

Daniel Castello, Acting Chief .

Office of Information Policy

RE:

DOJ OPR APPEAL

THE BRADY BUNCH

'SEARCH PARTY FOR THE TIMOTHY MCVEIGH DISCOVERY MATERIALS'

Daniel Castellano:

Due to waning interest in your organizations failures to execute disciplinary actions repeatedly as seen in news headlines, foie gras logs, inspection findings, the civil rights division, etc.

I was seeking information in the ashes of an alleged career highlight of Attorney General Merrill Garland in relation to the trial of Timothy McVeigh.

Specifically, I was seeking a search of the DOJ OPR for any records of misconduct complaints or review of documents related to the case for potential Brady violations, investigative failures, etc.

As shown in the initial request copy attached the sub entity (DOJ OPR) search response was not written in a fashion that indicated a valid search was completed of its records in a clear coherent manner. The basis for appeal was adequacy of search and or defective correspondence. The correspondence did not even indicate a FOIA number was assigned to the search by the entity after being served the search twice. The Office of Information Policy, Offices of the Attorney General, the Executive Offices of the United States Attorneys, and the Federal Bureau of Investigation, have all read, understood, and responded to the same request in a timely fashion, which immediately places in the question the ethics and reading level of the person in DOJ OPR who did not process this request properly. In my opinion the sub entity does not have a substantial FOIA processing load to support such errors.

/s/

*William Fernandes*

**Chief Correspondent**



U.S. Department of Justice  
Office of Information Policy  
Sixth Floor  
441 G Street, NW  
Washington, DC 20530-0001

---

Telephone: (202) 514-3642

September 8, 2021

William Fernandes

108612-14079577@requests.muckrock.com

Re: Appeal No. A-2021-01825  
Request No.  
DRC:KHK

**VIA: Online Portal**

Dear William Fernandes:

It appears that you might be attempting to appeal from an action of the Office of Professional Responsibility of the Department of Justice on a Freedom of Information Act or Privacy Act request. Although you reference Request No. EMRUFOIA022321-10, I am unable to determine from your letter what action you are appealing. Accordingly, please send copies of any pertinent prior correspondence, such as your initial request for access to records, the denial of access to those records, or any other relevant information about your request. If you can provide enough information for us to determine what action you are appealing, we can then reopen your appeal and take further action as appropriate. I appreciate your cooperation in this matter.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

/s/ Daniel Castellano

X

\_\_\_\_\_  
Daniel Castellano,  
Associate Chief, for Matthew Hurd, Chief,  
Administrative Appeals Staff



**U.S. Department of Justice**  
Office of Information Policy  
*Sixth Floor*  
*441 G Street, NW*  
*Washington, DC 20530-0001*

---

Telephone: (202) 514-3642

May 27, 2021

108612-14079577@requests.muckrock.com

Dear William Fernandes:

This is to advise you that the Office of Information Policy (OIP) of the U.S. Department of Justice received your administrative appeal from the action of the OPR on 05/26/2021.

In an attempt to afford each appellant equal and impartial treatment, OIP has adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number A-2021-01825 . Please refer to this number in any future communication with OIP regarding this matter. Please note that if you provided an email 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 FOIA STAR, you may also check the status of your appeal by logging into your account.

Sincerely,

*Priscilla Jones*

Priscilla Jones  
Supervisory Administrative Specialist



**U.S. Department of Justice**  
Office of Information Policy  
*Sixth Floor*  
*441 G Street, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

April 7, 2021

William Fernandes  
DEPT MR 108613  
411-A Highland Avenue  
Somerville, MA 02144  
108613-21864933@requests.muckrock.com

Re: FOIA-2021-00925  
DRH:MSH

Dear William Fernandes:

This responds to your Freedom of Information Act request dated February 23, 2021, and received in this Office on March 12, 2021, seeking records concerning the trial of Timothy McVeigh. You directed your request to the FOIA/PA Mail Referral Unit (MRU), Justice Management Division, who forwarded it to this Office. The MRU tracking number associated with this request is EMRUFOIA022321-10.

Your request has been received by the Office of Information Policy (OIP) of the United States Department of Justice, which processes Freedom of Information Act (FOIA) and Privacy Act (PA) requests for records it maintains as well as records maintained by the Offices of the Attorney General, Deputy Attorney General, Associate Attorney General, Public Affairs, Legislative Affairs, and Legal Policy. OIP also adjudicates administrative appeals of denials of FOIA/PA requests made to the Department. This Office maintains the case files for the initial requests and administrative appeals it processes.

Please be advised that the FOIA provides a right of access to federal agency records that exist and can be located in federal agency files. The FOIA does not require agencies to conduct research for you, to analyze data, to answer questions, or to create new records in response to a FOIA request. Moreover, the FOIA does not apply to records that are maintained by states, counties, or cities, or by the legislative or judicial branches of the government.

For your information, the FOIA operation for both the Department of Justice and the federal government is decentralized and each Department component and federal entity maintains and handles FOIA requests for its own records. Accordingly, you need to direct your letter to the office(s) you believe have records pertaining to the subject of your request. Additional information regarding the federal governments administration of the FOIA, including a listing of FOIA contact information, is available at [www.foia.gov](http://www.foia.gov). Based on the

information you have provided, you may want to direct your request to the Executive Office for United States Attorneys, Federal Bureau of Investigation, and National Archives and Records Administration as the federal entities most likely to maintain the records you are seeking.

You may contact our FOIA Public Liaison, Valeree Villanueva, for any further assistance and to discuss any aspect of your request at: Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001; telephone at 202-514-3642; or facsimile at 202-514-1009.

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, Room 2510, 8601 Adelphi Road, College Park, MD 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with this Office's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically submitted within ninety 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.

Sincerely,

A handwritten signature in blue ink, appearing to read "Douglas R. Hibbard", with a small "RH" monogram at the end.

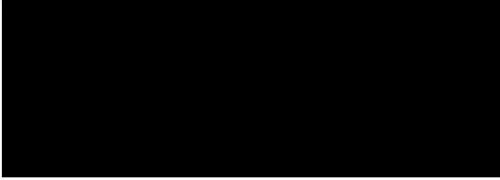
Douglas R. Hibbard  
Chief, Initial Request Staff



U.S. Department of Justice

**Federal Bureau of Investigation**  
Washington, D.C. 20535

May 25, 2021



Request No.: 1494082-000  
Subject: MCVEIGH, TIMOTHY  
(DOCUMENTS WITHHELD FROM  
PROSECUTION)

Dear Mr. Fernandes:

This is in response to your Freedom of Information/Privacy Acts (FOIPA) request. Please see the paragraphs below for relevant information about your request.

Your request for the above referenced subject is not searchable in our indices. The FBI Central Records System (CRS) is indexed according to investigatory interests, and it is not arranged in a manner that allows for the retrieval of information in the form you have requested. The FOIA does not require federal agencies to answer inquiries, create records, conduct research, or draw conclusions concerning queried data. Rather the FOIA requires agencies to provide access to reasonably described, nonexempt records. Therefore, your request is being administratively closed.

For questions on how to reasonably describe your request, please email us at [foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov). You may also visit [www.fbi.gov](http://www.fbi.gov) and select "Services," "Information Management," and "Freedom of Information/Privacy Act" for additional guidance.

If you are not satisfied with the Federal Bureau of Investigation'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 following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (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." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). 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](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing [foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov). If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely,

A handwritten signature in black ink, appearing to read "M. G. Seidel". The signature is fluid and cursive, with a large initial "M" and a distinct "S" at the end.

Michael G. Seidel  
Section Chief  
Record/Information  
Dissemination Section  
Information Management Division



U.S. Department of Justice

Executive Office for United States Attorneys

Freedom of Information and Privacy Staff

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

(202) 252-6020  
FAX (202) 252-6048

June 10, 2021

VIA E-mail

William Fernandes  
MuckRock News 411A Highland Ave DEPT MR 112842  
Somerville, MA 02144  
112842-38761901@requests.muckrock.com

Re: Request Number: EOUSA-2021-002198  
Subject of Request: Records withheld by FBI

Dear William Fernandes:

The Executive Office for United States Attorneys (EOUSA) has received your Freedom of Information Act and/or Privacy Act request and assigned the above tracking number to the request. The EOUSA is the official record keeper for all records located in this office and the various United States Attorney's offices.

Please be advised, that the Department has a decentralized system for processing FOIA requests and each component maintains and handles FOIA requests for its own records. Accordingly, you need to direct your letter to the Department component(s) you believe have records pertaining to the subject of your request. Additional information regarding the Department's administration of the FOIA, including a listing of Department of Justice components, the types of records each maintains, and their FOIA contact information, is available at [www.justice.gov/oip/foia-request.html](http://www.justice.gov/oip/foia-request.html). You requested information which is not information maintained by the EOUSA or by the individual United States Attorney's Offices, but is likely maintained by the Federal Bureau of Investigations. We are routing your request to the below component for processing. Please contact them at:

FBI  
Record/Information Dissemination Section  
Attn: FOIPA Request  
170 Marcel Drive  
Winchester, VA 22602-4843

This is the final action on this above-numbered request. If you are not satisfied with my response to your request, you may administratively appeal by writing to the Director, Office of



Information Policy (OIP), United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530 or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (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."

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](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,



Kevin Krebs  
Assistant Director



---

Washington, D.C. 20530

March 12, 2021

William Fernandes  
411A Highland Ave  
Somerville, MA 02144

Dear Sir/Madam:

This is in response to your request for records, Tracking Number, EMRUFOIA022321-10. 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  
Office of Information Policy  
Department of Justice  
441 G St, NW  
6th Floor  
Washington, DC 20530-0001  
(202) 514-FOIA

FOIA/PA  
Office of Professional Responsibility  
Department of Justice  
Room 3266,  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530  
(202) 514-3365

Sincerely,

MRUFOIA  
Logistics Management  
Facilities and Administrative Services Staff  
Justice Management Division

**Subject:** Freedom of Information Act Request: The Brady Bunch (Department of Justice, Office of Professional Responsibility)  
**From:** "108612-14079577@requests.muckrock.com" <108612-14079577@requests.muckrock.com>  
**Date:** 2/23/2021, 10:46 AM  
**To:** OPR.FOIA <OPR.FOIA@jmd.usdoj.gov>

Department of Justice, Office of Professional Responsibility  
FOIA Office  
Suite 3266  
950 Pennsylvania Avenue Northwest  
Washington, DC 20530

February 23, 2021

To Whom It May Concern:

Pursuant to the Freedom of Information Act, I hereby request the following records:

To:  
Douglas Hibbard, DOJ  
Chief, Initial Request Staff  
Office of Information Policy  
U.S. Department of Justice  
1425 New York Avenue NW Suite 11050  
Washington, DC 20530-0001

Peggy McCarty  
Deputy Director  
Office of Professional Responsibility  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W., Suite 3266  
Washington, D.C. 20530

EFOIA Request

Pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), *Kyles v. Whitley* 514 U.S. 419, 434 (1995); *United States v. Bagley*, 473 U.S. 667 (1985) respectively.

I was seeking the release of these estimated 2700-3000 pages of documents cited in the following news articles in relation to the trial of Timothy McVeigh, the Oklahoma City Bomber, relating to potential prosecutorial misconduct under 5 U.S.C 552, 552a.

A search of the FBI Public Vault for these records was non-responsive.

'An FBI admission that it failed to give certain documents to convicted Oklahoma City bomber Timothy McVeigh's defense attorneys has them considering whether to seek a stay of next week's

scheduled execution.'

<https://www.cnn.com/2001/LAW/05/10/mcveigh.evidence.02/index.html>

### 'FBI Kept Files From McVeigh's Lawyers

Six days before Timothy McVeigh was scheduled to be executed for the Oklahoma City bombing, the Justice Department yesterday gave his attorneys thousands of pages of FBI documents that officials said were mistakenly withheld before McVeigh's 1997 trial.

The development caught McVeigh's attorneys by surprise, and was the first potential obstacle in what has been a steady march toward Wednesday's execution since McVeigh abandoned his appeals in December and announced he was prepared to die.

Attorney Nathan Chambers said he had spoken to McVeigh after the documents were delivered to his office in Denver. McVeigh's lawyers declined to say whether he would request a stay of the execution.

"Mr. McVeigh is going to think about it and decide how he wants to proceed," Chambers told the Associated Press. Chambers and Rob Nigh, McVeigh's other attorney, did not respond to repeated calls seeking comment.

Justice Department officials said the documents were missed in previous searches of computerized files in FBI field offices around the country, and located only recently during a routine archiving of records. Officials described the error as inadvertent.'

<https://www.washingtonpost.com/archive/politics/2001/05/11/fbi-kept-files-from-mcveighs-lawyers/ea3d115c-a75a-41d5-b5be-24835ba36830/>

On the basis of the pending appointment of Merrick Garland as the Attorney General of the United States as well systemic incidents of potential law enforcement misconduct making national headlines, I firmly believe strong public interest exists in the full disclosure of said evidence/documents requested.

### 'Merrick Garland Faces Resurgent Peril After Years Fighting Extremism

The fallout from the Capitol attack and the shadow of the 1995 '

<https://www.nytimes.com/2021/02/20/us/merrick-garland-attorney-general.html>

### 'What Happened With Merrick Garland In 2016 And Why It Matters Now'

'In a speech that August in Kentucky, McConnell would say: "One of my proudest moments was when I looked Barack Obama in the eye and I said, 'Mr. President, you will not fill the Supreme Court vacancy.'

<https://www.npr.org/2018/06/29/624467256/what-happened-with-merrick-garland-in-2016-and-why-it-matters-now>

### 'Federal Judge Urges a DOJ Probe of Prosecutorial Conduct in Sanctions Case

Judge Alison Nathan said potential disclosure violations by prosecutors weren't intentional, but a review might help prevent failures in the future.

Judge Nathan on Wednesday asked the government to submit a report within six months concerning disclosures related to the use of information gathered by the FBI through search warrants.'

<https://www.wsj.com/articles/federal-judge-urges-a-doj-probe-of-prosecutorial-conduct-in-sanctions->

case-11613779171

'Audio Post – The Tip Of An Iceberg: Sexual Misconduct Within The FBI Is Exposed by AP! Investigate The Investigators who are nothing more and nothing less than a bunch of psychopaths, perverts, and child abusers. Abolish the FBI and put the criminal FBI agents in prison where they belong! The present crisis in America is the direct result of the FBI stupidity, treacherous incompetence and malfeasance.'

<https://russianewsreview.org/the-tip-of-iceberg-sexual-misconduct-html/>

VAUGHN index requested for materials subject to claimed exemptions.

Request for materials to be released on a rolling basis as made available.

Respectfully Submitted:

William Fernandes

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

William Fernandes

Filed via MuckRock.com

E-mail (Preferred): 108612-14079577@requests.muckrock.com

Upload documents directly: [https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Fdepartment-of-justice-office-of-professional-respons-201%252Fthe-brady-bunch-department-of-justice-office-of-professional-responsibility-108612%252F%253Femail%253DOPR.FOIA%252540usdoj.gov&url\\_auth\\_token=AAAaEJQTRAUjzTfOzi42XmttXo0%3A1IEchE%3AJp56Kwwda2qOeybKQpi6WcTZFNs](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fdepartment-of-justice-office-of-professional-respons-201%252Fthe-brady-bunch-department-of-justice-office-of-professional-responsibility-108612%252F%253Femail%253DOPR.FOIA%252540usdoj.gov&url_auth_token=AAAaEJQTRAUjzTfOzi42XmttXo0%3A1IEchE%3AJp56Kwwda2qOeybKQpi6WcTZFNs)

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 108612

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through

MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

Mr. Fernandes,

The Office of Professional Responsibility (OPR) received the attached correspondence from you dated February 23, 2021.

Please note that a proper Freedom of Information Act (FOIA) request for records must reasonably describe the records sought. See 5 U.S.C. § 552(a)(3)(A). After carefully reviewing your correspondence, OPR has determined that you did not reasonably describe a particular record or records sought. Please be advised that the FOIA provides a right of access to those federal agency records that exist and can be located in federal agency files. In response to a FOIA request, agencies therefore are required to provide access to reasonably described, existing, and FOIA-nonexempt records. Note also that the FOIA does not require agencies to conduct research for you, to analyze data, to answer questions,

or to create new records in response to a FOIA request. Moreover, the FOIA does not apply to records that are maintained by states, counties, or cities, or by the legislative or judicial branches of the government.

For additional information on the FOIA, including how the FOIA works, where to make a request, and what to expect in response, you may wish to review the comprehensive FOIA website, FOIA.gov<<http://www.foia.gov/>>.

Additionally, you may contact our FOIA Public Liaison at the contact information provided below if you need assistance reformulating your request.

Thank you,

OPR FOIA

(202) 514-3365

OPR.FOIA@usdoj.gov<<mailto:OPR.FOIA@usdoj.gov>>

---



---

This email is sent from an unmonitored mailbox that does not accept incoming mail.  
Please do not reply or send email to this address.



# The Brady Bunch (Department of Justice, Office of Professional Responsibility)

Share



[William Fernandes](#) filed this request with the [Department of Justice, Office of Professional Responsibility](#) of the [United States of America](#).

Tracking #	A-21-01825
Multi Request	The Brady Bunch
Submitted	Feb. 20, 2021
Est. Completion	None

## STATUS

Awaiting Appeal

MuckRock users can file, duplicate, track, and share public records requests like this one. [Learn more.](#)

[File a Request](#)

8 Communications

4 Files

Filter communications

[Collapse All](#)

**From: William Fernandes**

02/23/2021



To Whom It May Concern:

Pursuant to the Freedom of Information Act, I hereby request the following records:

To:

Douglas Hibbard, DOJ  
Chief, Initial Request Staff  
Office of Information Policy  
U.S. Department of Justice  
1425 New York Avenue NW Suite 11050  
Washington, DC 20530-0001

Peggy McCarty  
Deputy Director  
Office of Professional Responsibility  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W., Suite 3266  
Washington, D.C. 20530

EFOIA Request

Pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), *Kyles v. Whitley* 514 U.S. 419, 434 (1995); *United States v. Bagley*, 473 U.S. 667 (1985) respectively.

I was seeking the release of these estimated 2700-3000 pages of documents cited in the following news articles in relation to the trial of Timothy McVeigh, the Oklahoma City Bomber, relating to potential prosecutorial misconduct under 5 U.S.C 552, 552a.

A search of the FBI Public Vault for these records was non-responsive.

'An FBI admission that it failed to give certain documents to convicted Oklahoma City bomber Timothy McVeigh's defense attorneys has them considering whether to seek a stay of next week's scheduled execution.'



## 'FBI Kept Files From McVeigh's Lawyers

Six days before Timothy McVeigh was scheduled to be executed for the Oklahoma City bombing, the Justice Department yesterday gave his attorneys thousands of pages of FBI documents that officials said were mistakenly withheld before McVeigh's 1997 trial.

The development caught McVeigh's attorneys by surprise, and was the first potential obstacle in what has been a steady march toward Wednesday's execution since McVeigh abandoned his appeals in December and announced he was prepared to die.

Attorney Nathan Chambers said he had spoken to McVeigh after the documents were delivered to his office in Denver. McVeigh's lawyers declined to say whether he would request a stay of the execution.

"Mr. McVeigh is going to think about it and decide how he wants to proceed," Chambers told the Associated Press. Chambers and Rob Nigh, McVeigh's other attorney, did not respond to repeated calls seeking comment.

Justice Department officials said the documents were missed in previous searches of computerized files in FBI field offices around the country, and located only recently during a routine archiving of records. Officials described the error as inadvertent.'

<https://www.washingtonpost.com/archive/politics/2001/05/11/fbi-kept-files-from-mcveighs-lawyers/ea3d115c-a75a-41d5-b5be-24835ba36830/>

On the basis of the pending appointment of Merrick Garland as the Attorney General of the United States as well systemic incidents of potential law enforcement misconduct making national headlines, I firmly believe strong public interest exists in the full disclosure of said evidence/documents requested.

## 'Merrick Garland Faces Resurgent Peril After Years Fighting Extremism

The fallout from the Capitol attack and the shadow of the 1995 '

<https://www.nytimes.com/2021/02/20/us/merrick-garland-attorney-general.html>

## 'What Happened With Merrick Garland In 2016 And Why It Matters Now'

'In a speech that August in Kentucky, McConnell would say: "One of my proudest moments was when I looked Barack Obama in the eye and I said, 'Mr. President, you will not fill the Supreme Court vacancy.'

<https://www.npr.org/2018/06/29/624467256/what-happened-with-merrick-garland-in-2016-and-why-it-matters-now>



### 'Federal Judge Urges a DOJ Probe of Prosecutorial Conduct in Sanctions Case

Judge Alison Nathan said potential disclosure violations by prosecutors weren't intentional, but a review might help prevent failures in the future.

Judge Nathan on Wednesday asked the government to submit a report within six months concerning disclosures related to the use of information gathered by the FBI through search warrants.'

<https://www.wsj.com/articles/federal-judge-urges-a-doj-probe-of-prosecutorial-conduct-in-sanctions-case-11613779171>

'Audio Post – The Tip Of An Iceberg: Sexual Misconduct Within The FBI Is Exposed by AP! Investigate The Investigators who are nothing more and nothing less than a bunch of psychopaths, perverts, and child abusers. Abolish the FBI and put the criminal FBI agents in prison where they belong! The present crisis in America is the direct result of the FBI stupidity, treacherous incompetence and malfeasance.'

<https://russianewsreview.org/the-tip-of-iceberg-sexual-misconduct-html/>

VAUGHN index requested for materials subject to claimed exemptions.

Request for materials to be released on a rolling basis as made available.

Respectfully Submitted:

William Fernandes

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

William Fernandes

[News](#) [Projects](#) [Requests](#) [Assignments](#) ●●●[Sign Up](#)[Log In](#)**Subject: Request correspondence**[Email](#)**Mr. Fernandes,****The Office of Professional Responsibility (OPR) received the attached correspondence from you dated February 23, 2021.**

Please note that a proper Freedom of Information Act (FOIA) request for records must reasonably describe the records sought. See 5 U.S.C. § 552(a)(3)(A). After carefully reviewing your correspondence, OPR has determined that you did not reasonably describe a particular record or records sought. Please be advised that the FOIA provides a right of access to those federal agency records that exist and can be located in federal agency files. In response to a FOIA request, agencies therefore are required to provide access to reasonably described, existing, and FOIA-nonexempt records. Note also that the FOIA does not require agencies to conduct research for you, to analyze data, to answer questions, or to create new records in response to a FOIA request. Moreover, the FOIA does not apply to records that are maintained by states, counties, or cities, or by the legislative or judicial branches of the government.


For additional information on the FOIA, including how the FOIA works, where to make a request, and what to expect in response, you may wish to review the comprehensive FOIA website, [FOIA.gov<http://www.foia.gov/>](http://www.foia.gov/).

Additionally, you may contact our FOIA Public Liaison at the contact information provided below if you need assistance reformulating your request.

Thank you,  
OPR FOIA  
(202) 514-3365  
[OPR.FOIA@usdoj.gov<mailto:OPR.FOIA@usdoj.gov>](mailto:OPR.FOIA@usdoj.gov)

---

This email is sent from an unmonitored mailbox that does not accept incoming mail.  
Please do not reply or send email to this address.

 Freedom of Information Act Request: The Brady Bunch (Department of Justice, Office of Professional Responsibility)

 [Download](#)

[News](#) [Projects](#) [Requests](#) [Assignments](#) ●●●[Sign Up](#)[Log In](#)

Subject: RE: Freedom of Information Act Request: The Brady Bunch (Department of Justice, Office of Professional Responsibility)

[Email](#)

OPR FOIA Staff:

EFOIA Request

VAUGH index requested for any exempted materials

Records sought: Any and all records including but not limited to copies of evidence as cited in relation to the trial of Oklahoma City Bombing Defendant Timothy McVeigh.

Areas to search: All within your records disposition authority

Point of references: for search:

'FBI says it withheld evidence from McVeigh lawyers

May 11, 2001

Web posted at: 6:52 a.m. EDT (1052 GMT)

'DENVER, Colorado (CNN) -- An FBI admission that it failed to give certain documents to convicted Oklahoma City bomber Timothy McVeigh's defense attorneys has them considering whether to seek a stay of next week's scheduled execution. '

'Timothy James McVeigh (April 23, 1968 – June 11, 2001) was an American domestic terrorist who carried out the 1995 Oklahoma City bombing that killed 168 people and injured more than 680 others, and destroyed one third of the Alfred P. Murrah Federal Building.[5][6] The bombing was the deadliest act of terrorism in the United States prior to the September 11 attacks. It remains the deadliest act of domestic terrorism in U.S. history. '

[https://en.wikipedia.org/wiki/Timothy\\_McVeigh](https://en.wikipedia.org/wiki/Timothy_McVeigh)

Original search request:

To Whom It May Concern:

Pursuant to the Freedom of Information Act, I hereby request the following records:

To:

Douglas Hibbard, DOJ

Chief, Initial Request Staff



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

Peggy McCarty  
Deputy Director  
Office of Professional Responsibility  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W., Suite 3266  
Washington, D.C. 20530

#### EFOIA Request

Pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), *Kyles v. Whitley* 514 U.S. 419, 434 (1995); *United States v. Bagley*, 473 U.S. 667 (1985) respectively.

I was seeking the release of these estimated 2700-3000 pages of documents cited in the following news articles in relation to the trial of Timothy McVeigh, the Oklahoma City Bomber, relating to potential prosecutorial misconduct under 5 U.S.C 552, 552a.

A search of the FBI Public Vault for these records was non-responsive.

'An FBI admission that it failed to give certain documents to convicted Oklahoma City bomber Timothy McVeigh's defense attorneys has them considering whether to seek a stay of next week's scheduled execution.'

<https://www.cnn.com/2001/LAW/05/10/mcveigh.evidence.02/index.html>

#### 'FBI Kept Files From McVeigh's Lawyers

Six days before Timothy McVeigh was scheduled to be executed for the Oklahoma City bombing, the Justice Department yesterday gave his attorneys thousands of pages of FBI documents that officials said were mistakenly withheld before McVeigh's 1997 trial.

The development caught McVeigh's attorneys by surprise, and was the first potential obstacle in what has been a steady march toward Wednesday's execution since McVeigh abandoned his appeals in December and announced he was prepared to die.





Attorney Nathan Chambers said he had spoken to McVeigh after the documents were delivered to his office in Denver. McVeigh's lawyers declined to say whether he would request a stay of the execution.

"Mr. McVeigh is going to think about it and decide how he wants to proceed," Chambers told the Associated Press. Chambers and Rob Nigh, McVeigh's other attorney, did not respond to repeated calls seeking comment.

Justice Department officials said the documents were missed in previous searches of computerized files in FBI field offices around the country, and located only recently during a routine archiving of records. Officials described the error as inadvertent.'

<https://www.washingtonpost.com/archive/politics/2001/05/11/fbi-kept-files-from-mcveighs-lawyers/ea3d115c-a75a-41d5-b5be-24835ba36830/>

On the basis of the pending appointment of Merrick Garland as the Attorney General of the United States as well systemic incidents of potential law enforcement misconduct making national headlines, I firmly believe strong public interest exists in the full disclosure of said evidence/documents requested.

'Merrick Garland Faces Resurgent Peril After Years Fighting Extremism

The fallout from the Capitol attack and the shadow of the 1995 '

<https://www.nytimes.com/2021/02/20/us/merrick-garland-attorney-general.html>

'What Happened With Merrick Garland In 2016 And Why It Matters Now'

'In a speech that August in Kentucky, McConnell would say: "One of my proudest moments was when I looked Barack Obama in the eye and I said, 'Mr. President, you will not fill the Supreme Court vacancy.'

<https://www.npr.org/2018/06/29/624467256/what-happened-with-merrick-garland-in-2016-and-why-it-matters-now>

'Federal Judge Urges a DOJ Probe of Prosecutorial Conduct in Sanctions Case

Judge Alison Nathan said potential disclosure violations by prosecutors weren't intentional, but a review might help prevent failures in the future.

Judge Nathan on Wednesday asked the government to submit a report within six months concerning disclosures related to the use of information gathered by the FBI through search warrants.'

<https://www.wsj.com/articles/federal-judge-urges-a-doj-probe-of-prosecutorial-conduct-in-sanctions-case-11613779171>

'Audio Post - The Tip Of An Iceberg: Sexual Misconduct Within The FBI Is Exposed by API Investigate The Investigators who are nothing more



they belong! The present crisis in America is the direct result of the FBI stupidity, treacherous incompetence and malfeasance!

<https://russianewsreview.org/the-tip-of-iceberg-sexual-misconduct-html/>

VAUGHN index requested for materials subject to claimed exemptions.

Request for materials to be released on a rolling basis as made available.

Respectfully Submitted:

William Fernandes

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

~~William Fernandes~~

From: Muckrock Staff

03/29/2021

From: Muckrock Staff

04/28/2021

From: William Fernandes

05/26/2021

Subject: RE: Freedom of Information Act Request: The Brady Bunch (Department of Justice, Office of Professional Responsibility)

Email

To: OPR FOIA

RE: OIP



Pursuant to the attachment, your office was dispatched a search request after it was reviewed by OIP in relation to any and all records in your custody related to the deceased Timothy McVeigh as pertaining to OPR jurisdiction based on the request.

We are unable to determine the search was completed based on the email correspondence. Please review the records and make a written statement to confirm that a search was completed and if responsive records exist etc. A Vaugh index is requested.

Thanks in advance for your attention to this matter.

William



Fernandes\_William\_EMRUFOIA022321-10\_MRU\_RESPONSE.pdf

[View](#) [Embed](#) [Download](#)

**From:** Department of Justice, Office of Professional Responsibility

05/27/2021

**Subject:** Acknowledgment of FOIA Appeal A-2021-01825

Email

The Office of Information Policy has received your FOIA Appeal. Please see the attached acknowledgment letter.



a-21-01825

[View](#) [Embed](#) [Download](#)

**From:** Department of Justice, Office of Professional Responsibility

09/08/2021

**Subject:** Response to FOIA Appeal A-2021-01825

Email

The Office of Information Policy has made its final determination on your FOIA Appeal Number A-2021-01825 . A copy of this determination is enclosed for your review, along with any enclosures, if applicable. Thank you.



A-2021-01825\_Response\_Letter

[View](#) [Embed](#) [Download](#)

Want the latest investigative and FOIA news?



MuckRock is a non-profit collaborative news site that gives you the tools to keep our government transparent and accountable.

[Make a Donation](#)

© 2010–2021 Muckrock

SECTIONS

[News](#)

[Projects](#)

[Requests](#)

[Agencies](#)

[Jurisdictions](#)

[Newsletters](#)

ABOUT

[About Us](#)

[Staff](#)

[FAQ](#)

[Store](#)

[API](#)

[Privacy Policy](#)

[Terms of Service](#)

[Financials](#)

FEEDS

[Latest Reporting](#)

[Latest Questions](#)

[Recently Filed](#)

[Requests](#)

[Recently](#)

[Completed](#)

[Requests](#)



**U.S. Department of Justice**  
Office of Information Policy  
*Sixth Floor*  
*441 G Street, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

William Fernandes  
MuckRock News  
DEPT MR 108612  
411A Highland Ave.  
Somerville, MA 02144-2516  
108612-14079577@requests.muck  
rock.com

Re: Appeal No. A-2022-00743  
  
Request No. F21-00139  
CDT:HMV

**VIA: Email - 3/14/2022**

Dear William Fernandes:

You appealed from the action of the Office of Professional Responsibility (OPR) on your Freedom of Information Act request for access to records concerning various topics. I note that your appeal concerns OPR's determination that your request was not reasonably described.

After carefully considering your appeal, I am affirming OPR's action on your request. A proper FOIA request for records must reasonably describe the records sought. See 5 U.S.C. § 552(a)(3)(A); see also 28 C.F.R. § 16.3(b)(2021). OPR informed you that you did not reasonably describe the subject of your request. Further, please be advised that the FOIA does not require federal agencies to answer questions, create records, or conduct research in response to a FOIA request, but rather is limited to requiring agencies to provide access to reasonably described, nonexempt records. See *Students Against Genocide v. Dep't of State*, 257 F.3d 828, 837 (D.C. Cir. 2001); Nat'l Sec. Counselors v. CIA, 898 F. Supp. 2d 233, 269 (D.D.C. 2012). I have determined that OPR's response was correct.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of OPR in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers

mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,



X

---

Christina D. Troiani,  
Associate Chief for Matthew Hurd, Chief,  
Administrative Appeals Staff