

March 14, 2017

Via U.S. Mail & Email

FOIA/PA Mail Referral Unit (MRU)
Department of Justice
Room 115
LOC Building
Washington, DC 20530-0001
MRUFOIA.Requests@usdoj.gov

Via U.S. Mail

FOIA/PA Request
FOIA and Transparency
Department of the Treasury
Washington, DC 20220
ATTN: Ryan Law, Director, FOIA &
Transparency

Via U.S. Mail

Department of Labor
Office of the Solicitor
Division of Management & Administrative
Legal Services
200 Constitution Avenue, NW, Room N-2420
Washington, DC 20210

Via U.S. Mail & Email

Office of Personnel Management
FOIA Requester Service Center
1900 E Street, NW
Room 5415
Washington, DC 20415-7900
ATTN: Trina Porter, FOIA Public Liaison
foia@opm.gov

Via U.S. Mail

Department of Health and Human Services
Freedom of Information Officer
Hubert H. Humphrey Building, Room 729H
200 Independence Avenue, SW
Washington, DC 20201
ATTN: Michael Bell, FOIA Public Liaison

Re: Request for Records Under the Freedom of Information Act

Dear Freedom of Information Officer:

This is a request for records under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and the implementing regulations of the U.S. Department of Justice, 28 C.F.R. pt. 16, the U.S. Department of Labor, 29 C.F.R. pt. 70, the U.S. Department of Health and Human Services, 45 C.F.R. pt. 5, the U.S. Department of the Treasury, 31 C.F.R. pt. 1, and the U.S. Office of Personnel Management, 5 C.F.R. pt. 294, (collectively, “the Departments”), on behalf of the Southern Poverty Law Center (“SPLC”).

In February of this year, a draft executive order entitled *Establishing a Government-Wide Initiative to Respect Religious Freedom* leaked to the media. See, e.g., Juliet Eilperin & Sandhya Somashekhar, *White House Considering Action on Religious Freedom That Critics Warn Could Lead to Discrimination*, WASH. POST (Feb. 2, 2017), <http://wapo.st/2l1hJpP>. A copy of the draft order is enclosed with this letter. The draft order would, among other things, entitle federal

employees, contractors, and grantees who speak or act in accordance with certain anti-LGBT and anti-choice beliefs to special protection and accommodations.

According to Trump transition team official John Kenneth “Ken” Blackwell, Kenneth A. “Ken” Klukowski “structured” the draft order while serving as a legal advisor to the Trump transition team and “is one of the lawyers ‘in the process of redrafting it.’” Michelangelo Signorile, *Trump Transition Official: ‘Religious Freedom’ Order Is Still Coming*, HUFFINGTON POST (Feb. 26, 2017, 4:40 PM), <https://goo.gl/VPjn8F>. Mr. Blackwell is a senior fellow at the Family Research Council, an organization designated an anti-LGBT hate group by SPLC. Mr. Klukowski is legal editor at *Breitbart*, the platform for the so-called “alt-right,” and former director of the Center for Religious Liberty at the Family Research Council.

Extremists are calling on the President to sign this or some similar order. The Council for National Policy, a shadowy and intensely secretive group of mainstream conservatives and right-wing extremists, sent a letter this month to the President urging him to sign such an executive order. See Letter from Tony Perkins, President, Council for Nat’l Pol’y, to Donald Trump, President of the U.S. (Mar. 1, 2017), https://www.splcenter.org/sites/default/files/cnp_letter_to_pres_trump_3-1-17.pdf. Signatories include Tony Perkins, president of Family Research Council; William G. Boykin, executive vice president of Family Research Council; and Brad Dacus, president of the anti-LGBT hate group Pacific Justice Institute. Liberty Counsel, another anti-LGBT hate group, claims its contacts in the Trump administration have asked it to rally support for the leaked order. See Mat Staver, *Religious Liberty Protection “Coming.” Immediate Action Needed.*, LIBERTY COUNS. (Mar. 3, 2017, 3:58 PM), <http://libertycounsel.com/religious-liberty-protection-coming-immediate-action-needed-laction/>.

SPLC, a nonprofit organization renowned for tracking, exposing, and litigating against hate groups and other extremists, seeks information about what individuals or groups of individuals outside of the federal government participated in, continue to participate in, or attempted to participate in the drafting of this or any similar executive order.

Pursuant to FOIA and the Departments’ implementing regulations, I request, on behalf of SPLC, that the Departments promptly make available in electronic format any and all records received from or sent to persons outside the Departments—including individuals, corporations, companies, associations, firms, partnerships, societies, joint stock companies, White House officials, and government officers or entities such as state attorneys general and their offices—that refer or relate to the drafting of this or any similar executive order.

SPLC requests a fee waiver or reduction pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), 28 C.F.R. § 16.10(k), 29 C.F.R. § 70.41, 45 C.F.R. § 5.54, 31 C.F.R. § 1.7(d),* and 5 C.F.R. § 294.109(f). First, disclosure of this information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government. The public has a significant interest in knowing whether hate groups and other extremists are participating in or otherwise influencing the federal government’s policymaking. SPLC intends to disseminate this information to the public through, for example, its website, social media, email, and press releases. Second, disclosure is not in SPLC’s commercial interest. SPLC is a tax-exempt,

* Pursuant to 31 C.F.R. § 1.5(b)(2), SPLC is an “other” requester.

charitable organization that monitors and reports on hate groups and other extremists and litigates pro bono to bring about systemic reforms. If any Department or component of a Department denies a fee waiver, then that Department or component should inform me if the fee will exceed \$1,000 before fees are incurred. SPLC nonetheless reserves the right to appeal.

Please feel free to contact me by phone or email if necessary to discuss this request.

Respectfully,



David C. Dinielli, *Deputy Legal Director*

Diego A. Soto, *Law Fellow*

LGBT Rights & Special Litigation

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