



U.S. Department of Justice
Civil Rights Division

KK:ANF:AKL

Freedom of Information/PA Unit –4CON
950 Pennsylvania Ave., NW
Washington, DC 20530

Via Electronic Mail

Mr. Reed D. Rubinstein
America First Legal Foundation
600 14th Street NW, 5th Floor
Washington, DC 20005
foia@aflegal.org

October 18, 2021

Date Received: October 7, 2021

FOI/PA No.22-00004-F

Subject of Request: Information pertaining to: All records of, concerning, or regarding (1) the Garland Memorandum and/or (2) the NSBA Letter. B) All records sufficient to show each person within the Department who reviewed (1) the Garland Memorandum and/or (2) the NSBA Letter. C) All records created by the Department showing the “disturbing spike in harassment, intimidation, and threats of violence” referenced in the Garland Memorandum. D) All records the Department relied upon to support the Garland Memorandum statement “there has been a disturbing spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff who participate in the vital work of running our nation's public schools.” E) All records created by the Department showing “the rise in criminal conduct directed toward school personnel” referenced in the Garland Memorandum. F) All records the Department relied upon to support the Garland Memorandum statement there has been “a rise in criminal conduct directed toward school personnel.” G) All records sufficient to show the Department’s understanding and interpretation of the term “intimidation and harassment” used in the Garland Memorandum. H) All communications from, with, or regarding any person employed by the National Education Association and/or the American Federation of Teachers. I) All communications with any person having an email address including eop.gov regarding (1) the Garland Memorandum, (2) the NSBA, (3) the NSBA Letter, (4) the National Education Association and/or the American Federation of Teachers and/or (5) any person employed by the National Education Association and/or the American Federation of Teachers.

Dear Mr. Rubinstein:

This is to inform you that your request for records from the files of the Civil Rights Division was received by the Division's Freedom of Information/Privacy Acts (FOI/PA) Branch on the date indicated above. Your request has been assigned the FOI/PA number shown above.

Please refer to this number in any future correspondence concerning this request. In connection with review of your FOI/PA request, the following paragraph(s) are applicable:

_____ In searching its file for records responsive to your request, _____

located records that originated with the Civil Rights Division. These records were referred to the Civil Rights Division as the originating component for review and release determination. Upon completion of our review, the releasable document(s) will be sent directly to you.

XX As a result of the large number of Freedom of Information and Privacy Acts requests received by the Civil Rights Division, some delay may be encountered in processing your request. In an attempt to treat each requester fairly, we have adopted a policy of processing requests in the approximate order of receipt. Please be assured that your request is being handled as equitably as possible. We appreciate your patience and will provide you with a response at the earliest possible date. Please note that the Civil Rights Division utilizes multi-track processing in which processing ranges from faster tracks for requests (seeking access to documents already processed for prior requests) to much slower tracks for complex requests involving voluminous amounts of responsive documents or extensive consultation. At your option, you may wish to call the number below and limit the scope of your request to enable your request to be handled in the most expeditious manner available to fulfill your interests.

_____ Since your letter did not include authorization or a certification of identity, we will close your file for now. We will re-open your request on receipt of the required authorization forms. The Privacy Act, and the Department of Justice Privacy Act regulation, 28 C.F.R. §16.41, require each person requesting records indexed or maintained under his or her name or another person's name, to furnish the Department with proof of identity/consent to disclosure. Please complete the enclosed form and return it directly to the Freedom of Information/Privacy Acts Branch, Civil Rights Division, US Department of Justice, Washington, D.C. 20530.

XX We have to consult with other offices in the Civil Rights Division to conduct a search and locate records which may be responsive to your request. Because of the need to examine a voluminous amount of records, we can respond only after consulting with the other offices. Thus, there may be some delay in the processing of your request as a result. Accordingly, your request falls within "unusual circumstances." See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii). Because of these unusual circumstances, we are extending the time limit to respond to your request **beyond the ten additional days provided by the statute**. The time needed to process your request will necessarily depend on the volume and complexity of the records located. For your information, 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 **one month**, whereas complex requests necessarily take longer. To allow us to respond more quickly to you, you may wish to narrow the scope of your request to limit the number of potentially responsive records or agree to an alternative time frame for processing.

XX Please be advised that due to necessary operational changes as a result of the national emergency concerning the novel coronavirus disease (COVID-19) outbreak, there may be some delay in the processing of your request.

If you are not satisfied with the Civil Rights Division's determination in response to this request, 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 FOIA STAR portal by creating an account on the following website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. 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."

If you have any further questions, contact this office by calling (202) 514-4210.

Sincerely,

April N. Freeman

for

Kilian Kagle, Chief
Freedom of Information/Privacy Acts Unit
Civil Rights Division