

Exhibit A

WILLIAM J. OLSON, P.C.

ATTORNEYS AT LAW

370 MAPLE AVENUE WEST, SUITE 4

VIENNA, VIRGINIA 22180-5615

TELEPHONE (703) 356-5070

FAX (703) 356-5085

E-MAIL: wjo@mindspring.com

<http://www.lawandfreedom.com>

114 CREEKSIDE LANE
WINCHESTER, VA 22602-2429
TELEPHONE (540) 450-8777
FAX (540) 450-8771

WILLIAM J. OLSON
(VA, D.C.)

HERBERT W. TITUS
(VA OF COUNSEL)

JEREMIAH L. MORGAN
(D.C., CA ONLY)

ROBERT J. OLSON
(VA, D.C.)

April 30, 2018

By e-mail to

MRUFOIA.Requests@usdoj.gov

FOIA/PA Mail Referral Unit
U.S. Department of Justice
Room 115
LOC Building
Washington, DC 20530-0001

Re: **FREEDOM OF INFORMATION ACT (FOIA) REQUEST**
of Public Advocate of the United States

Dear Sirs:

We represent Public Advocate of the United States (“PA”), and submit this Freedom of Information Act (“FOIA”) request on its behalf.

PA is a nonprofit educational organization, exempt from federal income tax under section 501(c)(4) of the Internal Revenue Code of 1986. PA’s tax-exempt mission and purposes include education and litigation to protect the family, traditional values, civil liberties, including, but not limited to, freedoms and rights guaranteed by the U.S. Constitution, and proper interpretation of our federal and state constitutions, statutes, and regulations. PA’s principal office is located at 5613 Leesburg Pike #17, Falls Church, Virginia 22041.

Background

On May 4, 2017, President Trump issued Executive Order 13798, entitled “Promoting Free Speech and Religious Liberty.”¹ Section 4 of that order directed the Attorney General to “issue guidance interpreting religious liberty protections in Federal law.” On October 6, 2017, Attorney General Sessions issued a memorandum to “All Executive Departments and Agencies” entitled “Federal Law Protections for Religious Liberty,” laying out 20 “principles

¹ <https://www.federalregister.gov/documents/2017/05/09/2017-09574/promoting-free-speech-and-religious-liberty>.

of religious liberty” in the United States.² The same day, AG Sessions sent a memorandum to “All Component Heads and United States Attorneys” (Sessions USA Memo). The subject of the Sessions USA Memo was “Implementation of Memorandum on Federal Law Protections for Religious Liberty.”³ The Sessions USA Memo directs all DOJ departments, components, and United States Attorney’s Offices to take certain steps in order to comply with the 20 identified principles of religious liberty.

In compliance with the Sessions USA Memo, the Department of Justice Office of Public Affairs issued a press release on January 31, 2018, announcing updates to the U.S. Attorneys’ Manual, and directing that all U.S. Attorney’s Offices designate a “point of contact” for religious liberty issues within their respective offices. The press release stated that “the Department will instruct all U.S. Attorneys to designate a point of contact to lead these efforts for their office.” These “points of contact” were to be tasked with “ensur[ing] compliance with the Attorney General’s memo” by monitoring cases, identifying potential religious liberty issues, and contacting the Office of the Associate Attorney General for guidance and approval.

Records Request

Pursuant to the FOIA, 5 U.S.C. § 552, and DOJ’s implementing regulations, 28 C.F.R. §§ 16.1, *et seq.*, **our client hereby requests** copies of all records demonstrating compliance or noncompliance with the DOJ’s implementation of the Sessions USA Memo directive to appoint “points of contact” within each United States Attorney office.

Additionally, our client seeks a list or other records of such religious liberty “points of contact” that have been designated in each U.S. attorney’s office, together with contact information for that person. The date range for this request is October 6, 2017 to the date that the processing of this request begins.

Note that this request **does not seek** records relating to specific legal cases that have been subject to identification, consideration, reporting, coordination, or receipt of approval, pursuant to the Sessions USA Memo directive, or of specific cases and matters being handled by individual United States Attorney offices or the DOJ that involve religious liberty issues.

“Records,” as used herein, means and includes, without limitation, any information that is an agency record subject to the requirements of the Freedom of Information Act, in any format, including in electronic format.

² <https://www.justice.gov/opa/press-release/file/1001891/download>.

³ <https://www.justice.gov/crt/page/file/1006791/download>.

Applicable Policies

In making this request to the Department of Justice, we want to call your special attention to the message of then-President Obama, in his January 21, 2009 Memorandum for the Heads of Executive Departments and Agencies, and the President's following directive:

The Freedom of Information Act should be administered with a clear **presumption**: In the face of doubt, **openness** prevails.... [i]n responding to requests under the FOIA, executive branch agencies ... should act **promptly** and in a spirit of cooperation, recognizing that such agencies are servants of the public.

All agencies should adopt a **presumption in favor of disclosure**, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving FOIA. [74 *Fed. Reg.* 4683-84 (Jan. 26, 2009) (emphasis added).⁴]

In accordance with this Presidential directive, we look forward to the Department of Justice's processing this FOIA request "promptly," and with a "presumption in favor of disclosure." *See also* former Attorney General Holder's Memorandum for Heads of Executive Departments and Agencies (March 19, 2009)⁵ (issued pursuant to the President's January 21, 2009 FOIA Memorandum, underscoring our nation's fundamental commitment to open government).

Fee Waiver Request

We request that the search, review, and copying fees be waived as provided under section 5 U.S.C. § 552(a)(4)(A) and 28 C.F.R. § 16.10(d). PA is a nonprofit educational organization seeking the requested documents to educate the public on a matter of great public importance. The fees should be waived because release of the requested documents is in the public interest, and the requested information is likely to contribute significantly to public understanding of the operations or activities of the government.

The release of the requested documents is not primarily for any commercial interest or purpose, including any commercial interest of PA. PA intends to disseminate to the general public, free of charge, any important information it obtains as a result of this request.

⁴ <https://obamawhitehouse.archives.gov/the-press-office/freedom-information-act>.

⁵ <https://www.justice.gov/sites/default/files/ag/legacy/2009/06/24/foia-memo-march2009.pdf>.

If PA's waiver request is denied, we would appreciate an estimate of the costs involved in procuring any of the requested documents if such costs exceed \$100. If the costs do not exceed \$100, however, we do not need an estimate, and we will guarantee payment.

Prompt Handling Requested

Protection of religious liberty is a public policy issue of great importance to all Americans. We request that the 20-day response time imposed by 28 C.F.R. § 16.5 be adhered to strictly. Thank you for your prompt attention to this request.

Sincerely yours,

A handwritten signature in black ink, appearing to read "William J. Olson". The signature is fluid and cursive, with a long horizontal stroke at the end.

William J. Olson

WJO:mm

cc: Public Advocate of the United States

Exhibit B

WILLIAM J. OLSON, P.C.

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JEREMIAH L. MORGAN
(D.C., CA ONLY)

ROBERT J. OLSON
(VA, D.C.)

April 30, 2018

By e-mail to

USAEO.FOIA.REQUESTS@usdoj.gov

Kevin Krebs
Assistant Director, FOIA/Privacy Staff
Executive Office for United States Attorneys
U.S. Department of Justice
175 N Street, NE
Suite 5.400
Washington, DC 20530-0001

Re: FREEDOM OF INFORMATION ACT (FOIA) REQUEST
of Public Advocate of the United States

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Agencies” entitled “Federal Law Protections for Religious Liberty,” laying out 20 “principles of religious liberty” in the United States.² The same day, AG Sessions sent a memorandum to “All Component Heads and United States Attorneys” (Sessions USA Memo). The subject of the Sessions USA Memo was “Implementation of Memorandum on Federal Law Protections for Religious Liberty.”³ The Sessions USA Memo directs all DOJ departments, components, and United States Attorney’s Offices to take certain steps in order to comply with the 20 identified principles of religious liberty.

In compliance with the Sessions USA Memo, the Department of Justice Office of Public Affairs issued a press release on January 31, 2018, announcing updates to the U.S. Attorneys’ Manual, and directing that all U.S. Attorney’s Offices designate a “point of contact” for religious liberty issues within their respective offices. The press release stated that “the Department will instruct all U.S. Attorneys to designate a point of contact to lead these efforts for their office.” These “points of contact” were to be tasked with “ensur[ing] compliance with the Attorney General’s memo” by monitoring cases, identifying potential religious liberty issues, and contacting the Office of the Associate Attorney General for guidance and approval.

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Additionally, our client seeks a list or other records of such religious liberty “points of contact” that have been designated in each U.S. attorney’s office, together with contact information for that person. The date range for this request is October 6, 2017 to the date that the processing of this request begins.

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Applicable Policies

In making this request to the Executive Office for U.S. Attorneys, we want to call your special attention to the message of then-President Obama, in his January 21, 2009 Memorandum for the Heads of Executive Departments and Agencies, and the President's following directive:

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All agencies should adopt a **presumption in favor of disclosure**, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving FOIA. [74 *Fed. Reg.* 4683-84 (Jan. 26, 2009) (emphasis added).⁴]

In accordance with this Presidential directive, we look forward to the Executive Office for U.S. Attorney's processing this FOIA request "promptly," and with a "presumption in favor of disclosure." *See also* former Attorney General Holder's Memorandum for Heads of Executive Departments and Agencies (March 19, 2009)⁵ (issued pursuant to the President's January 21, 2009 FOIA Memorandum, underscoring our nation's fundamental commitment to open government).

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Sincerely yours,

A handwritten signature in black ink, appearing to read "William J. Olson". The signature is fluid and cursive, with a long horizontal stroke at the end.

William J. Olson

WJO:mm

cc: Public Advocate of the United States

Exhibit C



Washington, D.C. 20530

May 1, 2018

William J. Olson
370 Maple Avenue West, Suite 4
Vienna, Virginia 22180-5615

Dear Sir/Madam:

This is in response to your request for records, Tracking Number, EMRUFOIA043018-2. Your Freedom of Information Act and/or Privacy Act (FOIA/PA) request was received by this office which serves as the receipt and referral unit for FOIA/PA requests addressed to the Department of Justice (DOJ). Federal agencies are required to respond to a FOIA request within 20 business days. This period does not begin until the request is actually received by the component within the DOJ that maintains the records sought, or ten business days after the request is received in this office, whichever is earlier.

We have referred your request to the DOJ component(s) you have designated or, based on descriptive information you have provided, to the component(s) most likely to have the records. All future inquiries concerning the status of your request should be addressed to the office(s) listed below:

FOIA/PA
Executive Office for U.S. Attorneys
Department of Justice
Room 7300
600 E Street, N.W.
Washington, DC 20530-0001
(202) 252-6020

Sincerely,

MRUFOIA
Logistics Management
Facilities and Administrative Services Staff
Justice Management Division

Exhibit D

WILLIAM J. OLSON, P.C.

ATTORNEYS AT LAW

370 MAPLE AVENUE WEST, SUITE 4

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HERBERT W. TITUS
(VA OF COUNSEL)

JEREMIAH L. MORGAN
(D.C., CA ONLY)

ROBERT J. OLSON
(VA, D.C.)

May 4, 2018

[via E-mail to MRUFOIA.Requests@usdoj.gov](mailto:MRUFOIA.Requests@usdoj.gov)

FOIA/PA Mail Referral Unit
Department of Justice
Room 115
LOC Building
Washington, DC 20530-0001

Re: Tracking Number EMRUFOIA043018-2
FOIA Request of Public Advocate of the United States

Dear Sirs:

We represent Public Advocate of the United States (“PA”). On April 30, 2018, we submitted an Freedom of Information Act (“FOIA”) request to your office on behalf of PA.

On May 1, 2018, we received the attached reply, stating that “[w]e have referred your request ... to [the] Executive Office for U.S. Attorneys the component(s) most likely to have the records.”

However, PA already submitted an identical request to EOUSA, at the same time the above request was submitted to your office. Moreover, we continue to believe that DOJ leadership (in addition to the EOUSA) may possess records responsive to our request. The January 31, 2018 DOJ press release referenced in our FOIA request noted that the designation of religious liberty “points of contact” was an order that came from “the Department” to “U.S. Attorneys.”¹ Moreover, the religious liberty amendments to the U.S. Attorneys’ Manual presumably involved not only EOUSA but also DOJ leadership, since EOUSA “coordinates the revision of the Justice Manual in consultation with Department components and leadership.”²

¹ <https://www.justice.gov/opa/pr/justice-department-announces-religious-liberty-update-us-attorneys-manual-and-directs>.

² <https://www.justice.gov/usam/usam-1-1000-introduction>.

Again, our FOIA request seeks compliance information not only from individual U.S. Attorney offices, but also seeks responsive records from the component within DOJ leadership that issued the order requiring designation of religious liberty “points of contact.”

Therefore, we would ask that our FOIA request be referred to the component, office, or person(s) within DOJ that issued the January 31, 2018 order to designate religious liberty “points of contact.”

Sincerely yours,

A handwritten signature in black ink, appearing to read "William J. Olson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

William J. Olson

WJO:ls
Attachment

cc: Public Advocate of the United States



Washington, D.C. 20530

May 1, 2018

William J. Olson
370 Maple Avenue West, Suite 4
Vienna, Virginia 22180-5615

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We have referred your request to the DOJ component(s) you have designated or, based on descriptive information you have provided, to the component(s) most likely to have the records. All future inquiries concerning the status of your request should be addressed to the office(s) listed below:

FOIA/PA
Executive Office for U.S. Attorneys
Department of Justice
Room 7300
600 E Street, N.W.
Washington, DC 20530-0001
(202) 252-6020

Sincerely,

MRUFOIA
Logistics Management
Facilities and Administrative Services Staff
Justice Management Division

Exhibit E

WILLIAM J. OLSON, P.C.

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VIENNA, VIRGINIA 22180-5615

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(VA OF COUNSEL)

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ROBERT J. OLSON
(VA, D.C.)

114 CREEKSIDE LANE
WINCHESTER, VA 22602-2429
TELEPHONE (540) 450-8777
FAX (540) 450-8771

October 31, 2018

By email to DOJ.OIP.FOIA@usdoj.gov

Office of Information Policy
U.S. Department of Justice
1425 New York Avenue NW, Suite 11050
Washington, D.C. 20530

Re: Freedom of Information Act — Appeal of DOJ’s refusal to respond to FOIA Request of April 30, 2018 submitted by Public Advocate of the United States; DOJ Tracking No. EMRUFOIA043018-2

Dear Sirs:

We represent Public Advocate of the United States, a nonprofit corporation exempt from federal taxation under Section 501(c)(4) of the Internal Revenue Code, with its principal office at 4451 Brookfield Corporate Drive, Suite 104, Chantilly, VA 20151.

This is an appeal of the Department of Justice’s refusal to respond to our April 30, 2018 request on behalf of Public Advocate under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

On April 30, 2018, on Public Advocate’s behalf, we submitted a FOIA request to the DOJ (attached), requesting “copies of all records demonstrating compliance or noncompliance with the DOJ’s implementation of the Sessions USA Memo directive to appoint ‘points of contact’ within each United States Attorney office.” Specifically, we asked for a list of such points of contact.¹

On May 1, 2018, we received an initial response from the DOJ confirming receipt of our email and assigning tracking number EMRUFOIA043018-2 to our request. The response also indicated that the request had been referred to the Executive Office for U.S. Attorneys (EOUSA), the component DOJ believed most likely to house responsive documents.

¹ Since, to date, over 6 months have passed since we filed our simple request and we have not been provided even with a list of religious liberty points of contact, there seems to be little for our client to do but conclude that no such list exists, and no such points of contact exist.

On May 4, 2018, we sent a reply (attached) to the DOJ's initial response, stating that we already had submitted an identical request to the EOUSA, but that we believed there would be responsive documents within DOJ leadership. Thus, we requested that DOJ process our request separately from the one we submitted to EOUSA. We received no reply.

On September 13, 2018, we sent a follow-up email to DOJ, requesting information about the status of our request. We received no response to that email, and since then have heard nothing from the DOJ.

It appears that DOJ has not even begun to process our FOIA request (now six months old), and will not even respond to our requests for an update.

For the reasons set forth above, we hereby appeal the DOJ's constructive denial of Public Advocate's FOIA request, based on its refusal to respond to that request. We respectfully urge you to grant Public Advocate's appeal, and instruct DOJ to process our request and immediately begin the release of non-exempt records that are responsive to our request.

Please do not hesitate to contact our office by telephone if it would assist in the prompt and proper resolution of this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "William J. Olson", is centered on the page. The signature is written in a cursive style with a long horizontal flourish extending to the right.

William J. Olson

WJO:gm
Attachments

cc: Public Advocate of the United States
4451 Brookfield Corporate Drive, Suite 104
Chantilly, VA 20151

Exhibit F

11/07/2018

William J. Olson, Esq.
William J. Olson, P.C.,
Attorneys at Law
Suite 4
370 Maple Avenue West
Vienna, VA 22180-5615
wjo@mindspring.com

Dear Mr. Olson,

This is to advise you that your administrative appeal from the failure of the Executive Office for United States Attorneys to respond to your request was received by the Office of Information Policy (OIP) of the U.S. Department of Justice on 10/31/2018.

OIP has the responsibility of adjudicating such appeals. In an attempt to afford each appellant equal and impartial treatment, we have adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number DOJ-AP-2019-000708. Please mention this number in any future correspondence to this Office regarding this matter. Please note that if you provide an e-mail address or another electronic means of communication with your request or appeal, this Office may respond to your appeal electronically even if you submitted your appeal to this Office via regular U.S. Mail.

We will notify you of the decision on your appeal as soon as we can. If you have any questions about the status of your appeal, you may contact me at (202) 514-3642. If you have submitted your appeal through FOIAonline, you may also obtain an update on the status of your appeal by logging into your account.

Sincerely,

Priscilla Jones

Supervisory Administrative Specialist

Exhibit G

WILLIAM J. OLSON, P.C.

ATTORNEYS AT LAW

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(VA, D.C.)

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March 20, 2019

By email to DOJ.OIP.FOIA@usdoj.gov

Office of Information Policy
U.S. Department of Justice
1425 New York Avenue NW, Suite 11050
Washington, D.C. 20530

Re: Freedom of Information Act — **Request for Status Update on Appeal** of DOJ's
Constructive Denial of FOIA Request
Appeal # DOJ-AP-2019-000708

Dear Sirs:

We represent Public Advocate of the United States, a nonprofit corporation exempt from federal taxation under Section 501(c)(4) of the Internal Revenue Code, with its principal office at 4451 Brookfield Corporate Drive, Suite 104, Chantilly, VA 20151.

On **April 30, 2018**, on Public Advocate's behalf, we submitted a FOIA request to the DOJ, requesting "copies of all records demonstrating compliance or noncompliance with the DOJ's implementation of the Sessions USA Memo directive to appoint 'points of contact' within each United States Attorney office." Specifically, we asked for a list of such points of contact.

On **May 1, 2018**, we received a reply from DOJ, stating that our request had been assigned "Tracking Number, **EMRUFOIA043018-2**." The reply stated that DOJ had referred our request to the EOUSA, claiming it to be the "component(s) most likely to have the records."

On **May 4, 2018**, we sent a follow-up letter. We noted that we already had submitted an identical request to EOUSA, and that we believed there may be responsive records within "DOJ leadership," separately from EOUSA. Thus, we asked DOJ to process our request separately from the EOUSA request.

We received no further communication from DOJ about our request.

On **October 31, 2018**, we sent a letter appealing DOJ's constructive denial of PA's FOIA request.

On **November 7, 2018**, we received a via email letter from Priscilla Jones, stating that "your appeal has been assigned number **DOJ-AP-2019-000708**."

Since that date (over four months ago), we have received no further communication from OIP regarding the status of our FOIA request or our appeal of DOJ's constructive denial of that request.

Thus, we hereby request an update on the status of our appeal. Our client has filed an exceedingly simple FOIA request and deserves a prompt response. We respectfully urge you to grant Public Advocate's appeal and instruct DOJ to process our request and immediately begin the release of non-exempt records that are responsive to our request.

Please do not hesitate to contact our office by telephone if it would assist in the prompt and proper resolution of this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Rob Olson", written in a cursive style.

Robert J. Olson

RJO:ls

cc: Public Advocate of the United States
4451 Brookfield Corporate Drive, Suite 104
Chantilly, VA 20151

Exhibit H

175 N Street, NE
Suite 5.400, 3CON Building
Washington, DC 20530

William Olson
370 Maple Ave. West, Ste. 4
Vienna, VA 22180-5615

June 13, 2018

Dear William Olson,

This letter acknowledges receipt of your Freedom of Information Act/Privacy Act (FOIA) request received in the Executive Office For United States Attorneys on 04/30/2018.

Your request has been assigned Tracking Number: EOUSA-2018-004115.

Your request seeks records from one or more field offices, and involves many voluminous records and/or requires consultation with another agency/component with a substantial interest in the subject-matter and therefore falls within "unusual circumstances" as set forth in the statute. See 5 U.S.C.S §552(a)(6)(B)(i)-(iii). Accordingly, we are extending the time limit to respond to our request for ten additional days. See 5 U.S.C. §552(a)(6)(B)(i). In addition, this Office assigns incoming requests to one of three tracks: simple, complex, or expedited. Each request is then handled on a first-in, first-out basis in relation to other requests in the same track. Simple requests usually receive a response in approximately 30 business days, whereas complex requests necessarily take longer. At this time, your request has been assigned to the complex track.

Under FOIA and Department of Justice regulations you may be required to pay certain costs associated with processing your request, including, searching for, reviewing, and duplicating requested records. Consequently, you may potentially incur those costs, unless you have requested and been granted a waiver or reduction in fees. In most instances, the first 100 pages to duplicate and the first two hours to search for records responsive to your request, will be provided to you free of charge. If after making those allowances, we determine that the cost to process your request will amount to more than \$25.00, we will notify you in writing at a later date. Requests that are specific, concrete and of limited scope (in time and/or subject matter) generally enable us to respond to you more quickly and possibly assess less fees. To avoid delay and reduce any potential fees, we respectfully request that you modify and narrow the scope of your request (See attachment).

You may contact our FOIA Public Liaison at the Executive Office for United States Attorneys (EOUSA) for any further assistance and to discuss any aspect of your request. The contact information for EOUSA is 175 N Street, NE, Suite 5.400, Washington, DC 20530; telephone at 202-252-6020; or facsimile 202-252-6048. 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.

Attachment

Form No. 001 - 8/16

¹ Search and review fees by professional personnel are charged at \$40 per hour and duplication fees are assessed at five cents per page

THIS IS NOT A BILL. DO NOT SEND MONEY

William Olson EOUSA-2018-004115

CHOOSE ONE

____ I wish to modify my request in an attempt to obtain a quicker response and/or reduce fees as follows:

____ I understand that I am entitled to the first 100 pages and two hours of search time for free. Please do not search beyond two hours, nor duplicate beyond 100 pages.

____ I agree to pay up to the following amount for duplication and search time: \$_____. I **understand that this payment is required even if no documents are located or released to me.** In the event that documents are located and released to me, I understand that I may be charged duplication fees in addition to search fees.

____ I wish to withdraw my request.

Signature

Date

Please return to:

EOUSA

FOIA/PA

175 N Street, NE

Suite 5.400

Washington, DC 20530

Sincerely,

Executive Office for United States Attorneys

Exhibit I

WILLIAM J. OLSON, P.C.

ATTORNEYS AT LAW

370 MAPLE AVENUE WEST, SUITE 4

VIENNA, VIRGINIA 22180-5615

TELEPHONE (703) 356-5070

FAX (703) 356-5085

E-MAIL: wjo@mindspring.com

<http://www.lawandfreedom.com>

114 CREEKSIDE LANE
WINCHESTER, VA 22602-2429
TELEPHONE (540) 450-8777
FAX (540) 450-8771

WILLIAM J. OLSON
(VA, D.C.)

HERBERT W. TITUS
(VA OF COUNSEL)

JEREMIAH L. MORGAN
(D.C., CA ONLY)

ROBERT J. OLSON
(VA, D.C.)

October 31, 2018

By email to DOJ.OIP.FOIA@usdoj.gov

Office of Information Policy
U.S. Department of Justice
1425 New York Avenue NW, Suite 11050
Washington, D.C. 20530

Re: Freedom of Information Act — Appeal of EOUSA’s refusal to respond to FOIA Request of April 30, 2018 submitted by Public Advocate of the United States; EOUSA Tracking Number EOUSA-2018-004115

Dear Sirs:

We represent Public Advocate of the United States, a nonprofit corporation exempt from federal taxation under Section 501(c)(4) of the Internal Revenue Code, with its principal office at 4451 Brookfield Corporate Drive, Suite 104, Chantilly, VA 20151.

This is an appeal of the Executive Office of United States Attorneys’ (“EOUSA”) refusal to respond to an April 30, 2018 request we submitted on behalf of Public Advocate under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

On April 30, 2018, on Public Advocate’s behalf, we submitted a FOIA request to the EOUSA (attached), requesting “copies of all records demonstrating compliance or noncompliance with the DOJ’s implementation of the Sessions USA Memo directive to appoint ‘points of contact’ within each United States Attorney office.” Specifically, we asked for a list of such points of contact.¹

A month and a half later, on June 13, 2018, we received a reply from EOUSA, stating that “your request has been assigned Tracking Number: EOUSA-2018-004115.” This letter claimed that our very simple FOIA request “has been assigned to the completrack [sic],” and

¹ Since, to date, over 6 months have passed since we filed our simple request and we have not been provided even with a list of religious liberty points of contact, there seems to be little for our client to do but conclude that no such list exists, and no such points of contact exist.

requested that we “modify and narrow the scope of your request.” However, since our request is a narrow, exceedingly simple FOIA request, we declined to do so.

We received no further communication from EOUSA about our request.

Three months later, on September 13, we called the EOUSA FOIA number, and learned that John Kornmayer, Esq. is handling Public Advocate’s FOIA request. We left a message with Mr. Kornmayer. The call was not returned.

In the week of September 24, we left an additional message for John Kornmayer. The call was not returned.

On October 4, we placed another follow up call to John Kornmayer, and left an additional message. The call was not returned.

It appears that EOUSA has not even begun to process our FOIA request (now six months old), and will not even respond to our requests for an update.

For the reasons set forth above, we hereby appeal the EOUSA’s constructive denial of Public Advocate’s FOIA request, based on its refusal to respond to that request. We respectfully urge you to grant Public Advocate’s appeal, and instruct EOUSA to process our request and immediately begin the release of non-exempt records that are responsive to our request.

Please do not hesitate to contact our office by telephone if it would assist in the prompt and proper resolution of this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "William J. Olson", written over a light blue rectangular background.

William J. Olson

WJO:gm
Attachments

cc: Public Advocate of the United States
4451 Brookfield Corporate Drive, Suite 104
Chantilly, VA 20151

Exhibit J

11/06/2018

William J. Olson, Esq.
William J. Olson, P.C.,
Attorneys at Law
Suite 4
370 Maple Avenue West
Vienna, VA 22180-5615
wjo@mindspring.com

Dear Mr. Olson,

This is to advise you that your administrative appeal from the action of the Executive Office for United States Attorneys regarding Request No. EOUSA-2018-004115 was received by the Office of Information Policy (OIP) of the U.S. Department of Justice on 11/01/2018.

OIP has the responsibility of adjudicating such appeals. In an attempt to afford each appellant equal and impartial treatment, we have adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number DOJ-AP-2019-000706. Please mention this number in any future correspondence to this Office regarding this matter. Please note that if you provide an e-mail address or another electronic means of communication with your request or appeal, this Office may respond to your appeal electronically even if you submitted your appeal to this Office via regular U.S. Mail.

We will notify you of the decision on your appeal as soon as we can. If you have any questions about the status of your appeal, you may contact me at (202) 514-3642. If you have submitted your appeal through FOIAonline, you may also obtain an update on the status of your appeal by logging into your account.

Sincerely,

Priscilla Jones

Supervisory Administrative Specialist

Exhibit K

Subject: FOIA Appeal EOUSA-2019-000711 Submitted

From: admin@foiaonline.gov

Date: 11/13/2018, 12:10 PM

To: wjo@mindspring.com

This message is to notify you of a new appeal submission to the FOIAonline application. Appeal information is as follows:

- Appeal Tracking Number: EOUSA-2019-000711
- Request Tracking Number: EOUSA-2018-004115
- Requester Name: William Olson
- Date Submitted: 11/08/2018
- Appeal Status: Submitted
- Description: See attached open appeal letter

Exhibit L

Subject: FOIA Appeal EOUSA-2019-000712 Submitted

From: admin@foiaonline.gov

Date: 11/13/2018, 12:12 PM

To: wjo@mindspring.com

This message is to notify you of a new appeal submission to the FOIAonline application. Appeal information is as follows:

- Appeal Tracking Number: EOUSA-2019-000712
- Request Tracking Number: EOUSA-2018-004115
- Requester Name: William Olson
- Date Submitted: 11/08/2018
- Appeal Status: Submitted
- Description: See attached open appeal letter

Exhibit M

WILLIAM J. OLSON, P.C.

ATTORNEYS AT LAW

370 MAPLE AVENUE WEST, SUITE 4

VIENNA, VIRGINIA 22180-5615

TELEPHONE (703) 356-5070

FAX (703) 356-5085

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FAX (540) 450-8771

WILLIAM J. OLSON
(VA, D.C.)

HERBERT W. TITUS
(VA OF COUNSEL)

JEREMIAH L. MORGAN
(D.C., CA ONLY)

ROBERT J. OLSON
(VA, D.C.)

March 20, 2019

By email to DOJ.OIP.FOIA@usdoj.gov

Office of Information Policy
U.S. Department of Justice
1425 New York Avenue NW, Suite 11050
Washington, D.C. 20530

Re: Freedom of Information Act — **Request for Status Update on Appeal of**
EOUSA's Constructive Denial of FOIA Request
Appeal # DOJ-AP-2019-000706, EOUSA-2019-000711, EOUSA-2019-000712

Dear Sirs:

We represent Public Advocate of the United States, a nonprofit corporation exempt from federal taxation under Section 501(c)(4) of the Internal Revenue Code, with its principal office at 4451 Brookfield Corporate Drive, Suite 104, Chantilly, VA 20151.

On **April 30, 2018**, on Public Advocate's behalf, we submitted a FOIA request to the EOUSA, requesting "copies of all records demonstrating compliance or noncompliance with the DOJ's implementation of the Sessions USA Memo directive to appoint 'points of contact' within each United States Attorney office." Specifically, we asked for a list of such points of contact.

On **June 13, 2018**, we received a reply from EOUSA, stating that "your request has been assigned Tracking Number: **EOUSA-2018-004115**." This letter claimed that our very simple FOIA request "has been assigned to the completrack [sic]," and requested that we "modify and narrow the scope of your request." However, since our request is a narrow, exceedingly simple FOIA request, we declined to do so.

We received no further communication from EOUSA about our request. From **September 13 to October 4, 2018**, we called three times and left three phone messages for John Kornmayer, Esq., the attorney we were told was handling our request. Our calls were not returned.

Thus, on **October 31, 2018**, we sent a letter appealing EOUSA's constructive denial of PA's FOIA request.

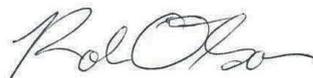
On **November 6, 2018**, we received a via email letter from Priscilla Jones, stating that “your appeal has been assigned number **DOJ-AP-2019-000706**. Then, on **November 13, 2018**, we received an email stating that our appeal had also been assigned “Request Tracking Number: **EOUSA-2019-000711**.” Also on November 13, 2018, we received an additional email stating that the same appeal had also been assigned “Request Tracking Number: **EOUSA-2019-000712**.”

We do not know why we have received three tracking numbers for one appeal. However, since those dates (over four months ago), we have received no further communication from OIP regarding the status of our FOIA request or our appeal of EOUSA’s denial of that request.

Thus, we hereby request an update on the status of our appeal. Our client has filed an exceedingly simple FOIA request, and deserves a prompt response. We respectfully urge you to grant Public Advocate’s appeal, and instruct EOUSA to process our request and immediately begin the release of non-exempt records that are responsive to our request.

Please do not hesitate to contact our office by telephone if it would assist in the prompt and proper resolution of this matter.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Rob Olson".

Robert J. Olson

RJO:ls

cc: Public Advocate of the United States
4451 Brookfield Corporate Drive, Suite 104
Chantilly, VA 20151

Exhibit N



U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

William J. Olson, Esq.
William J. Olson, P.C., Attorneys at Law
Suite No. 4
370 Maple Avenue West
Vienna, VA 22180-5615
wjo@mindspring.com

Re: Appeal No. DOJ-AP-2019-000706
Request No. EOUSA-2018-004115
MWH:RCS

VIA: Email

Dear Mr. Olson:

You attempted to appeal on behalf of your client, Public Advocate of the United States, from the failure of Executive Office for United States Attorneys (EOUSA) to respond to its Freedom of Information Act request for access to specific records concerning "DOJ's implementation of the Sessions USA Memo directive to appoint 'points of contact' within each United States Attorney office." Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018, and January 25, 2019, which resulted in a delay in responding to your attempted appeal.

Department of Justice regulations provide for an administrative appeal to the Office of Information Policy only after there has been an adverse determination by a component. See 28 C.F.R. § 16.8(a) (2017). As no adverse determination has yet been made by EOUSA, there is no action for this Office to consider on appeal.

As you may know, the FOIA authorizes requesters to file a lawsuit when an agency takes longer than the statutory time period to respond. See 5 U.S.C. § 552(a)(6)(C)(i). However, I can assure you that this Office has contacted EOUSA and has been advised that your client's request is being processed. If you are dissatisfied with EOUSA's final response, you may appeal again to this Office.

- 2 -

This Office has forwarded a copy of your letter to EOUSA. You should contact EOUSA's Requester Service Center at 202-252-6020 for further updates regarding the status of your client's request.

Sincerely,

2/15/2019

X 

Matthew Hurd, Associate Chief, for
Sean O'Neill, Chief, Administrative Appeals Staff
Signed by: MATTHEW HURD