



U.S. Department of Justice  
Civil Rights Division

KK:AW  
22-00004-F

*Freedom of Information/PA Unit – 4CON  
950 Pennsylvania Ave., NW  
Washington, DC 20530*

Via Electronic Mail

Mr. Reed D. Rubinstein  
America First Legal Foundation  
600 14<sup>th</sup> Street, NW, 5<sup>th</sup> Fl  
Washington, DC 20005  
[FOIA@aflegal.org](mailto:FOIA@aflegal.org)

May 12, 2023

Dear Mr. Rubinstein:

This is a supplemental response to your October 7, 2021 Freedom of Information Act request, which was received by the Civil Rights Division on October 7, 2021, seeking access to all records:

- A) Concerning or related to the Garland October 4 Memorandum and/or NSBA Letter.
- B) Showing each person within CRT who reviewed the Garland Memo or NSBA Letter.
- C) Showing the “disturbing spike in harassment, intimidation and threats of violence” referred to in the Garland Memo.
- D) CRT relied upon to support the Garland Memo statement “there has been a disturbing spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers and staff who participate in the vital work of running our nation’s public school.”
- E) Created by CRT showing “the rise in criminal conduct directed toward school personnel” referenced in the Garland Memo.
- F) CRT relied upon to support the Garland Memo statement “a rise in criminal conduct directed toward school personnel.
- G) Showing CRT’s understanding and interpretation of the term “intimidation and harassment” used in the Garland Memo.
- H) Of communications from, with or regarding any person employed by the National Education Association (NEA) and/or the American Federation of Teachers (AFT).
- I) Of communications with any person having an email address including eop.gov regarding 1) the Garland Memo, 2) the NSBA, 3) the NSBA letter, 4) the NEA and/or AFT, 5) any person employed by the NEA or AFT.

I have determined that these records may be disclosed to you subject to the deletion of personal information pursuant to 5 U.S.C. § 552 (b)(6) since disclosure thereof would constitute an unwarranted invasion of personal privacy, pursuant to 5 U.S.C. § 552 (b)(5) since the intra-agency communications consist of pre-decisional deliberative material and pursuant to 5 U.S.C. § 552 (b)(7) since disclosure thereof could reasonably be expected to interfere with law enforcement proceedings. Please be advised that we have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.

Finally, in searching for documents responsive to your request, we located 86 pages of documents that originated with DOJ's Office of the Associate Attorney General, Office of the Deputy Attorney General and Office of Legislative Affairs. Pursuant to Department of Justice regulations, 28 C.F.R. § 16.1 *et. seq.*, a copy of your request and the responsive documents have been referred to the originating departments for review and a direct response to you. Any questions you may have concerning these documents should be directed to: Valeree Villanueva, Office of Information Policy at 202-514-3642.

If you have questions about this response, you may contact Michael Gerardi at 202-616-0680 or [michael.j.girardi@usdoj.gov](mailto:michael.j.girardi@usdoj.gov).

I hope the Civil Rights Division has been of some assistance to you in this matter.

Sincerely,

*Kilian Kagle*

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