

EXHIBIT A



December 15, 2017

VIA EMAIL AND FACSIMILE

Office of the Solicitor General
c/o Valerie H. Yancey
FOIA Officer and Executive Officer
Department of Justice
950 Pennsylvania Ave. NW, Room 6627
Washington, DC 20530-0001
phone: (202) 616-9406
email: OSGFOIA@usdoj.gov

Office of the Associate Attorney General
c/o Laurie Day
Chief, Initial Request Staff
Office of Information Policy
Department of Justice
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001
phone: (202) 514-FOIA
fax: (202) 514-1009

Re: Freedom of Information Act Records Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. §§ 552 *et seq.*, and the Department of Justice FOIA regulations at 28 C.F.R. part 16, Democracy Forward Foundation makes the following request for records:

Records Requested

A November 28, 2017 article in *The Nation* reported on links between Alliance Defending Freedom ("ADF") and individuals serving in, or otherwise connected to, the Trump Administration. *See* Sarah Posner, "The Christian Legal Army Behind 'Masterpiece Cakeshop,'" *The Nation* (Nov. 28, 2017), <https://www.thenation.com/article/the-christian-legal-army-behind-masterpiece-cakeshop/>. Among other things, *The Nation* reported that ADF had identified Solicitor General Noel Francisco as an ADF-allied attorney. *The Nation* further reported that, in response to its article, ADF claimed that Mr. Francisco has never been an ADF-allied attorney.

In an effort to better understand, and explain to the public, any links between Mr. Francisco and ADF, Democracy Forward Foundation requests that Department of Justice produce the following within twenty (20) business days:

1. All correspondence and communications, including attachments, between Mr. Francisco and any other individual or organization containing either “Alliance Defending Freedom” or “ADF.”
2. All correspondence and communications, including attachments, between Mr. Francisco and any officer, employee, or representative of Alliance Defending Freedom. Search terms should include the following (and reasonable variants thereof):
 - a. Alliance Defending Freedom
 - b. ADF
 - c. Michael P. Farris
 - d. Alan Sears
 - e. Bradley Abramson
 - f. Brett Harvey
 - g. Caleb Dalton
 - h. Casey Mattox
 - i. Christen Price
 - j. Christiana Holcomb
 - k. David A. Cortman
 - l. Denise Burke
 - m. Denise Harle
 - n. Douglas H. Napier
 - o. Douglas Wardlow
 - p. Elissa Graves
 - q. Erik W. Stanley
 - r. Gary McCaleb
 - s. Glen Lavy
 - t. Gregory S. Baylor
 - u. Jake Warner
 - v. James Gottry
 - w. Jeremiah Galus
 - x. Jeremy Tedesco
 - y. Jim Campbell
 - z. Jonathan Scruggs
 - aa. Jordan Lorence
 - bb. Joseph Infranco
 - cc. Kate Anderson
 - dd. Kellie Fiedorek
 - ee. Ken Connelly
 - ff. Kerri Kupec
 - gg. Kevin Theriot
 - hh. Kristen K. Waggoner
 - ii. Kyle McCutcheon
 - jj. Matt Sharp
 - kk. Nathaniel Bruno
 - ll. Ray Kaselonis
 - mm. Rory Gray

nn. Ryan Tucker
oo. Samuel Green
pp. Timothy D. Chandler
qq. Travis Barham
rr. Tyson Langhofer
ss. Zack Pruitt

3. All of Mr. Francisco's calendar entries and meeting notes that reference Alliance Defending Freedom, ADF, or any officer, employee or representative of ADF. Search terms should include those listed above under Request No. 2 (and reasonable variants thereof).

Scope of Search

The time period for the request is January 23, 2017, until the day the search is run.

Please limit the search to the Office of the Solicitor General and the Office of the Associate Attorney General. For speed of processing, a rolling release of records is requested.

Please search for records regardless of format, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical materials. This request includes, without limitation, all correspondence, letters, emails, attachments text messages, instant messages, slack messages, calendar entries, facsimiles, telephone messages, voice mail messages, and transcripts, notes, minutes, or audio or video recordings of any meetings, telephone conversations, or discussions.

FOIA requires agencies to disclose information, with only limited exceptions for information that would harm an interest protected by a specific exemption or where disclosure is prohibited by law. 5 U.S.C. § 552(a)(8)(A). In the event that any of the requested documents cannot be disclosed in their entirety, we request that you release any material that can be reasonably segregated. *See id.* § 552(b). Should any documents or portions of documents be withheld, we further request that you state with specificity the description of the document to be withheld and the legal and factual grounds for withholding any documents or portions thereof in an index as required by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). Should any document include both disclosable and non-disclosable material that cannot reasonably be segregated, we request that you describe what proportion of the information in a document is non-disclosable and how that information is dispersed throughout the document. *Mead Data Cent., Inc. v. U.S. Dep't of Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

If requested records are located in, or originated in, another agency, department, office, installation or bureau, please refer this request or any relevant portion of this request to the appropriate entity.

To the extent that the records are readily reproducible in an electronic format, we would prefer to receive the records in that format. However, if certain records are not available in that format, we are willing to accept the best available copy of each such record.

Please respond to this request in writing within 20 working days as required under 5 U.S.C. § 552(a)(6)(A)(i). If all of the requested documents are not available within that time period, we request that you provide us with all requested documents or portions of documents that are available within that time period. If all relevant records are not produced within that time period, we are entitled to a waiver of fees for searching and duplicating records under 5 U.S.C. § 552(a)(4)(A)(viii)(I).

Fee Waiver Request

Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 28 C.F.R. § 16.10, Democracy Forward Foundation requests a waiver of all fees associated with processing records for this request. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of these operations by the public in a significant way. Moreover, the request is for noncommercial purposes.

Pursuant to 28 C.F.R. § 16.10(k)(1), disclosure of the requested records is “likely to contribute significantly to public understanding of the operations or activities of the government.” The requested records will therefore have a “connection that is direct and clear” to operations or activities of the Federal Government. *Id.* § 16.10(k)(2)(i). Because these records will shed light on the reasons for this change in a manner that has not already been made public, they also will be “meaningfully informative” about government operations or activities. *Id.* at § 16.10(k)(2)(ii)(A). As described below, Democracy Forward Foundation intends to use its website and social media accounts to ensure that the records disclosed in response to this request will “contribute to the understanding of a reasonably broad audience of persons interested in the subject.” *Id.* § 16.10(k)(2)(ii)(B), and this contribution will be “significant[],” *id.* § 16.10(k)(2)(ii). In sum, the requested records will shed light on the government’s justification for claiming corporate tax cuts will lead to wage growth in contradiction of past analysis.

This request is primarily for non-commercial purposes. *Id.* § 16.10(k). Democracy Forward Foundation is a nonprofit organization organized under Internal Revenue Code § 501(c)(3). A core mission of Democracy Forward Foundation is to educate the public about improper government activity. Democracy Forward Foundation intends to use the materials gathered to educate the public through its website, press releases, and social media outlets.¹

Accordingly, Democracy Forward Foundation qualifies for a fee waiver.

If you need clarification as to the scope of the request, have any questions, or foresee any obstacles to releasing fully the requested records within the 20 day period, please contact Adam Grogg as soon as possible at foia@democracyforward.org or 202-448-9090.

We appreciate your assistance and look forward to your prompt response.

Sincerely,
/s/ Adam Grogg

Adam Grogg

¹ See Democracy Forward Twitter, @DemocracyFWD; Democracy Forward Facebook, <https://www.facebook.com/DemocracyFwd/>; <https://democracyforward.org/work/democracy-forward-foundation-doc/>.

Senior Counsel
Democracy Forward Foundation