

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICA FIRST LEGAL
FOUNDATION,
611 Pennsylvania Ave SE #231
Washington, DC 20003

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
STATE,
2201 C St NW
Washington, DC 20451

Civil Action 24-3113

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

and

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY,
2707 Martin Luther King Jr. Ave, SE
Washington, DC 20528

Defendants.

COMPLAINT

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

JURISDICTION AND VENUE

2. The 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. 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. Defendant United States Department of State is an "agency" within the meaning of 5 U.S.C. § 552(f), with its offices located at 2201 C St. NW, Washington, DC 20451. The Department of State has possession and control of the records AFL seeks.

6. Defendant, the United States Department of Justice ("DOJ"), is an "agency" within the meaning of 5 U.S.C. § 552(f), with its offices located at 950

Pennsylvania Avenue, NW Washington, DC 20530. DOJ has possession and control of the records AFL seeks.

7. Defendant Department of Homeland Security (“DHS”), is an “agency” within the meaning of 5 U.S.C. § 552(f), with its offices located at 2707 Martin Luther King Jr. Ave, SE Washington, DC 20528. DHS has possession and control of the records AFL seeks.

FACTS

Department of State FOIA Request

8. On August 22, 2024, AFL submitted a FOIA request to the United States Department of State seeking records related to AFL’s August 16, 2024, letter to the Department of State Office of the Inspector General relating to the Department of State’s failure to investigate and prosecute pro-Hamas criminal conduct in the United States. *Ex. 1; see also* letter from Reed Rubinstein, Senior Vice President, Am. First Legal Found., to the Hon. Dr. Joseph V. Cuffari, Inspector Gen., U.S. Dep’t of Homeland Sec., and the Hon. Cardell K. Richardson, Inspector Gen., U.S. Dep’t of State (Aug. 16, 2024) (available at <https://perma.cc/Y2GU-ENQQ>).

9. AFL requested expedited processing of the request under 22 C.F.R. § 171.12(d)(1)(ii), stating that “this request is ‘urgent’ because it seeks information regarding the Department of State’s apparent failure to enforce the laws of the United States. It is imperative that Americans learn whether there is a stand-down order in place at the Department of State with respect to these laws. This request accordingly satisfies the Department’s standard that ‘there exists an urgency to inform the public

concerning actual or alleged Federal Government activity,’ especially as we approach a Presidential election and as the criminal actions occurring in pro-Hamas demonstrations persist.” *See id.* at 2.

10. AFL also certified that it is an organization “primarily engaged in disseminating information” under 22 C.F.R. § 171.12(d)(1)(ii). *Id.* at 2.

11. On August 29, 2024, the Department of State Office of Inspector General confirmed receipt of the FOIA request and assigned it the tracking number No. 2024-F-107. *See Ex. 2.*

12. In the August 29, 2024, letter, the Department of State Office of Inspector General denied AFL’s request for expedited processing. *See id.* at 2.

13. As of the date of filing, AFL has received no further communications from the Department of State concerning this FOIA request.

Department of Justice FOIA Request

14. On August 22, 2024, AFL submitted a FOIA request to the United States Department of Justice Office of the Inspector General seeking records related to AFL’s August 16, 2024, letter to the DOJ Office of the Inspector General relating to DOJ’s failure to investigate and prosecute pro-Hamas criminal conduct in the United States. *Ex. 3; see also* letter from Reed Rubinstein, Senior Vice President, Am. First Legal Found., to the Hon. Michael E. Horowitz, Inspector Gen., U.S. Dep’t of Just. (Aug. 16, 2024) (available at <https://perma.cc/ZVX7-DDBW>).

15. AFL requested expedited processing of the request under 28 C.F.R. § 16.5(e), stating that “this request is ‘urgent’ because it seeks information regarding

the Department of Justice’s apparent failure to enforce the laws of the United States. It is imperative that Americans learn whether there is a stand-down order in place at the Department of Justice with respect to these laws. This request accordingly satisfies the Department’s standard that a ‘matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity that affect public confidence,’ especially as we approach a Presidential election and as the criminal actions occurring in pro-Hamas demonstrations persist.” *See id.* at 2.

16. AFL also certified that it is “primarily engaged in disseminating information” under 28 C.F.R. § 16.5(e)(1)(ii). *Id.* at 2

17. On August 26, 2024, the DOJ Office of the Inspector General (“DOJ OIG”) confirmed receipt of the FOIA request, assigned it the tracking number 24-OIG-421, and transferred the determination for expedited processing to DOJ Office of Public Affairs. *See Ex. 4.*

18. On September 23, 2024, DOJ OIG stated that the DOJ Office of Public Affairs had denied AFL’s request for expedited processing of the request under 28 C.F.R. § 16.5(e)(1)(iv). *See Ex. 5.*

19. As of the date of filing, AFL has received no further communications from DOJ concerning this FOIA.

Department of Homeland Security FOIA Request

20. On August 22, 2024, AFL submitted a FOIA request to the DHS Office of the Inspector General seeking records related to AFL’s August 16, 2024, letter to

the DOJ Office of the Inspector General relating to DOJ's failure to investigate and prosecute pro-Hamas criminal conduct in the United States. *Ex. 6*; *see also* letter from Reed Rubinstein, Senior Vice President, Am. First Leg. Found., to the Hon. Dr. Joseph V. Cuffari, Inspector Gen., U.S. Dep't of Homeland Sec., and the Hon. Cardell K. Richardson, Inspector Gen., U.S. Dep't of State (Aug. 16, 2024) (available at <https://perma.cc/Y2GU-ENQQ>).

21. AFL requested expedited processing of the request under 6 C.F.R. § 5.5(e), arguing that “this request is ‘urgent’ because it seeks information regarding the Department of Homeland Security’s apparent failure to enforce the laws of the United States. It is imperative that Americans learn whether there is a stand-down order in place at the Department of Homeland Security with respect to these laws. This request accordingly satisfies the Department’s standard that the request relates to a ‘matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity which affect public confidence,’ especially as we approach a Presidential election and as the criminal actions occurring in pro-Hamas demonstrations persist. 6 C.F.R. § 5.5(e)(1)(iv).” *Id.* at 2.

22. AFL also certified that it is “primarily engaged in disseminating information” under 6 C.F.R. § 5.5(e). *Id.*

23. As of the date of filing, AFL has received no further communications from DHS concerning this FOIA.

CLAIM FOR RELIEF

Violation of FOIA, 5 U.S.C. § 552

24. AFL repeats paragraphs 1–23.

25. AFL properly requested records within the possession, custody, and control of the Defendants.

26. The Defendants have failed to produce the requested records within the statutory time limit.

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

28. Additionally, in each instance, AFL sufficiently showed that expedited processing was appropriate by citing facts demonstrating widespread media interest in these issues.

29. Moreover, as an entity “primarily engaged in disseminating information,” AFL has sufficiently demonstrated the “urgency to inform the public concerning actual or alleged Federal Government activity.” 5 U.S.C. § 552(a)(6)(E)(v)(II).

30. Nevertheless, the Defendants failed to comply with FOIA and their own regulations by denying AFL’s requests for expedited processing.

31. Accordingly, the Defendants have violated FOIA.

RELIEF REQUESTED

WHEREFORE, AFL respectfully requests this Court:

- i. Declare that the records sought by these requests, as described in the foregoing, must be disclosed pursuant to 5 U.S.C. § 552;
 - ii. Reverse the determinations by the Defendants denying expedited processing for these requests;
 - ii. Order the Defendants to conduct searches immediately for all records responsive to AFL's FOIA requests and demonstrate that they employed search methods reasonably likely to lead to the discovery of responsive records;
 - iii. Order the Defendants to produce by a date certain all non-exempt records responsive to AFL's FOIA requests;
 - iv. Award AFL attorney's fees and costs pursuant to 5 U.S.C. § 552(a)(4)(E);
- and
- v. Grant AFL such other and further relief as this court deems proper
- November 1, 2024.

Respectfully submitted,

/s/ William Scolinos

William Scolinos (DC Bar No. 90023488)

Michael Ding (DC Bar No. 1027252)

(301) 965-0179

AMERICA FIRST LEGAL FOUNDATION

611 Pennsylvania Avenue SE #231

Washington, DC 20003

William.Scolinos@aflegal.org

Counsel for America First Legal Foundation



August 22, 2024

VIA EMAIL

FOIA Officer
Office of General Counsel
Office of Inspector General
U.S. Department of State
1700 North Moore Street
Suite 1400
Arlington, VA 22209
Email: FOIA@stateoig.gov

Freedom of Information Act Request: Records Related to AFL's Request for Investigation

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 has over 261,000 followers on X, and our Founder and President has over 703,000 followers on X.

I. Requested Records

AFL respectfully requests, under 5 U.S.C. § 552, all records related to AFL's August 16, 2024, letter to the Office of the Inspector General relating to the Department of

611 Pennsylvania Ave SE #231
Washington, DC 20003

320 South Madison Avenue
Monroe, Georgia 30655

State's failure to investigate and prosecute pro-Hamas criminal conduct in the United States.¹

II. Fee Waiver

Per 5 U.S.C. § 552(a)(4)(A)(iii) and your agency's fee waiver regulations, AFL requests a waiver of all search and duplication fees. AFL has a demonstrated ability and intention to effectively convey the information broadly to the public; AFL's status as a representative of the news media has been recognized by other agencies for granting fee waivers by the Departments of Defense, Education, Energy, Health and Human Services, Justice, Interior, and Homeland Security. As a non-profit organization, AFL has no commercial interest, and the request is made entirely to serve the public interest. Disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and of government operations. We are, of course, available to provide additional information in writing or offline in support of this request. If AFL's request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

III. Expedited Processing

AFL requests expedited processing of this request. In support thereof, AFL certifies its compelling need for expedited processing. AFL is "primarily engaged in disseminating information" 22 C.F.R. 171.12(d). As explained below, this request is "urgent" because it seeks information regarding the Department of State's apparent failure to enforce the laws of the United States. It is imperative that Americans learn whether there is a stand-down order in place at the Department of State with respect to these laws. This request accordingly satisfies the Department's standard that "there exists an urgency to inform the public concerning actual or alleged Federal Government activity," especially as we approach a Presidential election and as the criminal actions occurring in pro-Hamas demonstrations persist. 22 C.F.R. 171.12(d)(1)(ii). It is vital for our democracy and trust in government that those in government with duties to be impartial do not enforce the law based on the viewpoint associated with the conduct.

IV. Conclusion

Processing should strictly comply with the processing guidance in the Attorney General's Memorandum on Freedom of Information Act Guidelines.² If you have any questions about our request or believe further discussions regarding search and

¹ Letter from Reed Rubinstein, Senior Vice President, Am. First Leg. Found., to the Hon. Dr. Joseph V. Cuffari, Inspector General, U.S. Dep't of Homeland Sec., and the Hon. Cardell K. Richardson, Inspector General, U.S. Dep't of State (Aug. 16, 2024) (available at <https://perma.cc/Y2GU-ENQQ>).

² U.S. DEPT JUST. (Mar. 15, 2022), <https://perma.cc/B9RX-UJMC>.

processing would facilitate the more efficient production of requested records, please contact me at FOIA@aflegal.org. 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.

Thank you,

/s/ Will Scolinos

America First Legal Foundation



Office of Inspector General
United States Department of State

August 29, 2024

SENT VIA EMAIL TO: foia@aflegal.org

Will Scolinos
America First Legal Foundation
611 Pennsylvania Avenue SE
#231
Washington, DC 20003

Subject: Department of State Office of Inspector General (DOS OIG) Freedom of Information Act Request No. 2024-F-107 – Expedition Determination

Dear Will Scolinos:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of State (DOS) Office of Inspector General (OIG), dated August 22, 2024. You requested: all records related to AFL's August 16, 2024, letter to the OIG relating to the DOS' failure to investigate and prosecute pro-Hamas criminal conduct in the United States.

DOS-OIG received your request on August 22, 2024, and assigned it the above-referenced FOIA tracking number.

Expedited Processing Determination

For requests to be considered for expedited processing, the requester must demonstrate there exists a "compelling need" for the information. 22 C.F.R. § 171.12(d). A "compelling need" is deemed to exist where the requester can demonstrate one of the following (1) circumstances in which lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; (2) where there is an urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information; or (3) where failure to release the information would impair substantial due process rights or harm substantial humanitarian interests. 22 C.F.R. § 171.12(d)(1)(i), (ii), (iii). Requesters seeking expedited processing must submit a statement, certified to be true and correct, explaining in detail the basis for making the request for expedited processing. 22 C.F.R. § 171.12(d)(3).

Your request indicates that America First Legal is an individual primarily engaged in disseminating information in order to inform the public concerning actual or alleged federal activity. You further state that you have an urgent need for this information and therefore

request expedited processing under 22 C.F.R. § 171.12(d)(2). Based on the information provided, DOS-OIG denies your request for expedited processing under this standard. Your request fails to establish an urgency to inform the public about government activity beyond the public's right to know about government activity generally. Nevertheless, please be advised that your request has been assigned the above tracking number and a records search is being initiated in the appropriate program office.

Since your request does not meet the criteria for expedited review, your request was placed in the queue for processing in the order in which it was received. We anticipate responding to your request within 20 business days. Please note, however, that the actual time required to respond to your request depends on the number and types of responsive records identified and located in our records search. Unfortunately, we cannot predict exactly when your request will be processed as we currently have a backlog of requests. Please be assured that DOS-OIG will respond to your request as expeditiously as possible. We are using our best efforts to process all requests with due diligence on a first-in, first-out basis.

Fee Waiver Determination

We have not yet made a decision on your request for a fee waiver. We will do so after we determine whether fees will be assessed for this request.

Appeal

You have the right to appeal my action regarding your request for expedited processing. Your appeal must be received within 90 days of the date of this response. Please send your appeal to:

FOIA/PA Appeals Unit
Office of the General Counsel
Office of Inspector General
U.S. Department of State
1700 N. Moore Street
Suite 1400
Arlington, VA 22209
Email: FOIAAppeals@stateoig.gov

Both the envelope and letter of appeal should be clearly marked, "Freedom of Information Act/Privacy Act Appeal." Your appeal letter should also clearly identify the DOS-OIG's response. Additional information on submitting an appeal is set forth in the DOS regulations at 22 C.F.R. § 171.15.

Assistance and Dispute Resolution Services

For further assistance and to discuss any aspect of your request you may contact DOS-OIG's FOIA Public Liaison at:

FOIA Officer
Office of General Counsel
Office of Inspector General
U.S. Department of State
1700 North Moore Street
Suite 1400
Arlington, VA 22209
foia@stateoig.gov

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, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,



Gina Goldblatt
FOIA Officer



August 22, 2024

VIA EMAIL

Deborah Waller
Government Information Specialist
Office of the Inspector General
Department of Justice
Room 4726
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001
Email: oigfoia@usdoj.gov

Freedom of Information Act Request: Records Related to AFL's Request for Investigation

Dear Ms. Waller:

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 has over 261,000 followers on X, and our Founder and President has over 703,000 followers on X.

I. Requested Records

AFL respectfully requests, under 5 U.S.C. § 552, all records related to AFL's August 16, 2024, letter to the Office of the Inspector General relating to the Department of

611 Pennsylvania Ave SE #231
Washington, DC 20003

320 South Madison Avenue
Monroe, Georgia 30655

Justice's failure to investigate and prosecute pro-Hamas criminal conduct in the United States.¹

II. Fee Waiver

Per 5 U.S.C. § 552(a)(4)(A)(iii) and your agency's fee waiver regulations, AFL requests a waiver of all search and duplication fees. AFL has a demonstrated ability and intention to effectively convey the information broadly to the public; AFL's status as a representative of the news media has been recognized by other agencies for granting fee waivers by the Departments of Defense, Education, Energy, Health and Human Services, Justice, Interior, and Homeland Security. As a non-profit organization, AFL has no commercial interest, and the request is made entirely to serve the public interest. Disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and of government operations. *See* 28 C.F.R. 16.10(k)(1). We are, of course, available to provide additional information in writing or offline in support of this request. If AFL's request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

III. Expedited Processing

AFL requests expedited processing of this request. In support thereof, AFL certifies its compelling need for expedited processing. AFL is "primarily engaged in disseminating information" 28 C.F.R. 16.5(e)(1)(ii). As explained below, this request is "urgent" because it seeks information regarding the Department of Justice's apparent failure to enforce the laws of the United States. It is imperative that Americans learn whether there is a stand-down order in place at the Department of Justice with respect to these laws. This request accordingly satisfies the Department's standard that a "matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence," especially as we approach a Presidential election and as the criminal actions occurring in pro-Hamas demonstrations persist. 28 C.F.R. 16.5(e)(1)(iv). It is vital for our democracy and trust in government that those in government with duties to be impartial do not enforce the law based on the viewpoint associated with the conduct.

IV. Conclusion

Processing should strictly comply with the processing guidance in the Attorney General's Memorandum on Freedom of Information Act Guidelines.² If you have any

¹ Letter from Reed Rubinstein, Senior Vice President, Am. First Leg. Found., to the Hon. Michael E. Horowitz, Inspector General, U.S. Dep't of Just. (Aug. 16, 2024) (available at <https://perma.cc/ZVX7-DDBW>).

² U.S. DEPT JUST. (Mar. 15, 2022), <https://perma.cc/B9RX-UJMC>.

questions about our request or believe further discussions regarding search and processing would facilitate the more efficient production of requested records, please contact me at FOIA@aflegal.org. 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.

Thank you,

/s/ Will Scolinos

America First Legal Foundation



DEPARTMENT OF JUSTICE | OFFICE OF THE INSPECTOR GENERAL

August 26, 2024

SENT VIA EMAIL

Will Scolinos
foia@aflegal.org
America First Legal Foundation

Subject: Freedom of Information/Privacy Act Request [24-OIG-421]

Dear Will Scolinos:

Your request for information relating to the above-cited subject was received in this office on August 22, 2024. Your request has been referred to the Department of Justice Office of Public Affairs for a determination concerning your request for expedited processing.

Your request will be handled under the provisions of the Freedom of Information Act (5 U.S.C. §552) and the Privacy Act (5 U.S.C. §552a). It has been assigned the following control number: 24-OIG-421. Please cite this number in any further inquiry about this request.

I must advise you that fees may be charged for searching for records sought at the respective administrative and professional rates of \$4.75/\$10.00 per quarter hour, and for duplication of copies at the rate of \$.05 per copy. The first 100 copies and two hours of search time are not charged, and the remaining combined charges for search and duplication must exceed \$25.00 before we will charge you any fees. Most requests do not require any fees; however, if fees are required we will notify you beforehand.

If you have further questions, please address your inquiry to U.S. Department of Justice, Office of the Inspector General, 950 Pennsylvania Avenue, N.W., Suite 4726, Washington, D.C. 20530 or at (202) 616-0646.

Sincerely,

Marissa Solomon-McRoy

Marissa Solomon-McRoy
Government Information Specialist
Office of General Counsel



DEPARTMENT OF JUSTICE | OFFICE OF THE INSPECTOR GENERAL

September 23, 2024

SENT VIA EMAIL

Will Scolinos
FOIA@aflegal.org
America First Legal Foundation

Subject: Freedom of Information/Privacy Act Request [24-OIG-421]

Dear Will Scolinos:

This is in response to your Freedom of Information Act request to the Office of the Inspector General (OIG). Specifically, your request seeks "records related to AFL's August 16, 2024, letter to the Office of the Inspector General relating to the Department of Justice's failure to investigate and prosecute pro-Hamas criminal conduct in the United States."

You have requested expedited processing of your request under 28 C.F.R. § 16.5(e)(1)(iv), which requires expedited processing for a matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence. Based on the information you have provided; Department of Justice Office of Public Affairs has determined that your request for expedited processing under this standard should be denied.

We will answer your request as quickly as possible. If you have further questions, please address your inquiry to U.S. Department of Justice, Office of the Inspector General, 950 Pennsylvania Avenue, N.W., Suite 4726, Washington, D.C. 20530 or to check the status of your request contact us at (202) 616-0646.

If you are not satisfied with OIG'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 following the instructions on OIP's 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 possible, please provide a copy of your original request and this response letter with your appeal.

Sincerely,

Marissa Solomon-McRoy

Marissa Solomon-McRoy
Government Information Specialist
Office of General Counsel



August 22, 2024

VIA FOIA.GOV

Office of the Inspector General
FOIA Public Liaison
DHS-OIG Counsel
245 Murray Lane, SW, Stop 0305
Washington, DC 20528-0305

Freedom of Information Act Request: Records Related to AFL's Request for Investigation

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 has over 261,000 followers on X, and our Founder and President has over 703,000 followers on X.

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¹ Letter from Reed Rubinstein, Senior Vice President, Am. First Leg. Found., to the Hon. Dr. Joseph V. Cuffari, Inspector General, U.S. Dep't of Homeland Sec., and the Hon. Cardell K. Richardson, Inspector General, U.S. Dep't of State (Aug. 16, 2024) (available at <https://perma.cc/Y2GU-ENQQ>).

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IV. Conclusion

Processing should strictly comply with the processing guidance in the Attorney General's Memorandum on Freedom of Information Act Guidelines.² 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 contact me at FOIA@aflegal.org. 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

² U.S. DEP'T JUST. (Mar. 15, 2022), <https://perma.cc/B9RX-UJMC>.

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.

Thank you,

/s/ Will Scolinos

America First Legal Foundation

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

_____)
 Plaintiff)
)
 v.) Civil Action No.
)
_____)
 Defendant)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

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:

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. _____

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 \$ _____.

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:

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

_____)
 Plaintiff)
)
 v.) Civil Action No.
)
_____)
 Defendant)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

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:

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. _____

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 \$ _____.

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:

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

_____)
 Plaintiff)
)
 v.) Civil Action No.
)
_____)
 Defendant)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

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:

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. _____

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 \$ _____.

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:

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

_____)
 Plaintiff)
)
 v.) Civil Action No.
)
_____)
 Defendant)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

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:

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. _____

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)* _____
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_____ 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 \$ _____.

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:

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

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

DATE: _____	SIGNATURE OF ATTORNEY OF RECORD _____
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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.