



November 6, 2023

VIA ELECTRONIC MAIL

U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202
EDFOIAManager@ed.gov

Freedom of Information Act Request: Department of Education Response to Pro-Hamas Activity at US Colleges and Universities

Dear FOIA Officer:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act (FOIA) requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL's Twitter page has over 183,000 followers, and the Twitter page of our Founder and President has over 535,000 followers.

I. Requested Records

The timeframe for each of the following items is May 1, 2023, to the date each item is processed.

- A. All records regarding or relating to protests, rallies, and/or demonstrations at American colleges and universities related to the ongoing conflict between Israel and Hamas and/or Palestine.
- B. All communications discussing protests, rallies, and/or demonstrations at American colleges and universities related to the ongoing conflict between Israel and Hamas and/or Palestine.

611 Pennsylvania Ave SE #231
Washington, DC 20003

320 South Madison Avenue
Monroe, Georgia 30655

- C. All emails including the terms “Palestine” or “Israel” or “ Hamas” or “protests” or “rallies” or “demonstrations.”

II. Custodians

- A. All political appointees in the Office of the Secretary, including, but not limited to, the following:

- a. Miguel Cardona
- b. Lexi Barrett
- c. James Lane
- d. Roberto Rodriguez
- e. Sheila Nix
- f. Lawanda Toney
- g. Dietra Trent
- h. Alexis Holmes
- i. Melody Gonzales

- B. Deputy Secretary Cindy Marten

- C. Under Secretary James Kvaal

- D. Dr. Nasser Paydar and all political appointees in the Office of Postsecondary Education, including but not limited to, the following:

- a. Roxanne Garza
- b. Tiwanda Burse
- c. Amanda Miller
- d. Linda Byrd-Johnson
- e. Gaby Watts

- E. Director of International Affairs Maureen McLaughlin

- F. Lisa Brown and all political appointees in the Office of General Counsel

- G. Shin Inouye and all political appointees in the Office of Communications and Outreach

- H. Gwen Graham and all political appointees in the Office of Legislative and Congressional Affairs, including but not limited to, the following:

- a. Claire Viall
- b. Blanche Roberlo
- c. Allie Aguilera

- d. JoAnn Martinez-Shriver
 - e. Molly Peterson
- I. Catherine Lhamon and all political appointees in the Office of Civil Rights, including, but not limited to, the following:
- a. Sam Ames
 - b. Monique Dixon
 - c. Alejandro Reyes
 - d. Seth Galanter
 - e. Matt Nosanchuk
 - f. Trina Shields
 - g. Randolph Wills
 - h. Hannah Zack
 - i. Taron Henton
 - j. Alejandro Reyes
 - k. Alice Abrokwa
 - l. Jady Hsin
 - m. Adaku Onyeka-Crawford
 - n. Heather Gunnarson
 - o. Anna Kasior

III. Fee Waiver

Per 5 U.S.C. § 552(a)(4)(A)(iii), AFL requests a waiver of all search and duplication fees associated with this request.

First, AFL is a qualified non-commercial public education and news media requester. AFL is a new organization, but it has already demonstrated its commitment to the public disclosure of documents and the creation of editorial content through regular substantive analyses posted on its website. For example, its officials routinely appear on national television and use social media platforms to disseminate the information it has obtained about federal government activities. In this case, AFL will make your records and your responses publicly available for the benefit of citizens, scholars, and others. The public's understanding of your policies and practices will be enhanced through AFL's analysis and publication of the requested records. As a nonprofit organization, AFL does not have a commercial purpose, and the release of the information requested is not in AFL's financial interest. This has previously been recognized by the Department of Education, as well as the Departments of Defense, Energy, Interior, State, and Homeland Security, and the Office of the Director of National Intelligence.

Second, a waiver is proper as disclosure of the requested information is “in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government.”¹

IV. Processing and Production

Processing should occur in strict compliance with the process guidance of the Attorney General’s Memorandum on the Freedom of Information Act Guidelines.² If you have any questions about our request or believe further discussions regarding search and processing would facilitate a more efficient production of records of interest to AFL, then please contact me at FOIA@aflegal.org. If AFL’s request for a fee waiver is not granted in full, please contact us immediately upon making that determination. To accelerate your release of responsive records, AFL welcomes production on an agreed rolling basis. Please provide responsive records in an electronic format by email. Alternatively, please provide responsive records in native format or in PDF format on a USB drive to America First Legal Foundation, 611 Pennsylvania Ave SE #231 Washington, DC 20003.

Thank you in advance for your cooperation.

Sincerely,

/s/ Ian D. Prior

Ian D. Prior

America First Legal Foundation

¹ 5 U.S.C. § 552(a)(4)(A)(iii).

² U.S. DEP’T JUST. (Mar. 15, 2022), <https://bit.ly/3zvpxb6>.