

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AMERICA FIRST LEGAL
FOUNDATION,
611 Pennsylvania Ave., SE #231
Washington, D.C. 20003

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
JUSTICE
950 Pennsylvania Ave. NW
Washington, DC 20530,

Defendant.

Civil Action No.: 24-695

COMPLAINT

1. Plaintiff America First Legal Foundation (“AFL”) brings this action against the United States Department of Department of Justice (“DOJ”), to compel compliance with the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331. Additionally, it may grant declaratory relief pursuant to 28 U.S.C. § 2201, *et seq.*

3. Venue is proper in this District pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

PARTIES

4. The Plaintiff, AFL, is a nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, ensure due process and equal protection for all Americans, and encourage public knowledge and understanding of the law and individual rights guaranteed under the United States Constitution and the laws of the United States. AFL's mission includes promoting government transparency and accountability by gathering official information, analyzing it, and disseminating it through reports, press releases, and/or other media, including social media platforms, all to educate the public.

5. The Defendant DOJ is an agency under 5 U.S.C. § 552(f), with its headquarters at 950 Pennsylvania Ave. NW, Washington, D.C. 20530.

6. The Defendant has possession, custody, and control of the requested records.

BACKGROUND

7. The Biden Administration has stated that it is committed to a transparent, open, and ethical government.¹

¹ *FACT SHEET: Biden-Harris Administration Prioritizes Effectiveness, Accountability, and Transparency in Bipartisan Infrastructure Law Implementation*, THE WHITE HOUSE (Apr. 29, 2022), <https://tinyurl.com/bdhrccyk>; *Biden White House Pledges Data, Transparency, Respect for Free Press*, REUTERS (Jan. 20, 2021), <https://tinyurl.com/3fzz25mf>; *Mark Joyella, Biden's White House Press Secretary Promises 'Trust and Transparency,'* FORBES (Jan. 20, 2021), <https://tinyurl.com/2p8729wz>.

8. “Timely disclosure of records is also essential to the core purpose of FOIA.” U.S. DEPT JUST., Freedom of Information Act Guidelines (Mar. 15, 2022), <https://tinyurl.com/2yd463dv>.

AFL’S FOIA REQUEST

9. On August 1, 2023, AFL submitted a FOIA request to DOJ seeking DOJ communications about the Southern Poverty Law Center’s 2022 “Year in Hate and Extremism Report” as well as communications between DOJ and the Southern Poverty Law Center. *Ex. 1*.

10. This request specified custodians and sought a fee waiver. *Id.*

11. DOJ split the request up by responding component, assigning each component’s version of the request its own tracking number.

Office of Information Policy Response

12. On August 11, 2023, AFL received a letter from the DOJ’s Office of Information Policy acknowledging the request.

13. That letter assigned AFL’s request tracking number 23-02127. *Ex. 2*.

14. That letter invoked an extension of ten days, for “unusual circumstances” and assigned the request to the complex processing queue. *Id.*

15. On August 21, 2023, DOJ’s Office of Information Policy sent an email to AFL asking if it would be willing to provide a narrower timeframe, exclude news articles, and limit the request to communications with the named SPLC officials. *Ex. 3*.

16. In response, AFL agreed to limit the time frame to communications after November 1, 2022, eliminate news articles, and restrict custodians to only political appointees. *Id.*

17. On October 25, 2023, AFL sent an email to DOJ's Office of Information Policy to check on the timeframe for a response to its FOIA. *Ex. 4.*

18. DOJ responded the same day that the search was ongoing. *Id.*

19. As of the date of this filing, Defendant DOJ has not provided any records under this request.

Civil Rights Division Response

20. On August 14, 2023, AFL received an acknowledgment letter from DOJ's Civil Rights Division acknowledging the request. *Ex. 5.*

21. That letter assigned AFL's request the tracking number 23-00314. *Id.*

22. That letter invoked an extension of ten days, for "unusual circumstances" and assigned the request to the complex processing queue. *Id.*

23. On August 15, 2023, DOJ's Civil Rights Division sent another letter to AFL, this time advising AFL that the request was overly burdensome, and asking AFL to narrow the request. *Ex. 6.*

24. On August 17, 2023, AFL agreed to narrow the custodians to political appointees at the grade of GS-15 and above in the Civil Rights Division, and to limit the search to records created after November 1, 2022. *Ex. 7.*

25. On February 9, 2024, AFL sent an email to DOJ's Civil Rights Division to check the status of the FOIA production. *Ex. 8.*

26. AFL has not received a response.

27. As of the date of this filing, Defendant DOJ has not provided any records under this request.

CLAIM FOR RELIEF

Violation of the FOIA, 5 U.S.C. § 552

28. AFL incorporates paragraphs 1–27 by reference.

29. AFL properly requested records within the possession, custody, and control of the Defendant.

30. The Defendant failed to conduct searches for responsive records.

31. Moreover, because Defendant failed to conduct searches, it has failed to disclose any segregable, non-exempt portions of responsive records. *See* 5 U.S.C. § 552(b).

32. The Defendant has failed to respond to AFL’s requests within the statutory time period. *See* 5 U.S.C. § 552(a)(6).

33. Accordingly, AFL has exhausted its administrative remedies. *See* 5 U.S.C. § 552(a)(6)(C).

34. The Defendant has violated the FOIA by failing, within the prescribed time limit, to reasonably search for records responsive to AFL’s FOIA request and release nonexempt records.

PRAYER FOR RELIEF

WHEREFORE, AFL respectfully requests that this Court:

- i. Declare that the records sought by AFL's requests must be disclosed pursuant to 5 U.S.C. § 552;
- ii. Order the Defendant to search immediately, demonstrating search methods reasonably likely to lead to the discovery of responsive records;
- iii. Order the Defendant to produce by a date certain all non-exempt records responsive to AFL's FOIA requests, accompanied by a Vaughn index of any responsive records or portions of responsive records being withheld under a claim of exemption;
- iv. Order the Defendant to grant AFL's requests for fee waivers;
- v. Award AFL attorneys' fees and costs incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and
- vi. Grant AFL such other and further relief as this Court deems proper.

Date: March 11, 2024

Respectfully Submitted

/s/ Jacob Meckler

Ian Prior (D.C. Bar No. 90001650)
Jacob Meckler (D.C. Bar No. 90005210)

Tel: (202) 964-3721

E-mail: ian.prior@aflegal.org

AMERICA FIRST LEGAL FOUNDATION
611 Pennsylvania Avenue SE #231
Washington, D.C. 20003

Counsel for the Plaintiff

America First Legal Foundation



August 1, 2023

VIA ONLINE PORTAL

Douglas Hibbard
Chief, Initial Request Staff
Office of Information Policy
United States Department of Justice
6th Floor, 441 G St NW
Washington, DC 20530

VIA ELECTRONIC MAIL

Kilian B. Kagle, Chief
4CON, Room 6.153
Civil Rights Division
United States Department of Justice
950 Pennsylvania Ave., N.W.
Washington, DC 20530
CRT.FOIArequests@usdoj.gov

Freedom of Information Act Request: Southern Poverty Law Center

Dear Messrs. Hibbard and Kagle:

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 160,000 followers, and the Twitter page of our Founder and President has over 480,000 followers.

611 Pennsylvania Ave SE #231
Washington, DC 20003

320 South Madison Avenue
Monroe, Georgia 30655

I. Background

On June 6, 2023, the Southern Poverty Law Center (“SPLC”) released its 2022 “Year in Hate and Extremism” report.¹ For the first time, the SPLC included in its annual report the designation: “anti-government movement.”² The organizations listed as being part of the “anti-government movement” included national parents’ rights organizations like Moms for Liberty (including its “250+ chapters in 42 states”) and Parents Defending Education.³ The SPLC also listed local organizations such as Parents Against Critical Theory and Virginia Parents Involved in Education.⁴ In listing these parents’ rights groups as part of the anti-government movement, the SPLC claimed that they are part of an “anti-student inclusion movement that targets any inclusive curriculum that contains discussions of race, discrimination and LGBTQ identities.”⁵ Notably, the SPLC’s educational arm — Learning for Justice — provides resources to schools that push teachers to teach elementary schoolers about race, discrimination, and LGBTQ identities.⁶

The SPLC’s false allegations have triggered a wave of threats against parents, putting them in fear for their lives, their careers, and their reputations.⁷ For example, threats sent to Moms for Liberty include the following:⁸

- “Fuck you nasty sows. I will personally eradicate you from Massachusetts.”
- “You are NOTHING but a bunch of FUCKING CUNTS who should be FUCKING DESTROYED AS AN EXTREMIST GROUP YOU FUCKING BIGGOTED [sic] CUNTS ... PLEASE RESPOND Or are your FUCKING CUNTS too Afraid?”
- “Piece of shit fascists like you deserve to be dragged against a wall and force-fed hot lead. Eat shit and die. I genuinely hope all you fascist scum

¹ SPLC, *The Year in Hate & Extremism 2022*, <https://tinyurl.com/yu7mhz3d> (click “Download the report (PDF)”) (last visited Aug. 1, 2023).

² *Id.*; Tyler O’Neil, *Far-Left Group Put Moms for Liberty on Map with KKK Chapters*, DAILY SIGNAL (June 6, 2023) <https://tinyurl.com/bddfz732> (last visited Aug. 1, 2023).

³ SPLC, *The Year in Hate & Extremism 2022* at 21, 24, <https://tinyurl.com/yu7mhz3d> (click “Download the report (PDF)”) (last visited Aug. 1, 2023).

⁴ Tyler O’Neil, *Far-Left Group Put Moms for Liberty on Map with KKK Chapters*, DAILY SIGNAL (June 6, 2023) <https://tinyurl.com/bddfz732> (last visited Aug. 1, 2023).

⁵ SPLC, *The Year in Hate & Extremism 2022* at 10, <https://tinyurl.com/yu7mhz3d> (click “Download the report (PDF)”) (last visited Aug. 1, 2023).

⁶ SPLC, *Prevention and Resilience: Supporting Young People Through Polarizing Times*, <https://lfj.pub/prevention> (last visited Aug. 1, 2023); see also INFLUENCE WATCH, *Learning for Justice*, <https://tinyurl.com/r4bwxczb>.

⁷ Tyler O’Neil, *‘I Will Eradicate You’: Moms for Liberty Threatened, Treated as ‘Subhuman,’ After SPLC Attack*, DAILY SIGNAL (July 10, 2023), <https://tinyurl.com/3mts67at> (last visited Aug. 1, 2023).

⁸ *Id.*

get diagnosed with ALS and wither away in front of your loved ones. Seriously, kill yourself. You'd be doing us all a favor.”

The attacks against Moms for Liberty continued at the organization's annual summit last month in Philadelphia, Pennsylvania, where the host site — the Museum of the American Revolution — was vandalized, and mothers were threatened as they left the summit with their children and had their addresses posted online by far-left activists.⁹

At the behest of its leftist teacher union allies, the Biden Administration has weaponized the federal domestic intelligence community and law enforcement to intimidate parents, deter them from protecting their children, and undermine their First Amendment rights. Notoriously, the Biden Administration colluded with the National School Board Association and other extremists, causing Attorney General Garland to issue his October 4, 2021 memorandum directing the FBI to open federal investigations into parents speaking at school board meetings.¹⁰ The revelation that government officials have met with SPLC officials at least eleven times during Biden's rule is therefore alarming.¹¹ And recent whistleblower revelations that the FBI had relied on SPLC materials and information to investigate Catholics as “Racially or Ethnically Motivated Violent Extremists” make it clear that parents have much to fear from his government.¹²

II. Requested Records

Under 5 U.S.C. § 552(a), AFL requests the following records.

- A. Records of meetings with SPLC's directors, officers, and employees including, but not limited to, the following individuals: LaShawn Warren, Brandon Jones, Amanda Trocola, Joseph Levin, Susan Corke, Kirsten Anderson, Joshua Bekenstein, Waikinya Clanton, and Margaret Huang.
- B. Records of communications with SPLC's directors, officers, and/or employees including, but not limited to the following individuals: LaShawn Warren, Brandon Jones, Amanda Trocola, Joseph Levin, Susan Corke, Kirsten Anderson, Joshua Bekenstein, Waikinya Clanton, and Margaret Huang.

⁹ Christopher Tremoglie, Opinion, *Moms for Liberty Supporters Were Doxxed and Physically Threatened*, WASH. EXAMINER (June 29, 2023), <https://tinyurl.com/yxwvckbn> (last visited Aug. 1, 2023).

¹⁰ Press Release, *Chairman Jordan Expands Investigation into Biden Targeting Parents at School Board Meetings*, H. Comm. on the Judiciary (Jun. 6, 2023), <https://tinyurl.com/3rjcsv45> (last visited Aug. 1, 2023).

¹¹ Ben Collier and Tyler O'Neil, *The Company You Keep: White House Logs Show Biden Meeting With Far-Left Smear Factory Tied to Terrorism*, DAILY SIGNAL (July 5, 2023), <https://tinyurl.com/5hy7wn9s> (last visited Aug. 1, 2023).

¹² Kyle Seraphin, *The FBI Doubles Down on Christians and White Supremacy in 2023*, UNCOVERDC (Feb. 8, 2023), <https://tinyurl.com/47mhrsce> (last visited Aug. 1, 2023).

- C. All records, including communications, relating to the SPLC's 2022 "Year in Hate and Extremism" report.
- D. All communications containing any one of the following terms: "SPLC," "Southern Poverty Law Center," "Moms for Liberty," "Parents Defending Education," "parent groups," "parents' rights," "parental rights," and/or "Year in Hate and Extremism."
- E. All records regarding the processing of the above items.

III. Custodians

For Mr. Hibbard, Office of Information Policy

All political appointees and all career employees with a grade equivalent of GS-15 and above in the:

- A. Office of the Attorney General
- B. Office of the Deputy Attorney General
- C. Office of the Associate Attorney General

For Mr. Kagle, Civil Rights Division

All political appointees and all career employees with a grade equivalent of GS-15 and above in the Civil Rights Division

IV. Processing and Production

Per 5 U.S.C. § 552(a)(4)(A)(iii) and 28 CFR § 16.10, AFL requests a waiver of all search and duplication fees. AFL broadly disseminates information to the public regarding the operations and activities of the federal government, and numerous federal agencies, including the Department of Justice, have routinely granted our fee waiver requests. All records received will be posted on our website and made freely available to the public, and this request is not primarily in our commercial interest.

Processing should strictly comply with the processing guidance in the Attorney General's Memorandum on Freedom of Information Act Guidelines. If you have any questions about our request or believe further discussions regarding search and processing would facilitate the more efficient production of requested records, please get in touch with me at FOIA@aflegal.org. If AFL's request for a fee waiver is not granted in full, please get in touch with 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 or 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

America First Legal Foundation



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

August 11, 2023

Ian Prior
America First Legal
foia@aflegal.org

Re: FOIA-2023-02127

Dear Ian Prior:

This is to acknowledge receipt of your Freedom of Information Act (FOIA) request dated and received in this Office on August 1, 2023, in which you requested various records concerning the Southern Poverty Law Center.

The records you seek require a search in and/or consultation with another Office, and so your request falls within “unusual circumstances.” See 5 U.S.C. § 552 (a)(6)(B)(i)-(iii) (2018). Because of these unusual circumstances, we need to extend the time limit to respond to your request beyond the ten additional days provided by the statute. For your information, we use multiple tracks to process requests, but within those tracks we work in an agile manner, and the time needed to complete our work on your request will necessarily depend on a variety of factors, including the complexity of our records search, the volume and complexity of any material located, and the order of receipt of your request. At this time we have assigned your request to the complex track. In an effort to speed up our process, you may wish to narrow the scope of your request to limit the number of potentially responsive records so that it can be placed in a different processing track. You can also agree to an alternative time frame for processing, should records be located, or you may wish to await the completion of our records search to discuss either of these options. Any decision with regard to the application of fees will be made only after we determine whether fees will be implicated for this request.

We regret the necessity of this delay, but we assure you that your request will be processed as soon as possible. If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, you may contact this Office by telephone at the above number, by e-mail at doj.oip.foia@usdoj.gov, or you may write to the Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001. Lastly, you may contact our FOIA Public Liaison, Valeree Villanueva, at the telephone number listed above to discuss any aspect of your request.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601

-2-

Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448.

Sincerely,
Initial Request Staff
Office of Information Policy
U.S. Department of Justice

From: [Ian Prior](#)

Sent: Wednesday, September 6, 2023 1:31 PM

To: [Hibbard, Douglas \(OIP\)](#)

Subject: RE: Pending Freedom of Information Act Request, FOIA-2023-02127

We can limited the time frame by starting it at 11/1/2022.

Also can limit by eliminating news articles.

Finally, can restrict to only political appointees.

Sent from [Mail](#) for Windows

From: [Hibbard, Douglas \(OIP\)](#)

Sent: Monday, August 21, 2023 1:18 PM

To: foia@aflegal.org

Subject: Pending Freedom of Information Act Request, FOIA-2023-02127

Ian Prior,

This concerns your pending Freedom of Information Act request seeking various records concerning the Southern Poverty Law Center.

At this time, a preliminary records search has been conducted and over 78,000 potentially responsive records have been located. As such, I am inquiring into your interest in narrowing the scope of your request in order to facilitate our response. For example, you could (a) provide a narrower timeframe for your request, which currently does not include a start date, and/or (2) exclude from the scope of your request compilations of public news articles that contain one or more of the terms within your request and/or (3) limit your request to communications with the named SPLC officials.

Please feel free to respond to this email with any questions or comments you may have.

Doug [Hibbard](#)

Chief, Initial Request Staff

Office of Information Policy

RE: Pending Freedom of Information Act Request, FOIA-2023-02127



Hibbard, Douglas (OIP) <Douglas.Hibbard@usdoj.gov>

10/25/2023 2:02 PM

To: Ian Prior

I can confirm that our search is ongoing with a start date of 11/1/22 for the records search.

From: Ian Prior <foia@aflegal.org>

Sent: Wednesday, October 25, 2023 1:11 PM

To: Hibbard, Douglas (OIP) <Douglas.Hibbard@usdoj.gov>

Subject: [EXTERNAL] RE: Pending Freedom of Information Act Request, FOIA-2023-02127

Good afternoon,

I just wanted to follow up re: timeframe.

Thank you.

Sent from [Mail](#) for Windows



U.S. Department of Justice
Civil Rights Division

KK:ANF:AKL

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

Via Electronic Mail

Mr. Ian D. Prior
America First Legal Foundation
611 Pennsylvania Ave SE #231
Washington, DC 20003
foia@aflegal.org

August 14, 2023

Date Received: August 1, 2023

FOI/PA No.23-00314-F

Subject of Request: Information pertaining to all political appointees and all career employees with a grade equivalent of GS-15 and above in the Civil Rights Division

Dear Mr. Prior:

This is to inform you that your request for records from the files of the Civil Rights Division was received by the Division's Freedom of Information/Privacy Acts (FOI/PA) Branch on the date indicated above. Your request has been assigned the FOI/PA number shown above. Please refer to this number in any future correspondence concerning this request. In connection with review of your FOI/PA request, the following paragraph(s) are applicable:

_____ In searching its file for records responsive to your request, _____
_____ located records that originated with the Civil Rights Division. These records were referred to the Civil Rights Division as the originating component for review and release determination. Upon completion of our review, the releasable document(s) will be sent directly to you.

XX As a result of the large number of Freedom of Information and Privacy Acts requests received by the Civil Rights Division, some delay may be encountered in processing your request. In an attempt to treat each requester fairly, we have adopted a policy of processing requests in the approximate order of receipt. Please be assured that your request is being handled as equitably as possible. We appreciate your patience and will provide you with a response at the earliest possible date. Please note that the Civil Rights Division utilizes multi-track processing in which processing ranges from faster tracks for requests (seeking access to documents already processed for prior requests) to much slower tracks for complex requests involving voluminous amounts of responsive documents or extensive consultation. At your option, you may wish to call the number below and limit the scope of your request to enable your request to be handled in the most expeditious manner available to fulfill your interests.

____ Since your letter did not include authorization or a certification of identity, we will close your file for now. We will re-open your request on receipt of the required authorization forms. The Privacy Act, and the Department of Justice Privacy Act regulation, 28 C.F.R. §16.41, require each person requesting records indexed or maintained under his or her name or another person's name, to furnish the Department with proof of identity/consent to disclosure. Please complete the enclosed form and return it directly to the Freedom of Information/Privacy Acts Branch, Civil Rights Division, US Department of Justice, Washington, D.C. 20530.

XX We have to consult with other offices in the Civil Rights Division to conduct a search and locate records which may be responsive to your request. Because of the need to examine a voluminous amount of records, we can respond only after consulting with the other offices. Thus, there may be some delay in the processing of your request as a result. Accordingly, your request falls within "unusual circumstances." See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii). Because of these unusual circumstances, we are extending the time limit to respond to your request **beyond the ten additional days provided by the statute**. The time needed to process your request will necessarily depend on the volume and complexity of the records located. For your information, this Office assigns incoming requests to one of three tracks: simple, complex, or expedited. Each request is then handled on a first-in, first-out basis in relation to other requests in the same track. Simple requests usually receive a response in approximately **one month**, whereas complex requests necessarily take longer. To allow us to respond more quickly to you, you may wish to narrow the scope of your request to limit the number of potentially responsive records or agree to an alternative time frame for processing.

XX Please be advised that due to necessary operational changes as a result of the national emergency concerning the novel coronavirus disease (COVID-19) outbreak, there may be some delay in the processing of your request.

If you are not satisfied with the Civil Rights Division's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account on the following website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

If you have any further questions, contact this office by calling (202) 514-4210.

Sincerely,

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



U.S. Department of Justice
Civil Rights Division

KK:AW
23-00314-F

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

Via Email Only

Mr. Ian Prior
America First Legal
611 Pennsylvania Ave, SE #231
Washington, DC 20003
FOIA@aflegal.org

August 15, 2023

Dear Mr. Prior:

This is in further response to your Freedom of Information Act request, sent to and received by the Civil Rights Division on August 1, 2023, seeking access to:

Records of meetings with SPLC's directors, officers, and employees including, but not limited to, the following individuals: LaShawn Warren, Brandon Jones, Amanda Trocola, Joseph Levin, Susan Corke, Kirsten Anderson, Joshua Bekenstein, Waikinya Clanton, and Margaret Huang. Records of communications with SPLC's directors, officers, and/or employees including, but not limited to the following individuals: LaShawn Warren, Brandon Jones, Amanda Trocola, Joseph Levin, Susan Corke, Kirsten Anderson, Joshua Bekenstein, Waikinya Clanton, and Margaret Huang. All records, including communications, relating to the SPLC's 2022 "Year in Hate and Extremism" report. All communications containing any one of the following terms: "SPLC," "Southern Poverty Law Center," "Moms for Liberty," "Parents Defending Education," "parent groups," "parents' rights," "parental rights," and/or "Year in Hate and Extremism." All records regarding the processing of the above items.

The breadth and nature of your request present "unusual circumstances" under FOIA because the proper processing of the request would require a search for, collection and appropriate examination of a voluminous amount of records. You have requested CRT search all GS-15+ CRT employees over a period spanning the Biden administration (1/20/21 – Present). Of the Division's seven hundred plus employees, approximately 400 are attorneys and the overwhelming majority of them are GS-15. Your proposed search would encompass virtually the entire attorney pool. Additionally, some of the keywords you requested, such as "parent groups" AND "parent's rights" may be implicated and touched upon in virtually every matter pursued by several of the Division's litigating sections.

In addition to the "reasonably described" requirement of the FOIA, courts have held that agencies are not required to conduct wide-ranging "unreasonably burdensome" searches for records. *AFGE v. US. Dep 't of Commerce*, 907 F.2d 203, 209 (D.C. Circ. 1990)(holding that while plaintiffs requests might identify the documents requested with sufficient precision to enable the agency to identify them...it is clear that these requests are so broad as to impose an unreasonable burden upon the agency, because the agency would have to locate, review and redact a vast quantity of material.)

Further, the number of hours necessary to fulfill the breath and broad nature of your request for over a 3.5-year period of approximately 400 attorneys will require a significant expenditure of CRT's FOIA Unit's limited staff and resources and would be unreasonably burdensome. Therefore, this request falls within the parameters of the court case noted above as this request is "so broad as to impose an unreasonable burden upon the agency."

You may wish to narrow your request by selecting a reasonable number of custodians most likely to possess the documents you are seeking and provide keywords that hew more closely to the subject matter you are seeking or shorten the time frame. We note that no documents are being denied at this time under this request. Upon receipt of this additional information, we will search our files for information responsive to your request.

Sincerely,

Kilian Kagle

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



AFL FOIA <foia@aflegal.org>

America First Legal FOIA Request #23-00314-F Civil Rights Division Interim Response

Ian Prior <foia@aflegal.org>

Thu, Aug 17, 2023 at 11:24 AM

To: "FOIArequests, CRT (CRT)" <CRT.FOIArequests@usdoj.gov>

Please narrow the request as follows:

-All political appointees with a grade equivalent of GS-15 and above in the Civil Rights Division (removed career employees)

-Timeframe for search: November 1, 2022 to present

Thank you

Ian Prior

Sent from [Mail](#) for Windows

From: FOIArequests, CRT (CRT)

Sent: Tuesday, August 15, 2023 4:45 PM

To: FOIA@aflegal.org

Subject: America First Legal FOIA Request #23-00314-F Civil Rights Division Interim Response

Dear Mr. Prior,

[Quoted text hidden]

Status of FOIA 23-00314



Ian Prior <ian.prior@aflegal.org>

2/9/2024 12:37 PM

To: FOIArequests, CRT (CRT)



AFL 23-00314-F Letter To Narro...
180.15 KB

I am checking on the status of this FOIA request.

Thank you

Ian D. Prior
Senior Advisor
America First Legal

Sent from [Mail](#) for Windows

CIVIL COVER SHEET

JS-44 (Rev. 11/2020 DC)

I. (a) PLAINTIFFS AMERICA FIRST LEGAL FOUNDATION (b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF _____ (EXCEPT IN U.S. PLAINTIFF CASES)	DEFENDANTS UNITED STATES DEPARTMENT OF JUSTICE COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____ (IN U.S. PLAINTIFF CASES ONLY) <small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small>
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(c) ATTORNEYS (FIRMNAME, ADDRESS, AND TELEPHONE NUMBER) Jacob Meckler 611 Pennsylvania Ave. SE #231 Washington, D.C. 20003 Tel: (202) 964-3721	ATTORNEYS (IF KNOWN)
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II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)	III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) FOR DIVERSITY CASES ONLY!																								
<input type="radio"/> 1 U.S. Government Plaintiff <input checked="" type="radio"/> 2 U.S. Government Defendant <input type="radio"/> 3 Federal Question (U.S. Government Not a Party) <input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)	<table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="radio"/> 4</td> <td style="text-align: center;"><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="radio"/> 5</td> <td style="text-align: center;"><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="radio"/> 6</td> <td style="text-align: center;"><input type="radio"/> 6</td> </tr> </tbody> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4	Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5	Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6
	PTF	DFT		PTF	DFT																				
Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4																				
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Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6																				

IV. CASE ASSIGNMENT AND NATURE OF SUIT

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

<input type="radio"/> A. Antitrust <input type="checkbox"/> 410 Antitrust	<input type="radio"/> B. Personal Injury/Malpractice <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Medical Malpractice <input type="checkbox"/> 365 Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Product Liability	<input type="radio"/> C. Administrative Agency Review <input type="checkbox"/> 151 Medicare Act <u>Social Security</u> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <u>Other Statutes</u> <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)	<input type="radio"/> D. Temporary Restraining Order/Preliminary Injunction Any nature of suit from any category may be selected for this category of case assignment. *(If Antitrust, then A governs)*
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<input type="radio"/> E. General Civil (Other)		OR	<input type="radio"/> F. Pro Se General Civil	
<u>Real Property</u> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent, Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property <u>Personal Property</u> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<u>Bankruptcy</u> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <u>Prisoner Petitions</u> <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Conditions <input type="checkbox"/> 560 Civil Detainee – Conditions of Confinement <u>Property Rights</u> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent – Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 (DTSA)	<u>Federal Tax Suits</u> <input type="checkbox"/> 870 Taxes (US plaintiff or defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609 <u>Forfeiture/Penalty</u> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <u>Other Statutes</u> <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 430 Banks & Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 465 Other Immigration Actions <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organization <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act (TCPA) <input type="checkbox"/> 490 Cable/Satellite TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)	

<input type="radio"/> G. Habeas Corpus/ 2255 <input type="checkbox"/> 530 Habeas Corpus – General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee	<input type="radio"/> H. Employment Discrimination <input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) *(If pro se, select this deck)*	<input checked="" type="radio"/> I. FOIA/Privacy Act <input checked="" type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)*	<input type="radio"/> J. Student Loan <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> K. Labor/ERISA (non-employment) <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> L. Other Civil Rights (non-employment) <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Americans w/Disabilities – Employment <input type="checkbox"/> 446 Americans w/Disabilities – Other <input type="checkbox"/> 448 Education	<input type="radio"/> M. Contract <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran’s Benefits <input type="checkbox"/> 160 Stockholder’s Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="radio"/> N. Three-Judge Court <input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act)

V. ORIGIN
 1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multi-district Litigation
 7 Appeal to District Judge from Mag. Judge
 8 Multi-district Litigation – Direct File

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)
 Suit to enforce the FOIA. 5 USC 552

VII. REQUESTED IN COMPLAINT	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$ JURY DEMAND:	Check YES only if demanded in complaint YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
VIII. RELATED CASE(S) IF ANY	(See instruction)	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If yes, please complete related case form

DATE: <u>03/11/2024</u>	SIGNATURE OF ATTORNEY OF RECORD <u>/s/ Jacob Meckler</u>
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INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil coversheet. These tips coincide with the Roman Numerals on the cover sheet.

- I.** COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III.** CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV.** CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI.** CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII.** RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk’s Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CLEAR FORM

AMERICA FIRST LEGAL FOUNDATION

Plaintiff

v.

UNITED STATES DEPARTMENT OF JUSTICE

Defendant

Civil Action No. **24-695**

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Merrick B. Garland, U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Jacob Meckler
America First Legal Foundation
611 Pennsylvania Avenue SE #231
Washington, D.C. 20003

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. 24-695

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify):* _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Print

Save As...

Reset

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CLEAR FORM

AMERICA FIRST LEGAL FOUNDATION

Plaintiff

v.

UNITED STATES DEPARTMENT OF JUSTICE

Defendant

Civil Action No. **24-695**

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* U.S. Department of Justice
U.S. Attorney's Office for the District of Columbia
Civil Process Clerk
601 D St. NW
Washington, D.C. 20530
Email Service to: USADC.ServiceCivil@usdoj.gov

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Jacob Meckler
America First Legal Foundation
611 Pennsylvania Ave. SE #231
Washington, D.C. 20003

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

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Other *(specify):* _____

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Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

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