

# **EXHIBIT 1**



214 Massachusetts Avenue, NE  
Washington, DC 20002  
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heritage.org

**SENT VIA: MRUFOIA.Requests@usdoj.gov**

July 8, 2022

Office of the Solicitor General  
Attention: FOIA Coordinator  
Department of Justice  
950 Pennsylvania Ave., NW  
Washington, DC 20530-0001

Dear FOIA Officer,

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and the implementing FOIA regulations of the Department of Justice (DOJ), 28 CFR Part 16, I respectfully request the following records (or records containing the following information) Office of Attorney General, Office of The Deputy Attorney General, Office of the Assistant Attorney General, Civil Division (CIV), Office of Legal Counsel, and Office of Legal Policy, and Texas - Southern District:

- 1) All records related to Factual Findings 16–22 in *Texas v. United States*, \_\_F.Supp.3d\_\_, No. 6:21-cv-16, ,2022 WL 2109207, \*4–5 (S.D. Tex. June 10, 2022), *appeal docketed*, No. 22-40367 (5th Cir. June 13, 2022), *stay pending appeal denied*, \_\_F4th\_\_, 2022 WL 2466786 (5th Cir. July 6, 2022).
- 2) All records related to the following finding:

And on this point about insufficient resources and limited detention capacity, the Court finds that the Government has not acted in good faith. Throughout this case, the Government has trumpeted the fact that it does not have enough resources to detain those aliens it is required by law to detain. The Government blames Congress for this deficiency. At the same time, however, the Government submitted two budget requests in which it asks Congress *to cut* those very resources and capacity by 26%. (F.F. No. 16). Additionally, the Government has persistently underutilized existing detention facilities. (F.F. No. 17). To say that this is incongruous is to say the least.

*Texas v. United States*, \_\_F.Supp.3d\_\_, No. 6:21-cv-16, ,2022 WL 2109207, \*30 (S.D. Tex. June 10, 2022), *appeal docketed*, No. 22-40367 (5th Cir. June 13, 2022), *stay pending appeal denied*, \_\_F4th\_\_, 2022 WL 2466786 (5th Cir. July 6, 2022).

Please limit the search for this request from January 21, 2021, to present.



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The term “record” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (emails), MMS or SMS text messages, instant messages, messaging systems (such as iMessage, Microsoft Teams, WhatsApp, Telegram, Signal, Google Chat, Twitter direct messages, Lync, Slack, and Facebook Messenger), contracts, cables, telexes, notations of any type of conversation, telephone call, voicemail, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electronic records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. This includes any messages sent or received on personal phones.

The terms “pertaining to,” “referring,” “relating,” or “concerning” with respect to any given subject means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.

This request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.

In the interest of expediency and to minimize the research and/or duplication burden on your staff, please send records electronically if possible. If this is not possible, please notify me before sending to the mailing address listed below. If access to this request will take longer than seven (20) business days, please let me know when I might receive records or be able to inspect the requested records. Please produce responsive documents as soon as they become available. In all cases, please communicate with me at the below email address.

Please comply fully with 5 U.S.C. § 552 (b). Accordingly, without limitation to the foregoing, if any portion of this request is denied for any reason, please provide written notice of the records or



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portions of records that are being withheld and cite each specific exemption of the Freedom of Information Act on which the agency relies. Moreover, to the extent that responsive records may be withheld in part produce all reasonably segregable portions of those records. Additionally, please provide all responsive documents even if they are redacted in full.

### Fee Waiver Request

This request is primarily and fundamentally for non-commercial purposes. As a 501(c)(3) nonprofit, Heritage Foundation does not have a commercial purpose and the release of the information requested is not in Heritage Foundation's commercial interest. Heritage Foundation's mission is to formulate and promote public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense. Heritage Foundation uses the information requested and analyzes it in order to educate the public through social media,<sup>1</sup> broadcast media<sup>2</sup> (traditional and nontraditional) and press releases.<sup>3</sup> The requested information is in the public interest<sup>4</sup> and the court case has nationwide consequences by increasing Texas and Louisiana's costs for incarceration, public education and healthcare.<sup>5</sup>

Because this is a request by a member of the news media for information of public interest, made in my capacity as an author for the Daily Signal<sup>6</sup> (a major news outlet<sup>7</sup>), I actively gather information of potential interest to our Daily Signal audience, and I use my editorial skills to turn raw materials into a distinct work, and I distribute that work to our Daily Signal audience through podcasts<sup>8</sup> or articles. I request that you waive all applicable fees associated with this request.

If you deny this request for a fee waiver, please advise me in advance of the estimated charges if they are to exceed \$50. Please send me a detailed and itemized explanation of those charges.

<sup>1</sup> Heritage Foundation. [@ Heritage] (Accessed: 2022, February 18). 626.8K Followers Twitter. <https://twitter.com/Heritage>

<sup>2</sup> Fox News. (Accessed: 2022, February 18). Heritage Foundation launches Conservative Oversight Project aimed at 'exposing' Biden admin, leftist policies. <https://www.foxnews.com/politics/heritage-conservative-oversight-project-biden-admin-leftist-policies>

<sup>3</sup> Heritage Foundation. (Accessed: 2022, February 18). Press. <https://www.heritage.org/press> .

<sup>4</sup> Reuters. (Accessed: 2022, July 8). Court upholds block on U.S. immigration enforcement priorities. <https://www.reuters.com/legal/government/court-upholds-block-us-immigration-enforcement-priorities-2022-07-07/>

<sup>5</sup> Id.

<sup>6</sup> Daily Signal. (Accessed: 2022, February 18). Mike Howell. <https://www.dailysignal.com/author/mike-howell/>

<sup>7</sup> Daily Signal. [@DailySignal] (Accessed: 2022, February 18). 73.7K Followers Twitter. <https://twitter.com/DailySignal>

<sup>8</sup> Apple. (Accessed: 2022, March 4). The Daily Signal Podcast. <https://podcasts.apple.com/us/podcast/the-daily-signal-podcast/id1313611947>



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Thank you in advance for considering my request. If you have any questions, or feel you need clarification of this request please contact me at [oversightproject@heritage.org](mailto:oversightproject@heritage.org).

Sincerely,

Mike Howell  
Senior Advisor and Author at The Daily Signal  
The Heritage Foundation  
214 Massachusetts Ave, NE  
Washington, D.C. 20002