AMERICAN OVERSIGHT

February 20, 2025

VIA EMAIL

Valerie Nadal, FOIA Officer
David Guo, FOIA Officer
Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, N.W., Suite 4,
Washington, DC 20004
vnadal@dccouncil.gov
dguo@dccouncil.gov

Re: D.C. Freedom of Information Act Request

Dear FOIA Officer(s):

Pursuant to the District of Columbia Freedom of Information Act (FOIA), D.C. Code §§ 2-531 et seq., and implementing regulations at 1 DCMR §§ 400 et seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that your agency produce the following records within fifteen business days:

1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) the District of Columbia Councilmembers listed below, or anyone communicating on their behalf, and (b) any of the external entities and individuals listed below, or anyone communicating on their behalf (including, but not limited to, at the listed email addresses and domains).

   District of Columbia Councilmembers:
   1. Anita Bonds
   2. Brianne K. Nadeau
   3. Brooke Pinto
   4. Charles Allen
   5. Christina Henderson
   6. Janeese Lewis George
   7. Kenyan R. McDuffie
   8. Matthew Frumin
   9. Phil Mendelson
   10. Robert C. White, Jr.
   11. Trayon White, Sr.

12. Vincent C. Gray
13. Zachary Parker

External Entities and Individuals:
a. Hannah Meyers (hmeyers@manhattan-institute.org)
b. Ilya Shapiro (ishapiro@manhattan-institute.org)
c. Tim Rosenberger (trosenberger@manhattan-institute.org)
d. Manhattan Institute (manhattan-institute.org, manhattan.institute)

Please note that American Oversight does not seek, and that part 1 of this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications forwarding such emails are responsive to this request. For example, if a listed official received a mass-distribution news clip email from a listed external entity or individual, that initial email would not be responsive to this request. However, if they forwarded that email to another individual with their own commentary, that subsequent message would be responsive to this request and should be produced.

2. All email communications (including emails, email attachments, complete email chains, and calendar invitations) sent by the District of Columbia Councilmembers listed above that contain any of the key terms listed below.

Key Terms:
1. "Manhattan Institute"
2. "anti mask"
3. "anti-mask"
4. "mask ban"
5. "mask transparency"
6. "masking ban"
7. "masking law"

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited part 2 of its request to emails sent by the listed officials. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. For example, both a listed official's response to an email containing a listed key term and the initial received message are responsive to this request and should be produced.

For both parts of this request, please provide all responsive records from January 1, 2024, through March 31, 2024.

Fee Waiver Request

In accordance with D.C. Code § 2-532(b), American Oversight requests a waiver of fees associated with processing this request for records. A waiver of fees for this request "is

in the public interest because furnishing the information can be considered as primarily benefiting the general public."[1]

The general public has a significant interest in district officials' communications with outside groups. Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the D.C. government, including whether and to what extent District of Columbia Councilmembers have communicated with outside groups about legislation.

American Oversight is committed to transparency and makes the responses agencies provide to FOIA requests publicly available, and the general public's understanding of the government's activities would be enhanced through American Oversight's analysis and publication of these records. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and X (formerly Twitter).[2]

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through numerous substantive analyses posted to its website.[3] Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records related to the organization's investigations into misconduct and corruption in state governments;[4] the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department's process for issuing such waivers;[5] posting records received as part of American Oversight's "Audit the Wall" project to gather and analyze information related to the administration's proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;[6] posting records

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[1] D.C. Code § 2-532(b); *see also* DCMR § 408.10.

[2] American Oversight currently has approximately 16,000 followers on Facebook and 95,800 followers on X (formerly Twitter). American Oversight, Facebook, https://www.facebook.com/weareoversight/ (last visited Feb. 10, 2025); American Oversight (@weareoversight), X (formerly Twitter), https://x.com/weareoversight (last visited Feb. 10, 2025).

[3] *News*, American Oversight, https://www.americanoversight.org/blog.

[4] *State Investigations*, American Oversight, https://www.americanoversight.org/states.

[5] *DOJ Records Relating to Solicitor General Noel Francisco's Recusal*, American Oversight, https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, American Oversight, https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents.

[6] *See generally Audit the Wall*, American Oversight, https://www.americanoversight.org/investigation/audit-the-wall; *see, e.g.*, *Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, American Oversight,

regarding potential self-dealing at the Department of Housing & Urban Development and related analysis;[7] posting records and analysis relating to the federal government's efforts to sell nuclear technology to Saudi Arabia;[8] and posting records and analysis regarding the Department of Justice's decision in response to demands from Congress to direct a U.S. Attorney to undertake a wide-ranging review and make recommendations regarding criminal investigations relating to the President's political opponents and allegations of misconduct by the Department of Justice itself and the Federal Bureau of Investigation.[9]

Finally, this request is primarily and fundamentally for non-commercial purposes. As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight's financial interest.

Accordingly, furnishing the information sought through this request can be considered as primarily benefiting the general public, and American Oversight thus qualifies for a fee waiver.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.

- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.

- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of

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https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall.

[7] *Documents Reveal Ben Carson Jr.'s Attempts to Use His Influence at HUD to Help His Business*, American Oversight, https://www.americanoversight.org/documents-reveal-ben-carson-jr-s-attempts-to-use-his-influence-at-hud-to-help-his-business.

[8] *Investigating the Trump Administration's Efforts to Sell Nuclear Technology to Saudi Arabia*, American Oversight, https://www.americanoversight.org/investigating-the-trump-administrations-efforts-to-sell-nuclear-technology-to-saudi-arabia.

[9] *Sessions' Letter Shows DOJ Acted on Trump's Authoritarian Demand to Investigate Clinton*, American Oversight, https://www.americanoversight.org/sessions-letter.

the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.

- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Ben Sparks at records@americanoversight.org or (202) 873-1741. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ Ben Sparks
Ben Sparks
on behalf of
American Oversight