

February 9, 2022

(FYSA. FOIA Requesters and Advocates interested in collaboration may contact me at FOIAcomplaine@gmail.com)

Douglas Hibbard
Chief, Initial Request Staff
Office of Information Policy
Department of Justice
6th Floor
441 G St NW
Washington, DC 20530
Phone: (202) 514-FOIA, Hibbard, Douglas (OIP) <Douglas.Hibbard@usdoj.gov>

Subject: Expedited FOIA DOJ 22-B MUCK. Chief FOIA Officers Council Meeting of 2 Feb 2022

I am submitting this request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 et seq., as amended. *If you deny all or any part of this request, please cite each specific exemption you think justifies your decision not to release the information and notify me of appeal procedures available under the law. References cited below apply.*

******This Request will be timely for Judicial Review in twenty working days******

RECORDS SOUGHT VIA FOIA.

DOJ 22-B.MUCK. Chief FOIA Officers Meeting 2 Feb 2022

See PDF. *See Requested Format.*

I am respectfully seeking as **individual files records in DOJ’s custody only** from January 1, 2022 to present records related to the April 29, 2021 Chief FOIA Officer Council meeting existing at the time of this FOIA request as follows:

1. The records, reports, transcripts, minutes, appendices, working papers, drafts, studies, agenda, or other documents that were made available to or prepared for or by the Council or co-chairs prior to or during the meeting.
2. Notes of the meeting including a complete and accurate description of matters discussed.
3. Records of the persons present or participating remotely (including Everbright records).
4. Records of conclusions reached, and copies of all reports received, issued, or approved by the Council or co-chairs.
5. Emails from January 1, 2020 to present between co-chairs (OGIS Alina Semo and DOJ Bobac Talebian), the Office of Government Information Services and/or the DOJ Office of Information Policy and any other party regarding the meeting.(Email attachments

should be embedded in the individual email files via hyperlink. Email accounts include, but are not limited to:

david.ferriero@nara.gov; debra.wall@nara.gov; alina.semo@nara.gov;
ogis@nara.gov; martha.murphy@nara.gov; sheela.portonovo@nara.gov;
carrie.mcguire@nara.gov; kirsten.mitchell@nara.gov; teresa.brady@nara.gov;
dwaine.bacon@nara.gov; jessica.hartman@nara.gov;
CHRISTA.Lemelin@nara.gov; bobak.Talebian@usdoj.gov;
maria.stanwich@nara.gov; jay.trainer@nara.gov, ogisopenmeeting@nara.gov.

6. Contemporaneous 3 Feb 2022 meeting transcripts.
7. Audio or video recordings.
8. Chat comments within the moderator chat.
9. Chat comments within the all or open chat.
10. Records from the time of receipt to present of 2/1/2022 2:28 PM email from perseverance2013@aol.com, subject “**Re: FW: Reminder for Meeting with the Co-chairs of the Chief FOIA Officers Council [2 Feb 2022]**” including any forwarding or responses thereto and records of discussions about that email. Records would include emails between, but not limited to:

david.ferriero@nara.gov; debra.wall@nara.gov; alina.semo@nara.gov;
ogis@nara.gov; martha.murphy@nara.gov; sheela.portonovo@nara.gov;
carrie.mcguire@nara.gov; kirsten.mitchell@nara.gov; teresa.brady@nara.gov;
dwaine.bacon@nara.gov; jessica.hartman@nara.gov;
CHRISTA.Lemelin@nara.gov; bobak.Talebian@usdoj.gov;
maria.stanwich@nara.gov; jay.trainer@nara.gov, ogisopenmeeting@nara.gov;
garym.stern@nara.gov; CFO-Council@nara.gov; joo.y.chung2.civ@mail.mil;
james.p.hogan4.civ@mail.mil; cindy.l.allard.civ@mail.mil; whs.mc-alex.esd.mbx.osd-js-foia-requester-service-center@mail.mil;
john.simms@nara.gov; dc.foia.liaison@nara.gov; john.laster@nara.gov;
Vanita.Gupta19@usdoj.gov; FOIA Advisory Committee' <foia-advisory-committee@nara.gov>;
11. Records from the time of receipt to present of 2/2/2022 1:37 PM email from foiacompliance@gmail.com, subject “**Stealth FOIA Meeting Today. No You Tube. 5-minute limitation. RE: FW: Reminder for Meeting with the Co-chairs of the Chief FOIA Officers Council [2 Feb 2022]**” which contained an attachment “**Hammond Comments Questions to Chief FOIA Officers Council 2 Feb 2022 v4**” including any forwarding or responses thereto and records of discussions about that email. Records would include emails between, but not limited to:

david.ferriero@nara.gov; debra.wall@nara.gov; alina.semo@nara.gov; ogis@nara.gov;
martha.murphy@nara.gov; sheela.portonovo@nara.gov; carrie.mcguire@nara.gov;
kirsten.mitchell@nara.gov; teresa.brady@nara.gov; dwaine.bacon@nara.gov;
jessica.hartman@nara.gov; CHRISTA.Lemelin@nara.gov; bobak.Talebian@usdoj.gov;
maria.stanwich@nara.gov; jay.trainer@nara.gov, ogisopenmeeting@nara.gov;
garym.stern@nara.gov; CFO-Council@nara.gov; joo.y.chung2.civ@mail.mil;
james.p.hogan4.civ@mail.mil; cindy.l.allard.civ@mail.mil; whs.mc-alex.esd.mbx.osd-js-foia-requester-service-center@mail.mil; john.simms@nara.gov;
dc.foia.liaison@nara.gov; john.laster@nara.gov; Vanita.Gupta19@usdoj.gov; FOIA Advisory Committee' <foia-advisory-committee@nara.gov>;

12. Records of any discussions or correspondence addressing whether to announce or discuss the questions/comments by Robert Hammond (Bob Hammond) within the document “**Hammond Comments Questions to Chief FOIA Officers Council 2 Feb 2022 v4**” and as entered into the meeting chat.
13. I am also seeking a copy of this FOIA Request, which is an Agency record subject to that exists and is in the Agency’s possession at the time of my FOIA request. This record is a responsive record integral to my Request. Release of the Agency’s copy is not optional.
14. Records of all meeting announcements to Chief FOIA Officers.

NOTE: To the extent that you contend that any records are exempt, you must identify the specific records and release all segregable portions. I may seek an in-camera inspection in any court proceeding. This is a simple request.

REQUESTED FORMAT.

I am seeking an ADA accessible PDF file by return email with: (1) a signed and dated cover letter (citing my personally assigned requester control number); (2) with record page count for all records released records (3) a copy of this request in your reply. I seek records via email in PDF format with an imbedded copy of my requests to (1) impede the agency from not addressing the FOIA Request; (2) impede the Agency from not providing the documents stated in the Agency’s letter reply, and (3) make it obvious in any subsequent review what the Agency has or has not done.

Further, I request that these records be sent in any digital formats in which they exist (such as PDF and Excel). Under the terms of the E-FOIA Amendments of 1996, Section 5, if a document exists in electronic format, it must be released in that format upon request.

Each record must be provided as a distinct record in their native format.

I am also seeking the “**Description Available to the Public**” field I FOIAonline be set to yes and that all records be released to and viewable in the application by the general Public. The release type must be set to “**Unredacted – Releasable to the General Public: Will be available to the general public,**” or to “**Redacted – Releasable to the General Public: Will be available to the general public.**”

This request is distinctly separate from any other. Please do not combine this request with any other request in your reply. I am requesting that each element of the records sought be specifically addressed in the reply.

FEE WAIVER/ PUBLIC INTEREST/PUBLIC RELEASE. Notwithstanding my agreement to pay fees below if my fee waiver is denied, I am seeking a fee waiver due to significant public interest in this information. The subject of the requested records concerns "the operations or activities of the government." The disclosure is "likely to contribute" to an understanding of government operations or activities. There is no commercial interest. There is significant public interest. I am also seeking the “**Description Available to the Public**” field I FOIAonline be set to yes and that all records be released to and viewable in the application by the general Public. The release type must be set to “**Unredacted – Releasable to the General Public: Will be**

available to the general public,” or to “**Redacted – Releasable to the General Public:** Will be available to the general public.”

AGREEMENT TO PAY FEES.

I agree to pay fees for searching or copying the records up to \$25. If the fees exceed this amount please advise me of the cost before proceeding. I do not believe that there should be any charge for providing these records, as there is public interest in government operations. I am a private individual not seeking documents for commercial use, such that the following applies: “No fees may be charged by any DoD Component if the costs of routine collection and processing of the fee are likely to equal or exceed the amount of the fee. With the exception of requesters seeking documents for a commercial use, Components shall provide the first two hours of search time, and the first one hundred pages of duplication without charge.” I would note that because I am requesting an electronic file, there should not be a per page copy fee. The OMB Guidelines direct that searches for responsive records should be done in the “most efficient and least expensive manner.” See OMB Fee Guidelines, 52 Fed. Reg. at 10,017. As an “all others” requester, I may only be assessed search and duplication fees and not fees for review. See 32 CFR 286.12 - Schedule of fees. Also, please note that, should payment become necessary, the Coinage Act of 1965, specifically Section 31 U.S.C. 5103, entitled “Legal tender,” states: “ United States coins and currency (including Federal reserve notes and circulating notes of Federal reserve banks and national banks) are legal tender for all debts, public charges, taxes, and dues. Foreign gold or silver coins are not legal tender for debts.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 980 ; Pub. L. 97–452, §1(19), Jan. 12, 1983, 96 Stat. 2477.)

EXPEDITED PROCESSING.

I am seeking expedited processing. In any denial of my request for expedited processing the Agency must state in detail how my request does not meet requirement and who, by name, was involved in the denial determination.

1. **The subject is of widespread and exceptional media interest and the information sought involves possible questions about the government's integrity that affect public confidence.**
 - a. U.S.C § 552(k)(6)(B) requires the full Council, not just the co-chairs. Did OGIS announce the meeting as the full Council and notify all in the same manner as other Council meetings Per FOIA. “Not less frequently than annually, the Council shall hold a meeting that shall be open to the public and permit interested persons to appear and present oral and written statements to the Council.” This meeting did not meet those requirements.
 - b. There was no such a meeting per 5 USC § 552(k)(6)(B) in 202, 2020, 2019, etc.
 - c. The February 2, 2022 stealth Chief FOIA Officers Council meeting was not advertised in the normal way for such meetings and was not posted on either the NARA or DOJ websites (DOJ ma have posted the day before). this meeting was so poorly advertised and not posted in advance to the OGIS or DOJ OIP websites.

- d. The meeting was not on You Tube for public viewing and preservation. I have not seen that before for a FOIA open meeting.
 - e. Federal Register Notice 01/20/2022 says, “Additional details about the Chief FOIA Officers Council and the meeting, including the agenda, are available on OGIS's website.” This was false.
 - f. Chief FOIA Officer and FOIA Advisory Committee meetings are typically 3 hours not 1 hour.
 - g. Comments were limited to 5 min per requester.
 - h. I have been in contact with multiple members of the media regarding these matters, both before and after the meeting. There is exceptional interest in Saving FOIA Part II.
 - i. OGIS and DOJ OIP intentionally did not address my questions submitted in advance of the meeting and during the meeting into the online chat. This appears to be a violation of law.
 - j. DOJ and NARA continue to hold unlawful meetings. FOIA Improvement Act states, “Not later than 10 business days before a meeting of the Council, notice of such meeting shall be published in the Federal Register.” Not done for the Nov17, 2021 meeting. ?OGIS: For Nov17, 2021 meeting oral comments were limited to 3 minutes, even though 15 minutes were allocated ,and I continued to call in. Why the limitation and why was I not recognized a 2nd time?
2. **There is a reasonable expectation of an imminent loss of a substantial due process rights in connection with statutory times for FOIA actions.**
- a. OGIS and DOJ OIP intentionally did not address my questions submitted in advance of the meeting and during the meeting into the online chat. This appears to be a violation of law affecting my due process rights in connection with open FOIA meetings.
3. **Information is urgently needed to inform the public concerning some actual or alleged government activity/malfeasance.**
- a. See paragraph 1 above.
 - b. I am an individual primarily engaged in dissemination of information via extensive email lists, blogs, coordination with Open Government Advocate Organizations and members of the media.

In any denial of my request for expedited processing, I am seeking that the Agency identify who, by name and email was consulted and that the Agency provide specific justification as to how my request stated herein does not qualify.

STILL-INTERESTED PREEMPTIVE REPLY. This is a preemptive reply to the Justice Department guidelines the procedure known as a “still interested” inquiry, through which a FOIA officer can confirm that the requester has not lost interest in obtaining the documents.

My interest in all FOIA requests submitted to your office is enduring, meaning that my interest in seeking replies to all past and future FOIA request remains in effect until each

request has been answered fully and the time for judicial review has passed. Please do not initiate any "still interested" inquiries. This serves as my notice of enduring interest and automatic reply to any future questions of interest by your office. There are no reasonable grounds to ever conclude in the future that I am not interested in this request.

Implementation Checklist for DOJ OIP Guidance on "Still-Interested" Inquiries

1. Ensure there are reasonable grounds to make a "still-interested" inquiry in first instance.
2. Absent good cause, do not make multiple "still-interested" inquiries.
3. Use requester's preferred method of communication and in the absence of a preference, communicate by telephone or email as the default.
4. Memorialize any decision by a requester to withdraw a request that is conveyed by telephone by sending the requester a brief email or letter noting the withdrawal.
5. Provide requesters no less than thirty (30) working days to respond to the "still-interested" inquiry and ensure that there is a simple way to do so.
6. Advise the requester that if they elect not to respond to the inquiry, the request will be administratively closed at the conclusion of the designated time period (which must be at least 30 working days).
7. Prior to administratively closing a request based upon the lack of a response by the requester, make good faith efforts to reach out to the requester using multiple methods of communication.
8. In the event a requester responds to the "still-interested" inquiry within a reasonable time after the deadline has passed, reopen the request and place it back into the processing queue where it would have been.

PRESERVE RECORDS AND SEARCHES FOR JUDICIAL REVIEW.

Please search for, locate and preserve all responsive or potentially responsive records and records of your searches in your FOIA case file until the statutory date for judicial review has passed (should that be necessary) or in accordance with a NARA approved records schedule, if longer. NARA GRS 4.2 requires that FOIA and Privacy Act case files be retained for 6 years after final agency action or 3 years after final adjudication by the courts, whichever is later. Records of responsive searches would include but not be limited to: searches conducted for each specific record sought and all other records known to the Agency, including dates, manner of searching, responsible agent or employee conducting each search and the results thereof. Such persons determining the locations of responsive records must be inclusive of persons who would know such locations and their identities and manner of determining search locations must be preserved.

In any subsequent proceedings, I may seek sworn declarations and a court order appointing a special counsel, as appropriate. Similarly, I may pursue additional venues.

Any deletion of potentially responsive records by any party having knowledge of this Request may be a violation of law. In as much as applicable staff and leadership have knowledge of my subject request, the Agency must search for, locate and preserve all responsive or potentially responsive records and records of searches in their FOIA case file, and leadership must ensure that this is done. Failing to do so and allowing records to be deleted IAW any other records management schedule may be a violation of law.

ELECTRONIC RECORDS PRESERVATION.

The Agency must preserve all electronically stored information, copies and backup, as defined by Rule 34 of the Federal Rules of Civil Procedure, along with any paper files which the Agency maintains, relevant to this action. I am seeking electronic data in the Agency's custody and control that is relevant to this action, including without limitation emails, along with metadata, and other information contained on Agency computer systems and any electronic storage systems. I consider this electronic data and paper files to be valuable and irreplaceable sources of discoverable information in this matter. No procedures should have been implemented to alter any active, deleted or fragmented data. Moreover, no electronic data should have been disposed of or destroyed. (ETL Institute for Advancement of America's Legal System).

Further, to properly fulfill your preservation obligation, stop all scheduled data destruction, electronic shredding, rotation of backup tapes, and the sale, gift or destruction of hardware. Notify all individuals and of the need and duty to take the necessary affirmatives steps to comply with the duty to preserve evidence. (2008 Thomson Delmar Learning).

The Agency's Director of Information Operations or similar organization must initiate procedures to preserve electronic records.

ALTERATION/DESTRUCTION OF RECORDS

Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both. 18 U.S. Code § 1519 - Destruction, alteration, or falsification of records. (Added Pub. L. 107-204, title VIII, §802(a), July 30, 2002, 116 Stat. 800.).

18 U.S.C. 641 and 2071. The penalties for the unlawful or accidental removal, defacing, alteration, or destruction of Federal records or the attempt to do so, include a fine, imprisonment, or both (18 U.S.C. 641 and 2071).

36 CFR § 1230 UNLAWFUL OR ACCIDENTAL REMOVAL, DEFACING, ALTERATION, OR DESTRUCTION OF RECORDS

§1230.3

Unlawful or accidental destruction (also called unauthorized destruction) means disposal of an unscheduled or permanent record; disposal prior to the end of the NARA-approved retention period of a temporary record (other than court-ordered disposal under §1226.14(d) of this subchapter); and disposal of a record subject to a **FOIA request**, litigation hold, or any other hold requirement to retain the records.

IMPROPERLY WITHHOLDING RECORDS

Pursuant to FOIA:

“Whenever the court orders the production of any agency records improperly withheld from the complainant and assesses against the United States reasonable attorney fees and other litigation costs, and the court additionally issues a written finding that the circumstances surrounding the withholding raise questions whether agency personnel acted arbitrarily or capriciously with respect to the withholding, the Special Counsel shall promptly initiate a proceeding to determine whether disciplinary action is warranted against the officer or employee who was primarily responsible for the withholding. The Special Counsel, after investigation and consideration of the evidence submitted, shall submit his findings and recommendations to the administrative authority of the agency concerned and shall send copies of the findings and recommendations to the officer or employee or his representative. The administrative authority shall take the corrective action that the Special Counsel recommends.” 5 U.S.C. § 552(a)(4)(F)(i).

PERJURY

Whoever-

(1) having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or

(2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under [section 1746 of title 28, United States Code](#), willfully subscribes as true any material matter which he does not believe to be true;

is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.

18 U.S. C. § 1621 - Perjury generally (June 25, 1948, ch. 645, 62 Stat. 773; Pub. L. 88–619, §1, Oct. 3, 1964, 78 Stat. 995 ; Pub. L. 94–550, §2, Oct. 18, 1976, 90 Stat. 2534 ; Pub. L. 103–322, title XXXIII, §330016(1)(I), Sept. 13, 1994, 108 Stat. 2147.

SUBORDINATION OF PERJURY

The term *subornation of perjury* further describes the circumstance wherein an [attorney at law](#) causes a client to lie under oath or allows another party to lie under oath

Title [18 U.S.C. § 1622](#) provides:

Whoever procures another to commit any perjury is guilty of subornation of perjury, and shall be fined under this title or imprisoned not more than five years, or both.

FALSE OFFICIAL STATEMENTS.

18 U.S.C. § 1001. Statements or entries generally:

- a. Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully --
 1. falsifies, **conceals**, or covers up by any trick, scheme, or device a **material fact**;
 2. makes any materially false, fictitious, or fraudulent statement or representation; or
 3. makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title or imprisoned not more than 5 years, or both.

10 U.S. Code § 907. Art. 107. False official statements; false swearing:

- (a) FALSE OFFICIAL STATEMENTS. Any person subject to this chapter who, with intent to deceive—
 - (1) signs any false [record](#), return, regulation, order, or other official document, knowing it to be false; or
 - (2) makes any other false official statement knowing it to be false;

shall be punished as a [court](#)-martial may direct.”

LEGAL FRAMEWORK OF FOIA

1. The definition of “records” includes:

“[A]ll books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made *or received* by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them.”

44 U.S.C. § 3301 (emphasis supplied).

2. FOIA requires that “each agency, upon any request for records which (i) reasonably describes such records and (ii) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person” 5 U.S.C. § 552(a)(3)(A).

3. FOIA requires that “each agency shall establish a system to assign an individualized tracking number for each request received that will take longer than ten days to process and provide to each person making a request the tracking number assigned to the request” 5 U.S.C. § 522(a)(7)(A).

4. FOIA requires that each agency shall “establish a telephone line or Internet service that provides information about the status of a request to the person making the request using the assigned tracking number, including the date on which the agency originally received

the request; and an estimated date on which the agency will complete action on the request. 5 U.S.C. § 522(a)(7)(B).

5. FOIA also requires federal agencies to make a final determination on FOIA administrative appeals that it receives within twenty days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such appeal, unless the agency expressly provides notice to the requester of “unusual circumstances” meriting additional time for responding to a FOIA request. 5 U.S.C. § 552(a)(6)(A)(ii).

6. FOIA expressly provides that a person shall be deemed to have constructively exhausted their administrative remedies if the agency fails to comply with the applicable time limitations provided by 5 U.S.C. § 552(a)(6)(A)(I) - (ii). *See also* 5 U.S.C. § 552(a)(6)(C).

7. FOIA provides that any person who has not been provided the records requested pursuant to FOIA, after exhausting their administrative remedies, may seek legal redress from the Federal District Court to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant.

8. Regarding the names of the FOIA requesters, the courts have held that under the FOIA requesters do not have an expectation of privacy. *Stauss v. IRS*, 516 F. Supp. 1218, 1223 (D.D.C. 1981),

9. Under FOIA, the federal agency has the burden of sustaining its actions. 5 U.S.C. § 552(a)(4)(B).

10. Pursuant to FOIA, a Court may assess attorney fees and litigation costs against the United States if the Plaintiff prevails in an action thereunder. 5 U.S.C. § 552(a)(4)(E).

11. Department of Justice (DOJ) has issued a handbook addressing FOIA Annual Reports. *See DOJ, Handbook for Agency Annual Freedom of Information Act Reports*, “Disposition of FOIA Requests,” (available at http://www.justice.gov/sites/default/files/oip/pages/attachments/2014/11/04/department_of_justice_handbook_for_agency_annual_freedom_of_information_act_reports.pdf) (“DOJ Handbook”).

12. Among other things, the DOJ Handbook states, “All requests (perfected and non-perfected), appeals, and consultations that were pending at any time during the relevant fiscal year [October 1st through September 30th] will be captured.”

13. The DOJ Handbook also states:

“[E]ach agency is ultimately responsible for the accuracy and completeness of its Annual FOIA Report. It is therefore essential for agencies to take steps that will ensure that they are adequately tracking all of the information necessary to complete the Annual FOIA Report sections detailed below. Agencies that utilize a tracking or case management system for this purpose are responsible for ensuring that the system they are using can produce an accurate Annual FOIA Report that is in compliance with the law and Department of Justice guidance.” DOJ Handbook, at 3.

I believe that I have adequately described the records that I am seeking. If you believe that my request is unclear, if you have any questions, or if there is anything else that you need from me to complete this request in a timely manner, please contact me in writing, so that I may perfect my

request. If you deem that any portion of my request is unclear, answer the remaining portions and I will perfect a request for additional material as needed.

Thank you very much in advance.

With my respect,

/s/

Robert Hammond
Requester
Whistleblower

Attachment: Hammond Comments Questions to Chief FOIA Officers Council 2 Feb 2022 v4

References:

- (a) The Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*, as amended,
- (b) Joint publication of U.S. Department of Justice, Executive Office of the President and U.S. General Services Administration of July 2011, “Your Right to Federal Records”
- (c) The Privacy Act (“PA”) of 1974, 5 U.S.C. § 552a, *et seq.*, as amended
- (d) DoD 5400.11-R, May 14, 2007, Department of Defense Privacy Program
- (e) DoD 5400.7-R, September 1998, DoD Freedom of Information Act (FOIA) Program
- (f) DoD 6025.18-R, Jan. 24, 2003, DoD Health Information Privacy Regulation
- (g) GAO Report GAO-12-828 of July 2012, subject Freedom of Information Act
- (h) Department of Justice Handbook for Agency Annual Freedom of Information Act Reports
- (i) (b) Administrative Instruction 106, “Alternative Dispute Resolution (ADR) Program,” January 30, 2014
- (j) DoD Directive 5145.01, “General Counsel of the Department of Defense (GC DoD),” December 2, 2013, as amended
- (k) DoD Directive 5145.04, “Defense Legal Services Agency (DLSA),” April 16, 2012
- (l) (f) DoD Directive 5400.11, “DoD Privacy Program,” October 29, 2014
- (m) DoD Manual 8910.01, Volume 1, “DoD Information Collections Manual: Procedures for DoD Internal Information Collections,” June 30, 2014
- (n) Executive Order 12988, “Civil Justice Reform,” February 5, 1996
- (o) Public Law 101-552, “Administrative Dispute Resolution Act,” November 15, 1990
- (p) Public Law 104-320, “Administrative Dispute Resolution Act of 1996,” October 19, 1996
- (q) Presidential Memorandum for Heads of Executive Departments and Agencies, “Designation of Interagency Committees to Facilitate and Encourage Agency Use of Alternate Means of Dispute Resolution and Negotiated Rulemaking,” May 1, 1998
- (r) United States Code, Title 5
- (s) DoD Instruction 5145.05, “Alternative Dispute Resolution (ADR) and Conflict Management”
- (t) Alternate Dispute Resolution Handbook (opm.gov/policy-data-oversight/employee-relations/employee-rights-appeals/alternative-dispute-resolution/handbook.pdf)

(u) President Obama's FOIA Memorandum and Attorney General Holder's FOIA Guidelines (justice.gov/sites/default/files/oip/legacy/2014/07/23/foia-memorandum.pdf)

**Hammond Comments & Questions to Chief FOIA Officers Council
February 2, 2022 Meeting**

COMMENT

PREFACE.

?OGIS. Is there a reason why this will not be on You Tube for public viewing and preservation? I have not seen that before for a FOIA open meeting.

Particularly since this meeting was so poorly advertised and not posted in advance to the OGIS or DOJ OIP websites.

? As to the Ombudsman blog, I sent you a reply but instead OGIS posted it to the Chief FOIA Officers Council public comment website. It lists my posted public comments, which may generate interest.

I may have a greater audience on the blog.

Chief FOIA Officer and FOIA Advisory Committee meetings are typically 3 hours not 1 hour. I cannot address all my public comments, concerns, and recommendations today.

?DOJ OIP: With my respect, will this Committee reconvene within 3 months to allow an additional 2 hours for Public Comment using briefing slides?

?OGIS: Same question.

I sent the co-chairs for dissemination a copy of the Office of Special Council's proposed rule on FOIA, the Hatch Act, and other matters likely to be the subject of FOIA requests.

This is not as a public comment but for professional interest, particularly for government employees. If you do not have it, pls ask Kirsten, Alina, or email CFO-Council@nara.gov. ogis@nara.gov

Bobby & Alina, I owe an apology to OGIS & DOJ OIP for a couple of errant emails regarding issues that I should have resolved myself, but in frustration jumped to incorrect conclusions. I am sorry.

I need your help and that of this Council with important compliance issues to improve the FOIA process for everyone.

Everything that I plan to address today is a matter of public record.

My comments and questions herein conform to the Chat 200-character limit, so each is brief. Questions requiring responses are denoted as **?OGIS:** or **?DOJ OIP:** or both.

I am excited to participate today and will be pressing #2 on my phone to be recognized for oral public comments. Time permitting, I will call back in if there are no other callers in the queue. Thx!

Consider these questions & comments & my other Public Comments as reports received by the Council. “Detailed minutes of each meeting of the Council shall be kept and shall contain a record of the ...

persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the Council.” 5 USC § 552(k)(6)(E).

My email address is in the title pages of my recent public comments. FOIA advocates and members of the media have already contacted me. I will reply and make time for you. FOIAcompliance@gmail.com

OGIS & DOJ OIP: Meeting Minutes. Pls append these comments to the meeting minutes.

EXTRAORDINARY LEADERSHIP.

On the announcement of his retirement, I do want to wish the Honorable David S. Ferriero – from one old sailor to another – fair winds and following seas, Sir. All the best in your new adventures!

* Davis S. Ferriero: From a Navy Corpsman, saving lives (God bless you. Thank you for your service.) to a Presidential appointment by Barack Obama as 10th Archivist of the United States of America.

* Associate Attorney General Vanita Gupta: graduated magna cum laude from Yale University and received her law degree from New York University School of Law. Also, DOJ Chief FOIA Officer.

* Bobby Talebian: Co-Chair. University of Tennessee College of Law where he served on Law Review. Go Vols!

* Alina Semo: Georgetown University Law Center, Phi Beta Kappa from the University of Maryland, College Park graduated with high honors.

PUBLIC COMMENTS IDENTIFYING ISSUES & SOLUTIONS.

I look forward to working with the great co-chairs and this Council to identify problems, recommend solutions to improve FOIA Compliance and the FOIA Process for all.

I was taught not to complain about a problem without offering a solution.

I submitted many thoughtful and constructive comments with practical, achievable recommendations for improving FOIA. I list them at the end of these comments. I hope you consider and adopt them.

You may have read the book **Saving The FOIA** by esteemed professor and author [Margaret B. Kwoka](#) toward fostering democratic accountability.

Margaret, we need “**Saving the FOIA Part II**” focused on the issues in my posted Public Comments to set the playing field thru FOIA for American citizens “know what their government is up to.”

Also, Gbemende. E. Johnson, esteemed associate professor has written many articles and co-authored books on FOIA: Government Transparency and Public Access.” Presidential Studies Quarterly. (2021).

Also, conference presentation, “The Right to Know” Conference on Institutions and Lawmaking, Emory University, Atlanta, GA, February 2020. Great stuff. Worked with OGIS last summer & blogs.

It is not clear why OGIS does not allow FOIA requesters to submit articles for review and posting, but that is the least of my concerns today.

MAJOR FOIA ISSUES.

The major issues impeding FOIA today are:

A. Grossly inadequate funding for the Office of Government Information Services in performing its statutorily mandated FOIA mediation and compliance functions., leading to mission failure in both.

B. Grossly inadequate funding for DOJ OIP to perform its FOIA compliance oversight mission, leading to a lack of any meaningful oversight.

* (**Accurately** documenting FOIA noncompliance in OGIS ADR responses and DOJ OIP compliance inquiry responses & sending copies to Agency leadership by name will stop bad behavior in its tracks).

C. Disestablishment of FOIAonline.gov, what will become of those unique FOIA case records, FOIA record preservation generally, & suitable replacement with FOIAonline & Muckrock.com portal capability.

D. Materially False quarterly and annual FOIA Reports and raw statistical data, which is long standing and widely known, yet it continues unabated.

E. Alteration and /or destruction of records sought under FOIA.

F. Intentional misclassification of requests as “complex” and delayed processing, allowing records to then be deleted or rendered less useful to current issues if finally released.

G. Transferring FOIA requests from the component which has records to higher headquarters which does not obstruct response and shield accountability. Navy does this with all my FOIA requests.

* (Also, internet search articles, “U.S. Navy Mistakenly Emails Reporter Plans To Dodge FOIA Requests” By Shadee Ashtari & “Navy Reviews FOIA Office After Mistakenly Sent Email” By NBC Washington)

H. Misapplication of FOIA and Privacy Act statutes in first party requests

I. Conduct of public FOIA meetings,

PUBLIC MEETINGS.

The FOIA (5 USC § 552(k)(6)(B)) requires:

“Not less frequently than annually, the Council shall hold a meeting that shall be open to the public and permit interested persons to appear and present oral and written statements to the Council.”

?OGIS: Do you consider today’s meeting as satisfying 5 USC § 552(k)(6)(B) even though it is not a meeting of the full Council?

?OGIS: Was there such a meeting per 5 USC § 552(k)(6)(B) in 2021 and if so what was the date?

?OGIS: Were there such meetings per 5 USC § 552(k)(6)(B) in 2020, 2019, 2018, 2017 and if so what were the dates?

?DOJ OIP: Same questions.

?OGIS: 5 USC § 552(k)(6)(B) requires the full Council, not just the co-chairs. Did OGIS announce today's meeting as the full Council and notify all in the same manner as other Council meetings?

?OGIS: If OGIS gave such notification, when and how was it given?

?OGIS: This meeting is not listed on the OGIS Chief FOIA Officers Council website, so as to promote participation. Comment pls.

?DOJ OIP: This meeting is not listed on the DOJ OIP Chief FOIA Officers Council website, Comment pls.

?OGIS: Federal Register Notice 01/20/2022 says, "Additional details about the Chief FOIA Officers Council and the meeting, including the agenda, are available on OGIS's website." Not correct. Comment?

I was only aware of today's meeting because I subscribe to multiple blogs and Federal Register postings. Maybe only three other geeks on the planet who do this. Stealth meeting?

FOIA Improvement Act states, "Not later than 10 business days before a meeting of the Council, notice of such meeting shall be published in the Federal Register." Not done for the Nov17, 2021 meeting.

?OGIS: For Nov17, 2021 meeting oral comments were limited to 3 minutes, even though 15 minutes were allocated and I continued to call in. Why the limitation and why was I not recognized a 2nd time?

?DOJ OIP: With respect, same question.

Public Comments Posting

In response to a Congressional inquiry, OGIS changed its Public Comments Posting Policy. Proper, consistent application IAW governing statutes has been a problem.

Nevertheless, I edited that policy with double strike thru for deletions and bold blue italics for additions and am seeking staffing and a decision thru this Council.

See Public Comment, Robert Hammond- October 22, 2021 - OGIS Posting Policy for Public Comments. Pls review & comment. Thx.

Other Meeting Issues

? OGIS: It took 6 months to post Chief FOIA Officer meeting minutes for April, which are not certified and dated. Similarly, minutes for November 17, 2021 meeting were not posted as of this writing.

? OGIS: Certified meeting minutes for September 9, 2021 Advisory Committee meeting were not posted within 90 days in violation of By-law, thereby inhibiting timely review. Is this a resource issue?

MISAPPLICATION of FOIA and PRIVACY ACT STATUTES IN FIRST PARTY REQUESTS.

More to follow as my time permits.

FALSE FOIA REPORTING.

An essential FOIA safeguard is the raw data supporting quarterly and annual FOIA reports, so that a requester may determine how or whether requests and appeals are being reported. The data is wrong.

My past, extremely time-consuming efforts to correct this problem have proven ineffective from the individual FOIA officers, thru agency chains of command, OGIS, and OIP. Pls help.

?OGIS: With respect, what will you do when I send you the next example of an open FOIA request or appeal that is not being reported and not listed in FOIA Report Raw Data?

?DOJ OIP: With respect, what will you do when I send you the next example of an open FOIA request or appeal that is not being reported and not listed in FOIA Report Raw Data?

?OGIS: What will you do when I send you 50 more examples of open FOIA requests or appeals that are not being reported and not listed in FOIA Report Raw Data or other examples of false reporting? 100?

?DOJ OIP: What will you do when I send you 50 more examples of open FOIA requests that are not being reported and not listed in FOIA Report Raw Data or other examples of false reporting? 100?

?DOJ OIP: I plan to submit these one at a time for as compliance inquiries with the FOIA offices to whom they were submitted. Everyone on the record as to the reason for the false reporting. Agreed?

? OGIS: I plan to submit these one at a time for mediation with the FOIA offices to whom they were submitted. Everyone on the record as to the reason for the false reporting. Agreed?

Example of failed effort 10 Unreported FY 2014 requests (Prior OGIS & DOJ OIP Leadership).

* **OGIS.** In 2017, I sent OGIS 10 examples of 2015 FOIA appeals & associated requests that were open and not being reported. Advised agency thru senior leadership that they were submitting false reports.

Me to DHA: “By the action that you are taking, you will be knowingly submitting a false Annual FOIA Report to leadership, the Attorney General of the United States and in turn to the United States

Congress. You will be understating the number of improper denials for Walter Reed National Military Medical Center (WRNMMC), the number of appeal[s] ... as well as the FOIA and appeals processing times”

* **OGIS:** “DHA did not report ... DHA will combine your ten (FY 2015] appeals ... because the requests/appeals are thematically linked and DHA’s appeal’s unit received them within days of one another.” (?)

* **DOJ OIP.** I sent the same 10 aged appeals/requests to DOJ OIP & noted before review of annual FOIA reports that the FY 2017 reports would be inaccurate wrt 2015 appeals & requests as were FY 15 & 16.

* **OGIS & DOJ OIP.** Not only did DHA knowingly then submit a false FOIA report, but DHA had the nerve to falsely state in the CFO Annual Report that it had cleared its ten oldest appeals.

?**OGIS & DOJ OIP.** DHA’s appellate authority states, “I do not have a contemporaneous processing log or tracking log, or emails related to the process of compiling the FY15 Annual FOIA Report.”

?**OGIS:** What does it take to get a statistically significant audit of such offending agencies’ source records to annual FOIA reports using my data?

?**DOJ OIP:** In past false reporting, agencies have just footnoted the next report to state that they had reviewed records & found more. Will you now require agencies to amend past reports and raw data?

Also add # found. Else, there is no accountability, particularly if “found requests and appeals” are cleared prior to next report and never shown as aged.

I may prepare detailed public comments on this issue going forward as my time permits. Inaccurate reporting for any reason is a serious Chief FOIA Officers Council compliance issue. Thx.

MISCLASSIFICATION OF REQUESTS & TRANSFER FROM COMPONENT THAT HAS RECORDS.

* **OGIS & DOJ OIP:** as my time permits, I will prepare public comments briefings with specific records of these and other alleged trickery.

ALTERATION and/or DESTRUCTION of RECORDS SOUGHT UNDER FOIA.

Is there anyone who does not agree that alteration and /or destruction of records sought under FOIA are serious compliance matters of interest to the Chief FOIA Officers Council?

As example, Walter Reed's FOIA Officer admitted under oath to altering her FOIA processing log during litigation after citing a 17-page Log in a Vaughn Index and releasing instead a 16-page Log.

The altered Log had dated alterations as late as 29 Sep 2014. AFTER my April 1, 2014 FOIA request, my May 24 & Sep 15, 2014 appeals, Annual FOIA Reports positing, & almost a year after close of FY2013

Walter Reed's Mail Services Supervisor admitted to destroying records subject to an April 26, 2014 FOIA Request despite Walter Reed & DHA being notified numerous times to preserve records.

Walter Reed, DHA & DOD state they are not required to preserve records sought under FOIA. FOIA compliance issue & Chief FOIA Officers Council interest item. (*See also* misclassification & delay above.)

DHA is not alone. More to follow as my time permits.

DISTABLISHMENT of FOIAonline.gov & RECORDS PRESERVATION GENERALLY.

What will become of the unique FOIA case processing records stored therein (subject to preservation under GRS 31, item 20) is a matter worthy of a single focused meeting.

See Public Comment, to DKT ID DoD-2021-OS-0048, DOD Proposed Rule. "Freedom of Information Act and Privacy Act Records" System of Records. Pls comment. Thx.

As to records retention, it is common practice for FOIA requesters to seek FOIA case processing records for a prior FOIA request and litigation may ensue for years with appeals, etc.

So, preserving FOIA case processing records is a unique challenge for (a new FOIA request for case processing records of a prior FOIA request extends the retention for the prior FOIA request, etc.).

FOIAonline.gov and Muckrock.com both have exceptional FOIA requester portals that should be emulated.

GROSSLY INADEQUATE FUNDING FOR DOJ OIP

Bobby Talebian doesn't complain in public about OIP's funding shortfalls, but he shared that they are crippling, particularly regarding FOIA compliance inquiries and oversight.

See Public Comment, "January 16, 2022 - Failure - FOIA Compliance Oversight & Funding. Part 2. No Joking Matter," & "Status of 2018 - 2020 Recommendation #19" (Congressional hearings).

GROSSLY INADEQUATE FUNDING FOR OGIS.

See Public Comment, "January 16, 2022 - Failure - FOIA Compliance Oversight & Funding. Part 2. No Joking Matter," & "NARA, Please Fund OGIS!! (PART 1)"

See also, "Status of 2018 - 2020 Recommendation #19" & "Mandatory Right to Dispute Resolution."

Congress intended for OGIS to be powerful and independent, but Congress did not allocate additional resources for OGIS or DOJ OIP in the FOIA Improvement Act of 2016.

Despite good people, lack of funding = a total mission failure of OGIS dual FOIA mediation and compliance missions. ADR reporting in OGIS Annual Reports to the President and Congress is misleading.

"We heartily agree that "the office is understaffed, underfunded, and under-authorized to effectively oversee FOIA across the entire federal government." 2021 OGIS Ombudsman Annual Report to Congress

\$\$ So, **\$1.629M in 2013** for compliance & mediation a caseload of 300 – 400 cases per year. That grew to 4,600+ cases in 2019 with **only \$1.2M by 2020**, despite inflation and mandatory pay raises.

\$\$ All the while, NARA got all the funding that they asked for in 2019: **\$377.8M.**

? **OGIS.** In FY 2019, OGIS reported closing 4,649 ADR cases with 3 mediators. That appears improbable for true meditation, comment?

David Cuillier: facts gathered by Michael Morisy and others ... OGIS 4,600, 4,600. So, it's crazy! I mean Pennsylvania has a population of 12 million. OGIS is serving 330 million. We've got to fix that!

... Pennsylvania's Office of Open Records, for example, has 20 people ... population of 12 million.

There were 780K+ Federal FOIA requests in 2020. OGIS is supposed to reduce litigation and costs by mediation, but litigation cases and costs have exploded, draining resources from FOIA processing.

FOIA litigation cases received in federal district courts increased by 117 percent (333 to 724) from 2012 to 2020. Agencies blame increasing litigation as a cause for increasing backlogs.

Prudent investment in OGIS helps everyone and achieves the intent of Congress in the 2016 FOIA Improvement Act. NARA pls fund OGIS.

? OGIS: So, funding decreased + inflation while workload exploded. Pls address in a future meeting OGIS efforts within NARA and in turn with OMB to seek or reallocate funding.

? OGIS: Will NARA release the budget and expenditure documents that I am seeking via FOIA?

Disappearing OGIS Mediation Workload?

? OGIS: Since 2017 OGIS may have “disappeared” OGIS mediation workload by stating that adverse determinations don't need notice of OGIS ADR or FOIA Public Liaison ADR is needed first.

OGIS may have sent errant guidance to agencies that FOIA Public Liaison ADR is needed first (due to inadequate OGIS resources to perform ADR). I notified Chief FOIA Officers & sought records via FOIA.

? OGIS: Pls clarify if OGIS has sent past errant guidance that FOIA Public Liaison ADR is needed first or that advising of OGIS ADR is not needed in adverse determinations. Agencies are at risk. Thx.

? OGIS: Mediation status for many of mine state “Complex” due to need to contact Agency. All mediation requests require contacting Agency. FY 2020, how many complex? Simple? Pls make case logs public.

? OGIS: During OGIS's first two years, no cases resulted in **formal mediation**. What has changed? How many formal mediations in FY 2021? FY 2020? FY 2019? Pls make case logs public.

Deep respect: Mediation Team: Carrie McGuire, Dwaine Bacon, Jessie Hartman.
Compliance: Christa Lemelin & Kirsten Mitchell (+ full-time Committee Designated Federal Officer (DRO). Kirstin, how both?)

? **OGIS:** If OGIS responds, OGIS only does fact finding with agency FPL, then closes cases without mediation, refusing to do so. FPL is a separate, non-exclusive additional right, thus no OGIS value.

? **OGIS.** By law, OGIS must report to Congress and President # number of times OGIS engaged in mediation & # times FPL engaged. Why instead reporting # times sought? Contrary to Public Law No. 114-185?

? **OGIS.** So, OGIS mediation was sought 4,649 times. OGIS engaged in mediation how many times? Reporting both sought and engaged figures would inform Congress and the American citizens.

Efforts to Obtain funding.

I want NARA and DOJ Office of Information Policy to Succeed. I want the Chief FOIA Officers Council and the FOIA Advisory Committee to succeed. Your missions are vital to a free and open society.

I am working with Congress & others to obtain needed funding. Absent adequate funding, just a “finger in the dyke.” Some advocate moving OGIS to direct funding from and reporting to Congress.

So, while seeking from FOIA Advisory Committee help with recommendations to Congress to increase OGIS funding, OGIS has refused to release its FY 2020 to FY 2022 budget submissions to NARA.

? **OGIS:** OGIS must fight for itself. Will you release your budget submissions to this Council so members can see what you are asking for? Pls release records I sought under FOIA.

Then (of concern) in its 2021 OGIS Ombudsman Annual Report to Congress, OGIS Director **non-concurred** with Recommendation 2020-19 from the FOIA Advisory Committee which states:

2020-19. We recommend that Congress engage in more regular and robust oversight of FOIA and the long-standing problems with its implementation; that Congress hold more hearings, establish a more

regular and coordinated stream of communication and inquiries to agencies around FOIA issues; and that Congress strengthen the Office of Government Information Services with clearer authority

and expanded resources.

“in the absence of oversight from Congress, FOIA otherwise lacks a sustaining enforcement mechanism. It is incumbent upon Congress to ensure that our country has a robust, well-funded, and

carefully considered overall FOIA program to deliver the transparency and accountability that the American people deserve and expect.”

HAMMOND PUBLIC COMMENTS. Pls review and comment. Thx.

Robert Hammond- January 27, 2022 - Hammond Unanswered 12.9.2021 Comments & Questions

Robert Hammond - January 26, 2022 - Hammond Response to Re: New post from the FOIA Ombudsman blog [Feb 2, 2022 meeting]

Robert Hammond- January 16, 2022 - Mandatory Right to OGIS Dispute Resolution (20220116)

Robert Hammond- January 16, 2022 - Subpoena Threat & Congressional Demand for OGIS to Release Records OMB Kills Recommendations. What has changed? (20220116)

Robert Hammond- January 16, 2022 - Failure - FOIA Compliance Oversight & Funding. Part 2. No Joking Matter.

Robert Hammond- January 15, 2022 - Comments to Unlawful Chief FOIA Officers Meeting November 17, 2021

Robert Hammond- October 28, 2021 - Failure: FOIA Compliance Oversight & Funding

Robert Hammond- October 22, 2021 - Update 2021.10.22. OGIS Mediation and DOD's change to CFR 32 CFR part 286.4

Robert Hammond- October 22, 2021 - OGIS Posting Policy for Public Comments

Robert Hammond- October 22, 2021 - Senator Grassley: DOJ OIP's Position Doesn't Pass the "Common-Sense Test"

Robert Hammond - October 22, 2021 - NARA, Please Fund OGIS!! (PART 1)

[Robert Hammond](#) - May 3, 2021 - Recommended System Change Requests to FOIAonline. Including Simple Solution for "Release to One, Release to All"

[Robert Hammond](#) - May 3, 2021 - OGIS Mediation and DOD's change to CFR 32 CFR part 286.4

[Robert Hammond](#) - May 3, 2021 - Status of 2018 - 2020 Recommendation #19

[Robert Hammond](#) - May 3, 2021 - Violations of the ADA in FOIA Redactions

Missing: OGIS response Hammond public comments 9 July 2021.pdf [Letter from OGIS Director regarding public comments posting policy]]

Missing: "The Uncommon Man" Re - Hon David S Ferriero Comments to Chief FOIA Officers Council

CLOSING REMARKS.

Thank you considering my oral comments and written public comments.

I would like to close with words of proud American citizens: Gouverneur Morris, Abraham Lincoln, Martin Luther King and Senator Bobby Kennedy.

In the land of the free, home of the brave &proud, free, unified, inclusive American citizens ...

"I have a dream." (King). "Some men see things as they are and ask why. I dream of things that never were and say why not." (Kennedy). Our best days are ahead of us.

We The People, enshrined in Our Declaration of Independence and Our Constitution, will not again be a house divided against ourselves no matter the rhetoric.

In 1865, 166 years ago, we fought and won a bloody war to advance equality of opportunity, not guaranteed equity of outcomes as we are all unique in our pursuit of our dreams.

Messy as it sometimes is, that is Our history. The greatest nation in the history of the world.

Let us all be judged by the content of our character.

God bless the United States of America!

