongoing effort to provide timely, educational resources to the American public on the activities of government officials.³

(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.⁴ Additional measures taken by the Department of

¹ 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>;

² See FOIA request for disciplinary records of ATF nominee David Chipman:

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

³ 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>

<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>

⁴ 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:

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.⁵ 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.⁶

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.”⁷ Watchdog groups like 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.

* * * *

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.

<<https://www.justice.gov/opa/speech/attorney-general-merrick-b-garland-delivers-remarks-justice-department-leadership-meeting>> [Accessed 22 October 2021].

⁵ 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].

⁶ 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].

⁷ 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].

Thank you for your attention to this matter.

Respectfully,

A handwritten signature in blue ink, appearing to read "Matthew A. Buckham". The signature is fluid and cursive, with the first name "Matthew" being the most prominent part.

Matthew A. Buckham
Founder, American Accountability
Foundation

Thomas Jones
Founder, American Accountability
Foundation

EXHIBIT Q



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 30, 2021

Date Received: October 26, 2021

FOI/PA No.22-00086-F

Subject of Request: Information pertaining to all calendars or calendar entries for Kristen Clarke between the date of January 20, 2021, to the date a search is conducted, including any calendars maintained on behalf of Kristen Clarke; documents providing detailed information regarding the day-to-day activities of Kristen Clarke

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

____ 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. 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 R



American Accountability Foundation <records@americanaccountabilityfoundation.com>

RE: [EXTERNAL] Re: 22-00041-F and 22-00038-F request updates

1 message

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

Tue, Mar 8, 2022 at 5:59 PM

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

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

Dear Ms. Hayley:

I am unable to provide a time table for the below requests; however, I can confirm we submitted the requests to our IT department to conduct a search of all material. We are awaiting results. Once the information is forwarded to this office, we will begin reviewing and processing the requests.

Best,

April N. Freeman

FOI/PA Unit

Civil Rights Division

CRT.FOIArequests@usdoj.gov

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

Sent: Monday, March 7, 2022 10:37 AM

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

Subject: [EXTERNAL] Re: 22-00041-F and 22-00038-F request updates

Additionally, please see the following requests for updates. Thank you.

22-00016-F

22-00017-F

22-00018-F

22-00019-F

22-00020-F

22-00024-F

22-00030-F

22-00031-F

22-00023-F

22-00-32-F

22-00086-F

22-00091-F

22-00098-F

22-00093-F

22-00092-F

22-00089-F

22-00087-F

22-00088-F

22-00080-F

22-00079-F

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22-00055-F

22-00056-F

22-00057-F

22-00058-F

22-00059-F

22-00060-F

22-00061-F

22-00075-F

22-00033-F

22-00039-F

22-00040-F

22-00023-F

On Mon, Mar 7, 2022 at 10:33 AM American Accountability Foundation <records@americanaccountabilityfoundation.com> wrote:

Hello,

I hope this email finds you well.

I am following up on our request, reference numbers: 22-00041-F and 22-00038-F, to receive a status update on these requests.

Thank you,

Jordan Hayley

EXHIBIT S



October 26, 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 Johnathan Smith who is identified as recently serving in the following position: Deputy Assistant Attorney General.

- All calendars or calendar entries for Johnathan Smith between the date of January 20, 2021, to the date a search is conducted, including any calendars maintained on behalf of Johnathan Smith.
- Documents providing detailed information regarding the day-to-day activities of Johnathan Smith. These documents should include a copy of Johnathan Smith's paper and/or digital schedule(s), such as in the example below, and should reflect scheduled meetings, calls, and events that occurred.
 - Please see the public release of Secretary Yellen's calendar as an example:
<https://home.treasury.gov/system/files/136/Secretary-Yellen-Calendar-April-2021-June-2021.pdf>

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

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."

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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.¹ 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.² This is an ongoing effort to provide timely, educational resources to the American public on the activities of government officials.³

(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

¹ 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>;

² See FOIA request for disciplinary records of ATF nominee David Chipman:

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

³ 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>

<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>

ensure we have safe elections in the United States.⁴ 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.⁵ 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.⁶

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.”⁷ Watchdog groups like 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.

* * * *

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.

⁴ 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].

⁵ 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].

⁶ 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].

⁷ 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].

Thank you for your attention to this matter.

Respectfully,



Matthew A. Buckham
Founder, American Accountability
Foundation

Thomas Jones
Founder, American Accountability
Foundation

EXHIBIT T



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 30, 2021

Date Received: October 26, 2021

FOI/PA No.22-00091-F

Subject of Request: Information pertaining to all calendars or calendar entries for Johnathan Smith between the date of January 20, 2021, to the date a search is conducted, including any calendars maintained on behalf of Johnathan Smith; documents providing detailed information regarding the day-to-day activities of Johnathan Smith

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

____ 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. 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 U



U.S. Department of Justice
Civil Rights Division

KK:TC

*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

Tuesday, January 11, 2022

Subject: FOI/PA No.22-00016-F through 22-00028-F,
FOI/PA No.22-00030-F through 22-00035-F,
FOI/PA No.22-00038-F through 22-00060-F,
FOI/PA No.22-00075-F through 22-00093-F,
and FOIA/PA No.22-00098-F.

Dear Mr. Jones:

Over a three-day period starting October 25, 2021, you initiated sixty-one (61) Freedom of Information Act requests to the Department of Justice, Civil Rights Division (CRT). Additionally, thirty-two (32) revisions were received through which you asked for alterations to some but not all of the sixty-one (61) original requests. In total, approximately eighty-two (82) distinct pieces of correspondence were received by the Division through which you hope to describe those agency records you seek.

Approximately 21 of these requests seek the complete email correspondence logs of 21 CRT employees for an approximate 10-month period. These 21 requests are not limited to any specific topic, subject matter or issue and in essence seek a complete accounting of all email traffic to and from these custodians. Exceedingly conservative estimates of 250 emails sent each week as well as 250 emails received, would translate into your request seeking approximately a half-million data lines to be reviewed for privileges and exemptions.

An additional 19 requests seek a full reproduction of all calendar entries for 19 custodians for an approximate 10-month period. These 19 requests are not limited to any specific topic, subject matter, issue or meeting attendee and in essence seek a complete accounting of the calendared day-to-day activity for these custodians for nearly a year. Exceedingly conservative estimates of a single calendar/schedule entry per hour, would translate into your request seeking an additional approximate thirty-thousand data lines to be reviewed for privileges and exemptions.

Finally, an additional 21 of these requests are for copies of emails, text messages, and written or email correspondence between at least 21 CRT employees with 26 individuals and 24 organizations. Additionally, these employees are in multiple sections of the Division in various positions including an administrative assistant, trial attorneys, managers, and political appointees. The requests for emails and correspondence between CRT employees with 50 individuals and organizations are set forth below:

- 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 [*CRT employees*] (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 [*CRT employees*] 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 [*CRT employees*] 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. @lrv.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

A request under the FOIA must be one that reasonably describes [the requested] records.” *See* 5 U.S.C. § 552(a)(3)(A). The unfocused and blanket nature of your request, untied to any discrete subject matter or issue, is far removed from the accepted functions and purposes of FOIA. Courts have explained that the rationale for this rule was not intended to reduce government agencies to full-time investigators on behalf of requesters, or to allow requesters to conduct “fishing expeditions” through agency files. *Immanuel v. Sec’y of the Treasury*, No. 94-884, 1995 WL 464141, at 1 (D. Md. Apr. 4, 1995), *aff’d* 81 F.3d 150 (4th Cir. 1996). In addition to the “reasonably described” inquiry, courts have held that agencies are not required to conduct wide-ranging “unreasonably burdensome” searches for records. *AFGE v. U.S. Dep’t of Commerce*, 907 F.2d 203, 209 (D.C. Cir. 1990)(holding that while plaintiff’s requests might identify the documents requested with sufficient precision to enable the agency to identify them . . . it is clear that these requests are so broad as to impose an unreasonable burden upon the agency, because the agency would have to locate, review and redact a vast quantity of material.) *Also see Am. Ctr. For Law & Just. v. DHS*, No. 21-01364, 2021 WL 5231939 (D.D.C. Nov. 10 2021)(McFadden, J.) After carefully reviewing your requests, I have determined that you did not reasonably describe the subject of your requests. You have not identified a subject matter or case in which you are interested. Thus, in addition to the hundreds of thousands of data lines to be reviewed your request further impacts potentially hundreds of individual DJ case files which must be reviewed for responsive documents. This task entails review of potentially thousands of documents in case files to identify these particular individuals and organizations. There is not an electronic method to search correspondence in case files without a manual page by page review.

We note a majority of the 32 revisions to the 61 FOIA requests filed with the Civil Rights Division asked our office to *disregard* the first bullet of your request pertaining to: “a list of cookies, bookmarks, history and feeds from (individuals) internet browsers.” You so aptly recognized these were not Agency records subject to the FOIA. Similarly, agency records are distinguishable from personal records such as personal emails and use of private email servers. Absent a distinct reason to believe that a custodian availed themselves of private email servers to conduct Agency business, in direct contravention of Agency policy, there is no obligation under FOIA to search those private email servers as they are not under Agency control or custody. Further and especially absent a subject matter informing this search, a review of government-issued cellphone text messages is impossible without phone numbers associated with the individual recipients you are interested in.

Additionally, 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.

The Civil Rights Division is committed to ensuring an informed citizenry and safeguarding the statutory right of public access to Executive Branch information by making agency records available to the public to the fullest extent prescribed by law. However, this obligation does not extend to furnishing requesters complete registers of all agency records unbound by subject matter or topic nor allowing a “fishing expedition” of voluminous records to identify specific individuals or organizations. It would be helpful if you made a clearer request and identified the particular subject matter or case in which you are interested, the name of the subject or victim, specific dates of an incident, the location and nature of investigation, etc. Please note that the Division is not denying you access to particular records at this time, but requesting that you identify particular records with greater specificity. The Division will maintain your various requests in active status pending receipt of your supplemental clarification. However, at this juncture the Division is not prepared to search, collect and review entire catalogues of communication uncoupled from any distinct cognizable subject matter nor is the Division under any FOIA obligation to search records not under the Agency’s custody or control.

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,

Kilian Kagle

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

EXHIBIT V



American Accountability Foundation <records@americanaccountabilityfoundation.com>

Re: Thomas Jones - Civil Rights Division Freedom of Information Act Requests

1 message

American Accountability Foundation <records@americanaccountabilityfoundation.com> Mon, Jan 17, 2022 at 12:17 PM
To: "FOIArequests, CRT (CRT)" <CRT.FOIArequests@usdoj.gov>

Dear Ms. Freeman,

Thank you for your letter and assistance in helping us narrow down our requests in order to reduce the burden of your investigation. We thank you for holding the requests open while we limit the scope of the search. I have gone through your recent letter and implemented the recommended changes you suggested, including prioritizing the FOIA requests listed in the letter and adding subject matter terms and issues in which to tailor your search.

Your January 11, 2022 letter titled "Subject: FOI/PA No.22-00016-F through 22-00028-F, FOI/PA No.22-00030-F through 22-00035-F, FOI/PA No.22-00038-F through 22-00060-F, FOI/PA No.22-00075-F through 22-00093-F, and FOIA/PA No.22-00098-F" referenced a number of our public record requests. Of the requests referenced in that letter, we would like to prioritize record searches only to the following FOIA requests at this time:

- FOI/PA No. 22-00041-F through 22-00047-F,
- FOI/PA No. 22-00049-F through 22-00061-F,
- and FOI/PA No. 22-00075-F.

Please search for records with the following terms "voting rights"; "voter access"; "election reform"; "vote"; "election." Additionally, please search for records where elections or voting issues were discussed. We understand that you are only responsible for searching for records under your control, so please disregard any requests to search for records outside your control and limit the search to only records under your control.

As referenced in requests FOI/PA No. 22-00041-F through 22-00047-F, FOI/PA No. 22-00049-F through 22-00061-F, and FOI/PA No. 22-00075-F, please search for copies of correspondence between the subject of the request (to, from, cc, bcc) and 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 between the subject of the request and the following email address:

1. Jonathan_Smith@washlaw.org

Written or email correspondence between the subject of the request 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. @techandciviclelife.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

I am available to answer any questions or assist your team in any way to achieve a manageable search of records under your control. I thank you for your patience and assistance in helping us fulfill this request in a manner that meets our needs and is not an undue burden on your staff.

You can reach me at 301-514-4402 or records@americanaccountabilityfoundation.com should you have any questions or need further clarity from us.

Best,
Matt Buckham

On Tue, Jan 11, 2022 at 3:40 PM FOIArequests, CRT (CRT) <CRT.FOIArequests@usdoj.gov> wrote:

Dear Mr. Jones:

Attached is the Civil Rights Division's response letter concerning each of your FOIA requests.

Best,

April N. Freeman

FOI/PA Unit

Civil Rights Division

U.S. Department of Justice

CRT.FOIArequests@usdoj.gov

EXHIBIT W



American Accountability Foundation <records@americanaccountabilityfoundation.com>

Re: [EXTERNAL] Re: Thomas Jones - Civil Rights Division Freedom of Information Act Requests

1 message

American Accountability Foundation <records@americanaccountabilityfoundation.com> Thu, Jan 20, 2022 at 2:32 PM
To: "FOIArequests, CRT (CRT)" <CRT.FOIArequests@usdoj.gov>

Ms. Freeman,

We would like to prioritize the 21 requests (FOI/PA No. 22-00041-F through 22-00047-F, FOI/PA No. 22-00049-F through 22-00061-F, and FOI/PA No. 22-00075-F) and then process the remaining ones with a more narrow scope. For the remaining 40 FOIA requests, we would also like to narrow the search for records with the following terms: "voting rights"; "voter access"; "election reform"; "vote"; "election." We would also like to include a search for records where elections or voting issues were discussed.

As always, thank you again for your assistance and have a great day.

Regards,
Matt Buckham on behalf of Mr. Jones

On Wed, Jan 19, 2022 at 3:06 PM FOIArequests, CRT (CRT) <CRT.FOIArequests@usdoj.gov> wrote:

Hello Mr. Jones,

I want to clarify if you are narrowing your request to only receive information pertaining to the 21 request numbers you provided below and we can close your other 40 requests, or are you asking us to prioritize the 21 below requests over the others and still process the remaining 40?

Thanks,

April N. Freeman

From: American Accountability Foundation <records@americanaccountabilityfoundation.com>
Sent: Monday, January 17, 2022 12:17 PM
To: FOIArequests, CRT (CRT) <CRT.FOIArequests@usdoj.gov>
Subject: [EXTERNAL] Re: Thomas Jones - Civil Rights Division Freedom of Information Act Requests

Dear Ms. Freeman,

Thank you for your letter and assistance in helping us narrow down our requests in order to reduce the burden of your investigation. We thank you for holding the requests open while we limit the scope of the search. I have gone through your recent letter and implemented the recommended changes you suggested, including prioritizing the FOIA requests listed in the letter and adding subject matter terms and issues in which to tailor your search.

Your January 11, 2022 letter titled "Subject: FOI/PA No.22-00016-F through 22-00028-F, FOI/PA No.22-00030-F through 22-00035-F, FOI/PA No.22-00038-F through 22-00060-F, FOI/PA No.22-00075-F through 22-00093-F, and

FOIA/PA No.22-00098-F" referenced a number of our public record requests. Of the requests referenced in that letter, we would like to prioritize record searches only to the following FOIA requests at this time:

- FOI/PA No. 22-00041-F through 22-00047-F,
- FOI/PA No. 22-00049-F through 22-00061-F,
- and FOI/PA No. 22-00075-F.

Please search for records with the following terms "voting rights"; "voter access"; "election reform"; "vote"; "election." Additionally, please search for records where elections or voting issues were discussed. We understand that you are only responsible for searching for records under your control, so please disregard any requests to search for records outside your control and limit the search to only records under your control.

As referenced in requests FOI/PA No. 22-00041-F through 22-00047-F, FOI/PA No. 22-00049-F through 22-00061-F, and FOI/PA No. 22-00075-F, please search for copies of correspondence between the subject of the request (to, from, cc, bcc) and 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 between the subject of the request and the following email address:

1. Jonathan_Smith@washlaw.org

Written or email correspondence between the subject of the request 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. [@techandcivillife.org](#)
17. [@democracy.works](#)
18. [@electioninnovation.org](#)
19. [@aaldef.org](#)
20. [@seiu.org](#)
21. [@nea.org](#)
22. [@lulac.org](#)
23. [@naleo.org](#)
24. [@aficio.org](#)

I am available to answer any questions or assist your team in any way to achieve a manageable search of records under your control. I thank you for your patience and assistance in helping us fulfill this request in a manner that meets our needs and is not an undue burden on your staff.

You can reach me at 301-514-4402 or records@americanaccountabilityfoundation.com should you have any questions or need further clarity from us.

Best,
Matt Buckham

On Tue, Jan 11, 2022 at 3:40 PM FOIArequests, CRT (CRT) <CRT.FOIArequests@usdoj.gov> wrote:

Dear Mr. Jones:

Attached is the Civil Rights Division's response letter concerning each of your FOIA requests.

Best,

April N. Freeman

FOI/PA Unit

Civil Rights Division

U.S. Department of Justice

CRT.FOIArequests@usdoj.gov

EXHIBIT X



American Accountability Foundation <records@americanaccountabilityfoundation.com>

RE: [EXTERNAL] Re: 22-00041-F and 22-00038-F request updates

1 message

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

Tue, Mar 8, 2022 at 5:59 PM

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

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

Dear Ms. Hayley:

I am unable to provide a time table for the below requests; however, I can confirm we submitted the requests to our IT department to conduct a search of all material. We are awaiting results. Once the information is forwarded to this office, we will begin reviewing and processing the requests.

Best,

April N. Freeman

FOI/PA Unit

Civil Rights Division

CRT.FOIArequests@usdoj.gov

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

Sent: Monday, March 7, 2022 10:37 AM

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

Subject: [EXTERNAL] Re: 22-00041-F and 22-00038-F request updates

Additionally, please see the following requests for updates. Thank you.

22-00016-F

22-00017-F

22-00018-F

22-00019-F

22-00020-F

22-00024-F

22-00030-F

22-00031-F

22-00023-F

22-00-32-F

22-00086-F

22-00091-F

22-00098-F

22-00093-F

22-00092-F

22-00089-F

22-00087-F

22-00088-F

22-00080-F

22-00079-F

22-00083-F

22-00082-F

22-00078-F

22-00084-F

22-00081-F

22-00085-F

22-00090-F

22-00034-F

22-00035-F

22-00042-F

22-00043-F

22-00044-F

22-00045-F

22-00046-F

22-00047-F

22-00049-F

22-00050-F

22-00051-F

22-00052-F

22-00053-F

22-00054-F

22-00055-F

22-00056-F

22-00057-F

22-00058-F

22-00059-F

22-00060-F

22-00061-F

22-00075-F

22-00033-F

22-00039-F

22-00040-F

22-00023-F

On Mon, Mar 7, 2022 at 10:33 AM American Accountability Foundation <records@americanaccountabilityfoundation.com> wrote:

Hello,

I hope this email finds you well.

I am following up on our request, reference numbers: 22-00041-F and 22-00038-F, to receive a status update on these requests.

Thank you,

Jordan Hayley

EXHIBIT Y



October 26, 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 Pamela Karlan who is identified as recently serving in the following position: Principal Deputy Assistant Attorney General.

- All calendars or calendar entries for Pamela Karlan between the date of January 20, 2021, to the date a search is conducted, including any calendars maintained on behalf of Pamela Karlan.
- Documents providing detailed information regarding the day-to-day activities of Pamela Karlan. These documents should include a copy of Pamela Karlan's paper and/or digital schedule(s), such as in the example below, and should reflect scheduled meetings, calls, and events that occurred.
 - Please see the public release of Secretary Yellen's calendar as an example:
<https://home.treasury.gov/system/files/136/Secretary-Yellen-Calendar-April-2021-June-2021.pdf>

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

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 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](https://www.americanaccountabilityfoundation.com) and [bidennoms.com](https://www.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.¹ 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.² This is an ongoing effort to provide timely, educational resources to the American public on the activities of government officials.³

(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.⁴ Additional measures taken by the Department of

¹ 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>;

² See FOIA request for disciplinary records of ATF nominee David Chipman:

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

³ 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>

<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>

⁴ 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:

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.⁵ 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.⁶

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.”⁷ Watchdog groups like 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.

* * * *

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.

<<https://www.justice.gov/opa/speech/attorney-general-merrick-b-garland-delivers-remarks-justice-department-leadership-meeting>> [Accessed 22 October 2021].

⁵ 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].

⁶ 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].

⁷ 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].

Thank you for your attention to this matter.

Respectfully,

A handwritten signature in blue ink, appearing to read "Matthew A. Buckham". The signature is fluid and cursive, with the first name being the most prominent.

Matthew A. Buckham
Founder, American Accountability
Foundation

Thomas Jones
Founder, American Accountability
Foundation

EXHIBIT Z



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

December 3, 2021

Date Received: October 26, 2021

FOI/PA No.22-00098-F

Subject of Request: Information pertaining to All calendars or calendar entries for Pamela Karlan between the date of January 20, 2021, to the date a search is conducted, including any calendars maintained on behalf of Pamela Karlan; and documents providing detailed information regarding the day-to-day activities of Pamela Karlan

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

____ 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. 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