



**Homeland
Security**

Privacy Office, Mail Stop 0655

February 3, 2022

SENT BY ELECTRONIC MAIL TO: foia@americanoversight.org

Austin Evers
American Oversight
Executive Director
1030 15th Street, NW
Suite B255
Washington, DC 20005

Re: 2021-HQFO-00026

Dear Mr. Evers:

This is the electronic final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated October 5, 2020, and received by this office on October 5, 2020. You are seeking all analyses, including but not limited to, legal opinions, memoranda, emails, or other informal communications, regarding the permissibility of including a naturalization ceremony in the Republican National Convention, including but not limited to the statutory requirements imposed by the Hatch Act. (Date Range for Record Search: From 8/20/2020 To 8/31/2020).

A search of the Office of the Chief Information Officer (OCIO) for documents responsive to your request produced a total of 8 pages. Portions of these pages are partially releasable pursuant to Title 5 U.S.C. § 552 (b)(5) and (b)(6), FOIA Exemptions 5 and 6.

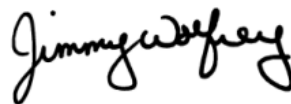
FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, we determined that portions of the responsive documents qualify for protection under the Deliberative Process Privilege. The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter, to: Privacy Office, Attn: FOIA Appeals, U.S. Department of Homeland Security, 245 Murray Lane, SW, Mail Stop 0655, Washington, D.C. 20528-0655, following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. Part 5 § 5.8. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS FOIA regulations are available at www.dhs.gov/foia.

If you need any further assistance or would like to discuss any aspect of your request, you may send an e-mail to foia@hq.dhs.gov, call 202-343-1743 or toll free 1-866-431-0486, or you may contact our FOIA Public Liaison in the same manner and refer to **2021-HQFO-00026**. Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS 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; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,



Jimmy Wolfrey
Senior Director, FOIA Operations and Management
(Acting)

Enclosures: 8 pages

From:	HOULTON, TYLER </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (b)(6)>
	(b)(6)
To:	WOLTORNIST, ALEXEI </o=ExchangeLabs/ou=Exchange Administrative Group (b)(6)>
	(b)(6)
	Mizelle, Chad </o=ExchangeLabs/ou=Exchange Administrative Group (b)(6)>
	Gountanis, John </o=ExchangeLabs/ou=Exchange Administrative Group (b)(6)>
	(b)(6)
	AS1CFW </o=ExchangeLabs/ou=Exchange Administrative Group (b)(6)>
Subject:	Re: Chairman Thompson Requests Investigation into Chad Wolf for Hatch Act Violation
Date:	2020/08/27 10:43:58
Priority:	Normal
Type:	Note

(b)(5)

From: WOLTORNIST, ALEXEI <(b)(6)>
Sent: Thursday, August 27, 2020 9:39:34 AM
To: HOULTON, TYLER (b)(6)
(b)(6) Mizelle, Chad <(b)(6)> Gountanis, John
(b)(6) AS1CFW
(b)(6)

Subject: Re: Chairman Thompson Requests Investigation into Chad Wolf for Hatch Act Violation

Hill rags wrote standalones but it's largely confined to a line or two in write ups on Hatch at large including Pompeo, FLOTUS, etc.

From: HOULTON, TYLER (b)(6)

Sent: Thursday, August 27, 2020 8:37:57 AM

To: WOLTORNIST, ALEXEI (b)(6)

(b)(6) Mizelle, Chad (b)(6); Gountanis, John

(b)(6) AS1CFW

(b)(6)

Subject: Re: Chairman Thompson Requests Investigation into Chad Wolf for Hatch Act Violation

(b)(5)

From: WOLTORNIST, ALEXEI (b)(6)

Sent: Thursday, August 27, 2020 9:35:59 AM

To: (b)(6) Mizelle, Chad (b)(6)

HOULTON, TYLER (b)(6); Gountanis, John

(b)(6) AS1CFW

(b)(6)

Subject: Re: Chairman Thompson Requests Investigation into Chad Wolf for Hatch Act Violation

Putting this at the top of everyone's inboxes. (b)(6) Thoughts on the original proposed response from OPA.

Today's POTUS tour of FEMA will be open press, so there will possibly be a gaggle. AS1 may have an opportunity to respond there.

From: (b)(6)

Sent: Wednesday, August 26, 2020 6:31:43 PM

To: Mizelle, Chad (b)(6) WOLTORNIST, ALEXEI

(b)(6) HOULTON, TYLER (b)(6)

Gountanis, John (b)(6)

AS1CFW (b)(6)

Subject: Re: Chairman Thompson Requests Investigation into Chad Wolf for Hatch Act Violation

(b)(5)

From: Mizelle, Chad (b)(6)

Sent: Wednesday, August 26, 2020 8:26:46 PM

To: WOLTORNIST, ALEXEI (b)(6) HOULTON, TYLER

(b)(6) Gountanis, John

(b)(6) AS1CFW

(b)(6)

Subject: Re: Chairman Thompson Requests Investigation into Chad Wolf for Hatch Act Violation

(b)(5)

Chad Mizelle

(b)(6)

From: WOLTORNIST, ALEXEI <(b)(6)>

Sent: Wednesday, August 26, 2020 7:15 PM

To: HOULTON, TYLER; (b)(6); Gountanis, John (b)(6); AS1CFW; Mizelle, Chad

Subject: Re: Chairman Thompson Requests Investigation into Chad Wolf for Hatch Act Violation

+ Mizelle

Draft spox response:

(b)(5)

From: HOULTON, TYLER (b)(6)

Sent: Wednesday, August 26, 2020 5:05 PM

To: (b)(6); Gountanis, John; (b)(6); AS1CFW; WOLTORNIST, ALEXEI

Subject: Re: Chairman Thompson Requests Investigation into Chad Wolf for Hatch Act Violation

Adding Alexei

From: (b)(6)

Sent: Wednesday, August 26, 2020 5:04:20 PM

To: Gountanis, John (b)(6); HOULTON, TYLER

(b)(6); AS1CFW

(b)(6)

Subject: Fwd: Chairman Thompson Requests Investigation into Chad Wolf for Hatch Act Violation

From: Homeland Security Committee <CHSDemPress@mail.house.gov>

Sent: Wednesday, August 26, 2020 7:02 PM

Subject: Chairman Thompson Requests Investigation into Chad Wolf for Hatch Act Violation



FOR IMMEDIATE RELEASE

Chairman Thompson Requests Investigation into Chad Wolf for Hatch

Act Violation

August 26, 2020 (WASHINGTON) – Today, Rep. Bennie G. Thompson (D-MS), Chairman of the Committee on Homeland Security, sent a letter to the Office of Special Counsel to request the office investigate Department of Homeland Security official Chad Wolf for an apparent Hatch Act violation after he participated in the Republican National Convention last night. Mr. Wolf, who was illegally appointed to his position, has a pattern of politicizing the Department's non-partisan, national security mission.

Letter text:

I write today to urge the Office of Special Counsel to investigate whether The Honorable Chad Wolf of the Department of Homeland Security used an official government position for the purpose of affecting the outcome of an election in violation of the Hatch Act.

On August 25, 2020, Mr. Wolf performed a naturalization ceremony on government property to be aired at the Republican National Convention for the apparent purpose of advancing the President's reelection. During the ceremony in the Great Hall of the White House, the President introduced Mr. Wolf as the Acting Secretary of the Department of Homeland Security. Mr. Wolf administered the Oath of Citizenship to five individuals and stated that he was making his remarks on behalf of the men and women of the Department.

This is an unprecedented politicization of the naturalization ceremony – an official function of the Department of Homeland Security. Mr. Wolf's participation appears to constitute engaging in political activity while acting in an official capacity. It also sets a bad example for the Department's 240,000 employees who are required to comply with the Hatch Act. Accordingly, I urge you to investigate Mr. Wolf's participation in this event to determine

whether it violated the law.

Link to Letter

#

Media contact: (b)(6)



Sender	HOULTON, TYLER </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (b)(6)>
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	(b)(6)
	AS1CFW </o=ExchangeLabs/ou=Exchange Administrative Group

	(b)(6)
Sent Date:	2020/08/27 10:43:57
Delivered Date:	2020/08/27 10:43:58