

U.S. Department of Justice

Executive Office for United States Attorneys

Freedom of Information and Privacy Staff

Suite 5.400, 3CON Building 175N Street, NE Washington, DC 20530 (202) 252-6020

August 23, 2024

Sent via email: foia@aflegal.org

Reed Rubinstein American First Legal Foundation 611 Pennsylvania Ave SE, #231 Washington, DC 20003

Request Number: <u>EOUSA-2022-000037</u>

Subject of Request: The Attorney General's October 4, 2021, Memorandum

Dear Reed Rubenstein:

This letter is the final response to your Freedom of Information Act/Privacy Act (FOIA/PA) request that is now the subject of a FOIA lawsuit. The Executive Office for United States Attorneys (EOUSA) is the official record-keeper for all records located within EOUSA and the various United States Attorneys' Offices.

To provide you with the greatest degree of access authorized by the Freedom of Information Act (FOIA) and the Privacy Act, we have considered your request in light of the provisions of both statutes. The records you seek are located in a Privacy Act system of records that, in accordance with regulations promulgated by the Attorney General, is exempt from the access provisions of the Privacy Act. 28 CFR § 16.81. We have also processed your request under the Freedom of Information Act and are making all records required to be released or considered appropriate for release as a matter of discretion, available to you. Please be advised that we have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.

Enclosed please find a total of 14 pages released in part. Additionally, for this release, six (6) pages were denied in full. **The redacted/withheld information was reviewed to determine if any information could be segregated for release.** The exemptions cited for withholding records or portions of records are 5 U.S.C. § 552 (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E).² As this matter is in litigation, an administrative appeal is moot. Therefore, we have omitted our standard paragraph concerning administrative appeal procedures.

Sincerely,

Kevin Krebs Assistant Director

Enclosures

Cc: Michael Gerardi, Assistant United States Attorney

¹ America First Legal Foundation v. Anthony Coley, et.al, Civil Action No.: 1:21-cv-03024 (TSC)

² An enclosure to this letter explains the exemptions in detail.

EXPLANATION OF EXEMPTIONS

FOIA: TITLE 5, UNITED STATES CODE, SECTION 552

confidence.

(b) (1) (A) specifically authorized under criteria established by and Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order; (b)(2)related solely to the internal personnel rules and practices of an agency; specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (b)(3)(A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld; trade secrets and commercial or financial information obtained from a person and privileged or confidential: (b)(4)inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an (b)(5)agency in litigation with the agency; personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted (b)(6)invasion of personal privacy; records or information compiled for law enforcement purposes, but only the extent that the production of such law (b)(7)enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual. contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an (b)(8)agency responsible for the regulation or supervision of financial institutions; or (b)(9)geological and geophysical information and data, including maps, concerning wells. PRIVACY ACT: TITLE 5, UNITED STATES CODE, SECTION 552a information complied in reasonable anticipation of a civil action proceeding; (d)(5)material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, (i)(2)control, or reduce crime or apprehend criminals; information which is currently and properly classified pursuant to Executive Order 12356 in the interest of the (k)(1)national defense or foreign policy, for example, information involving intelligence sources or methods; investigatory material complied for law enforcement purposes, other than criminal, which did not result in loss of a (k)(2)right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence; material maintained in connection with providing protective services to the President of the United States or any (k)(3)other individual pursuant to the authority of Title 18, United States Code, Section 3056; required by statute to be maintained and used solely as statistical records; (k)(4)investigatory material compiled solely for the purpose of determining suitability eligibility, or qualification for (k)(5)Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his identity would be held in confidence: testing or examination material used to determine individual qualifications for appointment or promotion in Federal (k)(6)Government service the release of which would compromise the testing or examination process; (k)(7)material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his identity would be held in

From: To: Subject: Date:	(b)(6); (b)(7)(C RE: ED and WD Wisconsin Tuesday, November 16, 20	response re: threat	s against school admini	istrators, board members, and teachers
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(b)(6); (b)(7)(C)				
U.S. Attorney	's Office			
Madison, Wis	consin			
(b)(6); (b)(7)(C)			
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	November 16, 2021 4	:22 PM		
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Subject: Re: ED : members, and to		esponse re: thr	eats against scho	ool administrators, board
members, and to	Eachers			
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		(a)(a)	<u> </u>	
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11:15 an (b)(6); (l) U.S. Atto	d 1 pm (EST) worl			omorrow between
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	RE: ED and WD Wisco embers, and teachers		re: threats again	st school administrators,
Hi, (b)(6); (b)(7)(C	Do you have a few mi	nutes tomorro	w or Thursday to	check in on this? I have

time tomorrow after 11:15 ET. Thursday I can do anytime except 10-11 ET or 12:15-1 ET. It will be really quick. 10 minutes at the most.

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(b)(6)	
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	for United States Attorneys
175 N Street NE	The state of the s
(b)(6) (O)	
TI. 1	(b)(6)
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you have received	d this e-mail in error, please notify sender immediately by telephone
or email, and des	troy your copy.
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From:	(b)(6); (b)(7)(C)
Sent: Monday, No	ovember 1, 2021 10:54 AM
Го:	(b)(6); (b)(7)(C)
Cc:	(b)(b), (b)(f)(c)
Subject: FW: ED a	and WD Wisconsin response re: threats against school administrators,
board members,	and teachers
Importance: High	i -
Hi, (b)(6); (b)(7)(C)	
200	for submitting this to (5)(6) Your alacrity is exemplary!
Thanks so much f	
hold off for a little	the follow-up steps in the last two sentences, below, could you please e while so we can confer with ODAG about how the Department plans the meetings with law enforcement are held? We'll get back to you
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Before you take thold off for a little to proceed after the soon about that. Thanks!	e while so we can confer with ODAG about how the Department plans the meetings with law enforcement are held? We'll get back to you
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From:

(b)(6); (b)(7)(C)

Sent: Monday, November 1, 2021 9:27 AM

To

(b)(6); (b)(7)(C)

Subject: ED and WD Wisconsin response re: threats against school administrators, board members, and teachers

Ms.

(b)(6); (b)(7)(C)

In coordination with the FBI-Milwaukee Division, the United States Attorney's Offices for the Eastern and Western Districts of Wisconsin have conducted outreach to Wisconsin law enforcement. In particular, the two Acting United States Attorneys met with the head of the Wisconsin

In coordination with the FBI-Milwaukee Division, the United States Attorney's Offices for the Eastern and Western Districts of Wisconsin have conducted outreach to Wisconsin law enforcement. In particular, the two Acting United States Attorneys met with the head of the Wisconsin Department of Justice - Division of Criminal Investigation regarding a broader outreach to the Wisconsin law enforcement community. We have developed a comprehensive summary of federal and state offenses relating to threats, stalking, cyberstalking, and harassment. The summary also contains contact information for the US Attorney's Offices, local FBI offices, and Wisconsin law enforcement. The summary will be distributed to the broader Wisconsin law enforcement community through the Wisconsin Department of Justice, our offices' Law Enforcement Communication Coordinators, and local Wisconsin Sheriffs and Police

Chief organizations. In addition, we plan that

Last, we plan

(b)(6); (b)(7)(C)

U.S. Attorney's Office

Madison, Wisconsin

(b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C) To: Subject: RE: Guidance on Implementing the Attorney General's Memorandum on Addressing Threats against School Administrators, Board Members, Teachers, and Staff Date: Thursday, October 21, 2021 1:50:00 PM (b)(6);(b)(7)(C) If your meeting agenda will include a discussion about both training needs and resources, I recommend that you proactively connect with the FBI Field Division and identify the topics that it and the USAO would prefer to provide training on as opposed to only sharing resources through the grantmaking agencies. The following grant-funded training and technical assistance programs are available to law enforcement and may be able to address some training needs, but it will depend on what you uncover from your meeting: COPS Collaborative Reform Initiative Technical Assistance Center (CRI-TAC) www.cops.usdoi.gov/collaborativereform Bureau of Justice Assistance, National Training & Technical Assistance Center www.bjatta.bja.ojp.gov Office of Juvenile Justice & Delinguency Prevention, National Training & Technical Assistance Center www.ojjdp.oip.gov/training-and-technical-assistance For this issue, I think (b)(5) You may also want to check out SchoolSafety.gov Also, I'll be at an interagency meeting on Tuesday to discuss training, education and other resources. I may have more ideas for you after that. If you anticipate a specific need - law enforcement or otherwise - let me know and I can bring it up at the meeting. Please let me know if you want to discuss. (b)(6)(b)(6); (b)(7)(C) From

Sent: Thursday, October 21, 2021 12:18 PM

To:

(b)(6)

Subject: Re: Guidance on Implementing the Attorney General's Memorandum on Add

Subject: Re: Guidance on Implementing the Attorney General's Memorandum on Addressing Threats against School Administrators, Board Members, Teachers, and Staff

Right now it's looking like it will be on Nov 3. I am waiting on 1 confirmation and the invite will go out.

Not sure exactly what FBI wants to highlight for training.

(b)(6); (b)(7)(C) Law Enforcement Coordinator United States Attorney's Office Central District of California 312 North Spring Street-12th Floor Los Angeles, CA 90012 Cel (b)(6); (b)(7)(C) Office (b)(6); (b)(7)(C) (b)(6)On Oct 21, 2021, at 9:12 AM, wrote: (b)(6)Hey there! When is your meeting? I have some thoughts on this, but want to check in with ODAG real quick. to see what that will entail. I suspect there will be a training resource list that can be shared. While I'm doing that, do you know what topics your local FBI prefers to train on? From (b)(6); (b)(7)(C) Sent: Thursday, October 21, 2021 11:48 AM Subject: FW: Guidance on Implementing the Attorney General's Memorandum on Addressing Threats against School Administrators, Board Members, Teachers, and Staff Hi (b)(6)I hope all is well. I am working on the meeting for locals on addressing school threats. Quick question. Under the discussion topic highlights – "Outreach and training needs, including resources for threat mitigation". Would it be appropriate to highlight the internal DOJ resources through programs such as CRI-TAC or PSN TTA when discussing training needs and resources?

Thanks,

From: (b)(6); (b)(7)(C) (USAMT)

Sent: Wed. 20 Oct 2021 21:13:36 +0000

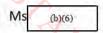
To: (b)(6); (b)(7)(C)

Cc: (b)(6); (b)(7)(C)

Contigmation of meetings to address threats against school

Subject: Confirmation of meetings to address threats against school administrators and

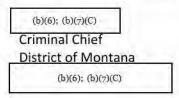
other school officials



Per Director Wilkinson's October 20, 2021 memo, I write to confirm that the USAO for District of Montana has met with law enforcement officials to address threats against school administrators and other school officers, as directed by the Attorney General on October 4, 2021. These are the actions the USAO has taken:

- 1. On October 14, 2021, Acting U.S. Attorney Johnson and I met with the FBI supervisors in Montana to coordinate a response to the Attorney General's memorandum. Following that meeting, Mr. Johnson sent a letter to the Montana Attorney General, the Montana County Attorney's Association, all sheriffs, the Montana Office of Public Instruction, the Montana Sheriffs and Peace Officers Association, the Montana Police Protective Association, the Montana School Board's Association, and the FBI supervisors for Montana. The letter summarizes the Attorney General's directive, the desire of the USAO to work with all interested parties, advises of the appropriate federal statutes that might serve as the bases for prosecutions under the Attorney General's directive, and encourages all the interested parties to contact the USAO with questions or comments about the directive.
- 2. On October 15, 2021, Mr. Johnson met with the Montana County Attorneys Association about the directive and his October 14, 2021 letter. The meeting including a representative from the Montana Attorney General's Office.
- On October 19, 2021, Mr. Johnson met with Elzie Arntzen, State Superintendent of the Montana Office of Public Instruction, at the request of Superintendent Arntzen. Mr. Johnson advised her of the nature of the USAO's efforts.
- 4. Ms. Arntzen, as well as the Cascade County Attorney, Cascade County Sheriff, and the Great Falls Chief of Police have all since written to Mr. Johnson advising that the local law enforcement authorities are best suited to address criminal threats against school administrators and other school officials. Additionally, Mr. Johnson has received telephone calls from a concerned citizen, a county attorney, and the press. Most, but not all, of those people have indicated a desire for the local authorities to handle any investigations and prosecutions.

Please feel free to contact Mr. Johnson or me if you have any questions.



(b)(6); (b)(7)(C)

OBTAINED BY AMERICA FIRST LEGAL FOUNDAMON

EOUSA-2022-000037

August 2024 Release

Pa 7 of 14

Date:	Monday, October 18, 2021 10:37:12 AM	
Ve haven't go	otten word yet from OAG. ODAG and OAG were supposed to discuss this	weekend.
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	e United States Attorney's Office for the District of Columbia r Crimes Section	
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Vashington, I		
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Sorry that they weren't able to help with this. - do you want to reach out to the above suggested contacts or use another method to collect this information? Thanks. (b)(6): (b)(7)(C) (b)(6); (b)(7)(C) From Sent: Monday, November 1, 2021 12:53 PM (b)(6); (b)(7)(C) To (b)(6); (b)(7)(C) Subject: FW: Survey Questions_final.docx I kind of mentioned in the email to the large group but will explain a bit more---If techone doesn't provide a link for registration the attached format could change as I might have to announce it as a calendar invite, that was what I was waiting to see. (b)(6); (b)(7)(C) Law Enforcement Coordinator **Public Information Officer** US Attorney's Office Northern District of Indiana (b)(6); (b)(7)(C) cell) (b)(6); (b)(7)(C) From Sent: Monday, November 1, 2021 12:46 PM To: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) Co (b)(6); (b)(7)(C) Subject: RE: Survey Questions_final.docx (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) I will attempt to answer that. I ideally would like to send the survey by the end of this week with a return date by November 17, 2021. said techone usually takes 48 hours, so I am hoping they can provide me a registration type link in the today or tomorrow.

The format I would use would be something like what is attached, basically out press release header with our standard training title, date and description along with how to register. The about may need adjusted.

(b)(6); (b)(7)(C) Law Enforcement Coordinator **Public Information Officer** US Attorney's Office Northern District of Indiana (cell) (b)(6); (b)(7)(C) From: (b)(6); (b)(7)(C) Sent: Monday, November 1, 2021 12:25 PM (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) Cd (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) Keenan, Paul (IP) (FBI) (b)(7)(E) Subject: RE: Survey Questions_final.docx Absolutely (b)(7)(I sent a message to her Friday afternoon. I'll follow up with her in a day or so. A couple questions: 1. When would you like the survey to go out? 2. How long would you like for recipients to have to complete the survey? 3. What email message would you like sent to go along with the survey? Thank you, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) From: Sent: Monday, November 1, 2021 11:53 AM To: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) Cc: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) Keenan, Paul (IP) (FBI) (b)(7)(E) Subject: RE: Survey Questions_final.docx could you please see if your EOUSA contact can assist us with the distribution. If not please coordinate with (b)(6): on the distribution. Have you drafted a save the date announcement? From: Paul Keenan (b)(7)(E)

Sent: Monday, November 1, 2021 11:15 AM

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(b)(7)(E) Cc Subject: [EXTERN (6)(6): (b)(7)(C) These a here. (b)(6): (b)(7)(C) Acting United Southern Discrepance of the continuous	(b)(6); (b)(7)(C) AL EMAIL] - RE: Survey Questions_final.docx are good for the SDIN and thanks for taking the drafting I States Attorney trict of Indiana (b)(6); (b)(7)(C) ovember 1, 2021 9:09 AM	hand

Subject: Survey Questions_final.docx

Attached are the questions that I suggest we use for the survey.

(b)(6); (b)(7)(C)

U.S. Attorney, Northern District of Indiana

Plea. tions.

ANTIRE CARRIED THE CARREST ANTIRES THE ROLL AND A PROOF (b)(6); (b)(7)(C) Please check with your EOUSA contact to see if she will assist us with the distribution of these questions.

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