



U.S. Department of Justice

Office of Legal Counsel

Washington, D.C. 20530

November 17, 2024

Reed D. Rubinstein
America First Legal Foundation
FOIA@aflegal.org

Re: FOIA Tracking No. FY22-003; AFLF v. Coley, D.D.C. No. 21-cv-3024

Dear Mr. Rubinstein:

This letter responds to your October 7, 2021 Freedom of Information Act ("FOIA") request to the Office of Legal Counsel ("OLC"), among others, in which you sought nine categories of records regarding "(1) the [October 4, 2021] Garland Memorandum, (2) the NSBA, (3) the NSBA Letter, [and/or] (4) the National Education Association and/or the American Federation of Teachers" from September 15, 2021 to the date the search was begun. Pursuant to 28 C.F.R. § 16.5(b), your request was processed in the complex track. As you know, the request is also a subject of the above-captioned litigation.

A search of OLC's files has located no documents responsive to your request.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

Your counsel may contact Yoseph Desta of the Civil Division, at Yoseph.T.Desta@usdoj.gov or at 202-305-3080, 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 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; or facsimile at 202-741-5769.

Although your request is the subject of ongoing litigation, and administrative appeals are not ordinarily acted upon in such situations, I am required by statute and regulation to inform you of your right to file an administrative appeal. 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 FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. 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."

Sincerely,

A handwritten signature in black ink, appearing to read "Jared Kaprove".

Jared Kaprove
FOIA and Records Management Attorney

cc: Yoseph Desta, Trial Attorney
Civil Division, Federal Programs Branch