

# **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](mailto:records@americanaccountabilityfoundation.com)

November 30, 2021

Date Received: October 26, 2021

FOI/PA No.22-00079-F

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

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 OO**



October 26, 2021

Voting Section  
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 Rebecca J. Wertz who is identified as recently serving in the following position: Principal Deputy Chief.

- All calendars or calendar entries for Rebecca J. Wertz between the date of January 20, 2021, to the date a search is conducted, including any calendars maintained on behalf of Rebecca J. Wertz.
- Documents providing detailed information regarding the day-to-day activities of Rebecca J. Wertz. These documents should include a copy of Rebecca J. Wertz'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](http://americanaccountabilityfoundation.com) and [bidennoms.com](http://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.<sup>1</sup> 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.<sup>2</sup> This is an ongoing effort to provide timely, educational resources to the American public on the activities of government officials.<sup>3</sup>

*(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

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<sup>1</sup> 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>;

<sup>2</sup> See FOIA request for disciplinary records of ATF nominee David Chipman:

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

<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup>

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.”<sup>7</sup> 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](mailto: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.

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<sup>4</sup> 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].

<sup>5</sup> 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].

<sup>6</sup> 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].

<sup>7</sup> 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,



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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](mailto:records@americanaccountabilityfoundation.com)

November 30, 2021

Date Received: October 26, 2021

FOI/PA No.22-00083-F

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

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 QQ**



October 26, 2021

Voting Section  
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 Robert S. Berman who is identified as recently serving in the following position: Deputy Chief.

- All calendars or calendar entries for Robert S. Berman between the date of January 20, 2021, to the date a search is conducted, including any calendars maintained on behalf of Robert S. Berman.
- Documents providing detailed information regarding the day-to-day activities of Robert S. Berman. These documents should include a copy of Robert S. Berman'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](http://americanaccountabilityfoundation.com) and [bidennoms.com](http://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.<sup>1</sup> 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.<sup>2</sup> This is an ongoing effort to provide timely, educational resources to the American public on the activities of government officials.<sup>3</sup>

*(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

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<sup>1</sup> 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>;

<sup>2</sup> See FOIA request for disciplinary records of ATF nominee David Chipman:

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

<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup>

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.”<sup>7</sup> 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](mailto: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.

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<sup>4</sup> 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].

<sup>5</sup> 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].

<sup>6</sup> 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].

<sup>7</sup> 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 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](mailto:records@americanaccountabilityfoundation.com)

November 30, 2021

Date Received: October 26, 2021

FOI/PA No.22-00078-F

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

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 SS**



October 26, 2021

Voting Section  
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 Richard Dellheim who is identified as recently serving in the following position: Deputy Chief.

- All calendars or calendar entries for Richard Dellheim between the date of January 20, 2021, to the date a search is conducted, including any calendars maintained on behalf of Richard Dellheim.
- Documents providing detailed information regarding the day-to-day activities of Richard Dellheim. These documents should include a copy of Richard Dellheim'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.<sup>1</sup> 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.<sup>2</sup> This is an ongoing effort to provide timely, educational resources to the American public on the activities of government officials.<sup>3</sup>

*(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.<sup>4</sup> Additional measures taken by the Department of

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<sup>1</sup> 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>;

<sup>2</sup> See FOIA request for disciplinary records of ATF nominee David Chipman:

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

<sup>3</sup> 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>

<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup>

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.”<sup>7</sup> 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](mailto: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.

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

<sup>5</sup> 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].

<sup>6</sup> 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].

<sup>7</sup> 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 TT**



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](mailto:records@americanaccountabilityfoundation.com)

November 30, 2021

Date Received: October 26, 2021

FOI/PA No.22-00084-F

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

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 UU**



October 26, 2021

Voting Section  
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 "Bert" Russ who is identified as recently serving in the following position: Deputy Chief.

- All calendars or calendar entries for John "Bert" Russ between the date of January 20, 2021, to the date a search is conducted, including any calendars maintained on behalf of John "Bert" Russ.
- Documents providing detailed information regarding the day-to-day activities of John "Bert" Russ. These documents should include a copy of John "Bert" Russ'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.<sup>1</sup> 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.<sup>2</sup> This is an ongoing effort to provide timely, educational resources to the American public on the activities of government officials.<sup>3</sup>

*(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.<sup>4</sup> Additional measures taken by the Department of

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<sup>1</sup> 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>;

<sup>2</sup> See FOIA request for disciplinary records of ATF nominee David Chipman:

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

<sup>3</sup> 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>

<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup>

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.”<sup>7</sup> 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](mailto: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.

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

<sup>5</sup> 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].

<sup>6</sup> 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].

<sup>7</sup> 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.

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Matthew A. Buckham  
Founder, American Accountability  
Foundation

Thomas Jones  
Founder, American Accountability  
Foundation

# **EXHIBIT VV**



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](mailto:records@americanaccountabilityfoundation.com)

November 30, 2021

Date Received: October 26, 2021

FOI/PA No.22-00081-F

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

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 WW**





October 26, 2021

Voting Section  
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 Timothy F. Mellett who is identified as recently serving in the following position: Deputy Chief.

- All calendars or calendar entries for Timothy F. Mellett between the date of January 20, 2021, to the date a search is conducted, including any calendars maintained on behalf of Timothy F. Mellett.
- Documents providing detailed information regarding the day-to-day activities of Timothy F. Mellett. These documents should include a copy of Timothy F. Mellett'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](http://americanaccountabilityfoundation.com) and [bidennoms.com](http://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.<sup>1</sup> 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.<sup>2</sup> This is an ongoing effort to provide timely, educational resources to the American public on the activities of government officials.<sup>3</sup>

*(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

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<sup>1</sup> 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>;

<sup>2</sup> See FOIA request for disciplinary records of ATF nominee David Chipman:

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

<sup>3</sup> The following links are a small, non-comprehensive list to illustrate how the AAF disseminates information to the public via other national news outlets:

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<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.<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup>

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.”<sup>7</sup> 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](mailto: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.

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<sup>4</sup> 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].

<sup>5</sup> 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].

<sup>6</sup> 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].

<sup>7</sup> 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,



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Matthew A. Buckham  
Founder, American Accountability  
Foundation

Thomas Jones  
Founder, American Accountability  
Foundation

# **EXHIBIT XX**



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](mailto:records@americanaccountabilityfoundation.com)

November 30, 2021

Date Received: October 26, 2021

FOI/PA No.22-00085-F

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

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 YY**



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 Jasmyn Richardson who is identified as recently serving in the following position: Trial Attorney.

- All calendars or calendar entries for Jasmyn Richardson between the date of January 20, 2021, to the date a search is conducted, including any calendars maintained on behalf of Jasmyn Richardson.
- Documents providing detailed information regarding the day-to-day activities of Jasmyn Richardson. These documents should include a copy of Jasmyn Richardson'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](http://americanaccountabilityfoundation.com) and [bidennoms.com](http://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.<sup>1</sup> 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.<sup>2</sup> This is an ongoing effort to provide timely, educational resources to the American public on the activities of government officials.<sup>3</sup>

*(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

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<sup>1</sup> 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>;

<sup>2</sup> See FOIA request for disciplinary records of ATF nominee David Chipman:

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

<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup>

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.”<sup>7</sup> 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](mailto: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.

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<sup>4</sup> 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].

<sup>5</sup> 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].

<sup>6</sup> 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].

<sup>7</sup> 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,



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Matthew A. Buckham  
Founder, American Accountability  
Foundation

Thomas Jones  
Founder, American Accountability  
Foundation

# **EXHIBIT ZZ**



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](mailto:records@americanaccountabilityfoundation.com)

November 30, 2021

Date Received: October 26, 2021

FOI/PA No.22-00090-F

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

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