

EXHIBIT 7



214 Massachusetts Avenue, NE
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heritage.org

Monday, February 27, 2023

Bobak Talebian
Director
Office of Information Policy
Department of Justice
6th Floor
441 G Street, NW
Washington, DC 20530

Dear Bobak Talebian,

I write to appeal your closure of Request Number EOUSA-2023-001175 (“Request”). As the Request sought Expedited processing, I am not required to appeal that denial prior to seeking judicial relief. *See, e.g., ACLU v. DOJ*, 321 F.Supp.2d 24, 28–29 (D.D.C. 2004). I do so here in an abundance of caution.

Your denial of the Request is in a word—unfounded. I address each of your two grounds in turn.

1. You have denied the request because:

The files and records of United States Attorneys are maintained in over one hundred separate offices throughout the United States. Please identify the specific United States Attorney’s office(s) where you believe records may be located. This would be primarily the district(s) in which a prosecution or litigation occurred.

Denial at 1. The Request *expressly* provided this information:

Please include the following Department components in any search: Office of the Attorney General, Office of the Deputy Attorney General, Office of the Associate Attorney General, Office of the Solicitor General, Office of Legal Counsel, Office of Legal Policy, Criminal Division, Civil Division, Civil Rights Division, *U.S. Attorney’s Office for the District of Columbia*, *U.S. Attorney’s Office for the District of Maryland*, *U.S. Attorney’s Office for the Eastern District of Virginia*, Federal Bureau of Investigation, and U.S. Marshals Service.

Request at 1 (emphasis added). The factual basis for your first ground of denial is expressly contradicted on the face of the Request. Your denial erred.



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2. Your second basis for denying the Request is that:

A request must describe the records sought in sufficient detail to allow location of the records with a reasonable amount of effort (i.e., processing the request should not require an unduly burdensome effort or be disruptive of Department operations). Please provide more specific information about the records you seek, such as appropriate dates, locations, names, nature of the records, etc.

Denial at 1. But the Request specifically provided that which it sought. First it sought records using identical language to an earlier in time request *that your office is already processing without objection*: “All records related 18 U.S.C. § 1507 and protests, picketing, parades, demonstrations, occupations, sit-ins, or any other form of protest at the residences of the Chief Justice of the United States or the Associate Justices of the Supreme Court of the United States.” Request at 1; *see also* 22-cv-3184 (DDC.). The other four Specifications of the Request provide the exact search terms to be used. Nor on the facts of the case should they be burdensome. We also note that the Civil Division (145-FOIA-19101), the Civil Rights (23-00097-F), OLC (23-036), and the USMS (2023-USMS-00071) are all processing the Request without issue.

We request that you reverse your denial forthwith. Please note that should this Office enter similarly unfounded denials in the future Plaintiffs will not hesitate to seek structural injunctive relief.

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

Sincerely,

Mike Howell
Director and Investigative Columnist
The Daily Signal
The Heritage Foundation
214 Massachusetts Ave, NE
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