



ADVANCING AMERICAN FREEDOM

September 21, 2022

VIA ONLINE PORTAL

The Honorable General Merrick Garland
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Ms. Prim F. Escalona
United States Attorney
Northern District of Alabama
1801 Fourth Avenue North
Birmingham, AL 35203

Mr. Jason R. Cheek
Assistant U.S. Attorney
U.S. Attorney's Office
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1801 Fourth Avenue North
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Mr. Kevin Krebs
Assistant Director, FOIA/Privacy Unit
Executive Office for United States Attorneys
175 N Street NE, Suite 5.400
Washington, D.C. 20530-0001

Re: Freedom of Information Act Request: Communications Pertaining to the Alabama Vulnerable Child Compassion and Protection Act

Dear Attorney General Garland et al.:

Advancing American Freedom (AAF)¹ submits this Freedom of Information Act (“FOIA”) request (the “Request”), pursuant to 5 U.S.C. § 552(a), for records pertaining to the U.S. Department of Justice (“DOJ”)’s communications with non-DOJ personnel about gender identity.

Requested Records

Pursuant to 5 U.S.C. § 552, AAF seeks the release of the following records with the timeframe for the Request from January 1, 2017, to the date of the Request’s processing:

1. Any and all records relating to or concerning communications to or from any organization, association, corporation, or other entity, or to or from any person not employed by the federal government, regarding outreach on the subject of gender identity (“gender identity” includes, but is not limited to, such terms as “gender

¹ Advancing American Freedom, Inc. is a 501(c)(4) non-profit organization. AAF advocates for conservative values and policy solutions by developing innovative policy solutions, strategies, coalitions, and messaging that builds upon the accomplishments of the last administration and expands freedom for all Americans.

- dysphoria,” “trans,” “transgender” or “transsexual”), including but not limited to any outreach, public education, listening session, or communications relating to state or federal legislation, including those communications where the DOJ is copied or blind copied
2. Any and all records relating to or concerning outreach on the subject of Eagle Forum, Eagle Forum of Alabama, or Phyllis Schlafly, including those communications where the DOJ is copied or blind copied.
 3. Any other records which, though not specifically requested, would have a reasonable relationship to the subject matter of this request.

Application for Waiver or Limitation of Fees

AAF requests the waiver of any fees associated with responding to its FOIA request, pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 22 C.F.R. § 171.16. AAF requests the waiver of document search, review, and duplication fees on the grounds that “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii). Additionally, AAF qualifies as a “representative of the news media” and does not seek the Records for commercial use. *See* 5 U.S.C. § 552(a)(4)(A)(ii)(II).

A. Disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government.

On August 9, 2022, the U.S. Department of Justice issued a wide-ranging subpoena seeking records from Eagle Forum of Alabama.

As a nonprofit organization, Advancing American Freedom does not have a commercial purpose and any release of information requested is not primarily in AAF’s financial interest. One of the primary purposes of Advancing American Freedom is to inform and educate the public about the activities of the federal government, and whether those activities may chill Constitutional rights to the freedom of speech, association, and to petition the government for redress. Therefore, any information disclosed to AAF because of this Request will be made readily available to the public at no cost.

B. Advancing American Freedom qualifies as a “representative of the news media” which is not seeking records for commercial use.

Advancing American Freedom qualifies as a “representative of the news media” because it “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience.” 5 U.S.C. § 552(a)(4)(A)(ii); *see Nat’l Sec. Archive v. DOD*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). Although AAF is a new organization, it intends to regularly collect, publish, and disseminate information it receives to the general public via its website, social media accounts, and through public appearances by its principal figures. Further, AAF would exercise editorial discretion with respect to all information that it obtains from the Request.

AAF distributes its work widely. It routinely issues press releases that highlight various newsworthy events and amicus legal briefs that it filed; its principal figures make regular appearances in the news media and at conferences and other large events. Indeed, obtaining and distributing information about government activity is a key part of AAF's purpose and work.

* * *

If the Request is denied in whole or in part, AAF requests justifications for all deletions by reference to specific FOIA exemptions. AAF expects the release of all segregable portions of otherwise exempt material. AAF reserves the right to appeal a decision relating to any portion of this request.

Thank you for your prompt attention to this Request. Please provide the requested records to:

Paul Teller, Executive Director
Advancing American Freedom
801 Pennsylvania Avenue, N.W., Suite 930
Washington, D.C. 20004
(202) 780-4848