



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