



August 9, 2022

Federal Bureau of Investigation
Attn: Initial Processing Operations Unit
200 Constitution Drive
Winchester, VA 22602

Freedom of Information Act Request: Brian Auten and Timothy Thibault

Dear FOIA Officer:

America First Legal Foundation (“AFL”) is a national, nonprofit organization working to promote the rule of law, prevent executive overreach, protect due process and equal protection, and educate Americans about the individual rights guaranteed under the Constitution and laws of the United States. Our mission includes promoting government transparency and accountability by gathering official information, analyzing it, and disseminating it through reports, press releases, and media, including social media platforms, all to educate the public and to keep government officials accountable for their duty to faithfully execute, protect, and defend 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 information to a national audience through traditional and social media platforms. For example, AFL’s employees regularly appear on radio and on cable and broadcast news programs; our email list contains over 34,000 unique addresses; our Facebook page has over 43,000 followers; our Twitter page has over 18,000 followers and the Twitter page of our Founder and President has over 199,000 followers; and we have another 30,853 followers on GETTR.

I. Custodians

- A. Brian Auten
- B. Timothy Thibault

II. Requested Records

611 Pennsylvania Ave SE #231
Washington, DC 20003

For Custodian Auten:

- A. All emails containing the words “Hunter” and/or “Biden.” The timeframe for this request is May 1, 2018, to the date this item is fully processed.
- B. All emails containing any of the following words or terms: “Russian,” “misinformation,” “disinformation,” “malinformation,” “Trump,” “OIG,” “Steele,” “Page,” “target,” “Horowitz,” “Flynn,” “Danchenko,” “Durham,” “Sussman,” “FISA,” “Special Counsel,” “Mueller,” “Clinton,” and/or “Crossfire Hurricane.” The timeframe for this request is March 1, 2016, to the date this item is fully processed.
- C. All emails referencing or responding to Congressional requests for information and/or testimony regarding Hunter Biden, Joe Biden, Christopher Steele, or the investigation known as Crossfire Hurricane. The timeframe for this request is March 1, 2016, to the date this item is fully processed.
- D. All emails referencing or regarding the custodian’s testimony to the Senate Judiciary Committee staff on October 29, 2020. The timeframe for this request is May 1, 2020, to the date this item is fully processed.
- E. All emails referencing or responding to the request for information made by Sen. Ron Johnson and Sen. Charles Grassley dated April 16, 2020 (Exhibit 1); and/or the request for information made by Sen. Charles Grassley dated July 25, 2022 (Exhibit 2).
- F. All emails to or from Kevin Clinesmith, Lisa Page, Peter Stroz, Andrew McCabe, Bill Priestap, and/or James Comey containing any of the following words or terms: “Russian misinformation”, “Russian disinformation,” “Trump,” “Flynn,” “OIG,” “collusion,” “White House,” “Biden,” “Steele,” “Page,” “target,” “Horowitz,” “Danchenko,” “Sussman,” “Mueller,” “Clinton,” and/or “Crossfire Hurricane.” The timeframe for this request is January 1, 2016, to April 1, 2020.
- G. The custodian’s calendars between January 1, 2016, and the date this item is fully processed.

For Custodian Thibault:

- H. All emails referencing or responding to the request for information made by Sen. Charles Grassley dated July 25, 2022 (Exhibit 2).

- I. All records containing the names “Hunter Biden” and/or “James Biden.” The timeframe for this request is January 1, 2020, to the date this item is fully processed.
- J. With respect to the August 2020 FBI briefing given to Sen. Ron Johnson and Sen. Charles Grassley, (1) records sufficient to identify the name(s) of the person(s) who recommended the Senators be briefed; (2) all emails referencing that briefing; and (3) all records used in preparation for or during that briefing. The timeframe for this request is May 1, 2020, to March 1, 2021.

III. Processing

The Federal Bureau of Investigation (“FBI”) must comply with the processing guidance in the Attorney General’s Memorandum on Freedom of Information Act Guidelines.¹ If you have any questions or believe further discussions regarding search and processing will facilitate a more efficient production of records of interest to AFL, please do not hesitate to contact me at FOIA@aflegal.org.

Also, AFL requests expedited processing of this request. In support thereof, AFL certifies its compelling need for expedited processing under 5 U.S.C. § 552(a)(6)(E) and 28 C.F.R. § 16.5(e), which provides in relevant part:

(e) Expedited processing. (1) Requests and appeals shall be processed on an expedited basis whenever it is determined that they involve... (ii) An urgency to inform the public about an actual or alleged Federal Government activity, if made by a person who is primarily engaged in disseminating information; or (iv) A matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity that affect public confidence.

As many federal agencies have acknowledged in granting AFL expedited processing, AFL is primarily engaged in disseminating information. Additionally, there is an urgency to inform the public regarding the circumstances surrounding the government’s concerted efforts to undermine congressional investigations and discredit negative information gathered about Hunter Biden and James Biden’s criminal financial and related activity. This is a matter of pressing national importance.

Our request also meets the FBI’s regulatory test for expedited processing based on a matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity that affect public confidence. As already

¹ U.S. Dep’t of Just. (Mar. 15, 2022), <https://tinyurl.com/4duy4r5k>.

discussed, both requirements are met here, because there has been extensive public interest in Hunter Biden and James Biden's financial dealings, and because the government's ability to conduct an impartial criminal investigation clearly impacts the confidence of the public in the government's integrity. The reported actions of FBI analysts to inappropriately discredit negative information related to Hunter Biden and attempt to meddle with congressional investigations into the Biden family's financial dealings drastically undermine the confidence of the public in the integrity of the government. This request seeks to expose those circumstances to public inspection, before irreparable harm is done to the nation's interest, in violation of the law.

AFL is an organization engaged in gathering, analyzing, and disseminating information, and there is great urgency to inform the public concerning events of intense public interest. Moreover, the allegations at hand go directly to public confidence in the integrity of the government. For these reasons, our expedited processing request should be granted.

IV. Fee Waiver

Per 5 U.S.C. § 552(a)(4)(A)(iii) and applicable regulations, 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. Our 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, and 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. Accordingly, AFL has been granted fee waivers on this basis by the Departments of Defense, Education, Energy, Health and Human Services, Justice, Interior, and Homeland Security, and the Office of the Director of National Intelligence. Second, 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."²

V. Production

To accelerate release of responsive records, AFL welcomes production on an agreed rolling basis. If possible, please provide responsive records in an electronic format by email. Alternatively, please provide responsive records in native format or in PDF

² 5 U.S.C. § 552(a)(4)(A)(iii).

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/ Tyler J. Sanderson

Tyler J. Sanderson
America First Legal Foundation