



ADVANCING AMERICAN FREEDOM

February 23, 2023

VIA E-MAIL AND U.S. MAIL

The Honorable General Merrick Garland
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, D.C. 20535

**Re: Freedom of Information Act Request:
Communications Pertaining to “Radical-Traditionalist Catholic Ideology”**

Dear Attorney General Garland and Director Wray:

Advancing American Freedom (AAF)¹ submits this Freedom of Information Act (“FOIA”) request (the “Request”), pursuant to 5 U.S.C. § 552(a), for records pertaining to the U.S. Department of Justice (“DOJ”)’s communications with non-DOJ personnel about “Radical-Traditionalist Catholic Ideology” that comprised the basis for a leaked FBI Intelligence Note relating to the surveillance and infiltration of Catholic groups in America.²

To identify the document with more specificity, the redacted FBI Intelligence Note was the subject of a letter from the U.S. House of Representatives Committee on the Judiciary³, four U.S. Senators and fifteen members of Congress⁴, Virginia Attorney General Jason Miyares and nineteen other state Attorneys General who wrote to you “with outrage and alarm to address the anti-Catholic internal memorandum produced by the FBI’s Richmond Field Office on January 23, 2023, which was released to the public this week”⁵ and about which His Excellency Bishop Barry Knestout of

¹ Advancing American Freedom, Inc. is a 501(c)(4) non-profit organization. AAF advocates for conservative values and policy solutions by developing innovative policy solutions, strategies, coalitions, and messaging that builds upon the accomplishments of the last administration and expands freedom for all Americans.

² FBI, *Interest of Racially or Ethnically Motivated Violent Extremists in Radical-Traditionalist Catholic Ideology Almost Certainly Presents New Mitigation Opportunities*, reprinted in Kyle Seraphin, *The FBI Doubles Down on Christians and White Supremacy in 2023*, UncoverDC (Feb. 8, 2023), <https://tinyurl.com/3fdb69ha>.

³ <https://judiciary.house.gov/media/in-the-news/jordan-demands-answers-wray-after-leaked-fbi-memo-suggests-agency-may-be>

⁴ <https://www.lankford.senate.gov/news/press-releases/lankford-leads-19-members-to-call-out-fbi-over-leaked-memo-targeting-catholics>

⁵ Tyler Arnold, *20 state AGs call for investigation into FBI’s ‘anti-Catholic’ memo*, Catholic News Agency (Feb. 13, 2023), <https://www.catholicnewsagency.com/news/253631/20-state-ags-call-for-investigation-into-fbis-anti-catholic-memo>.

the Diocese of Richmond wrote that “[t]he leaked document should be troubling and offensive to all communities of faith, as well as all Americans... A preference for traditional forms of worship and holding closely to the Church’s teachings on marriage, family, human sexuality, and the dignity of the human person does not equate with extremism.”

Requested Records

Pursuant to 5 U.S.C. § 552, AAF seeks the release of the following records with the timeframe for the Request from January 20, 2021, to the date of the Request’s processing:

1. Any and all records relating to or concerning communications to or from any organization, association, corporation, or other entity, or to or from any person not employed by the federal government, regarding outreach on the subject of Christian belief (“Christian belief” includes, but is not limited to, such terms as “radical-traditionalist Catholic,” “RTC,” “Vatican II,” “traditionalist Catholics,” “John Paul II,” “Benedict XVI,” “Latin Mass,” “Novus Ordo Missae,” “Priestly Fraternity of St. Peter (FSSP),” “Society of St. Pius X (SSPX),” “Opus Dei,” “evangelical,” “protestant,” “Anglican,” “Baptist,” “Episcopal,” and “Orthodox”), including but not limited to any outreach, public education, listening session, or communications, including those communications where the DOJ is copied or blind copied.
2. Any other records which, though not specifically requested, would have a reasonable relationship to the subject matter of this request, including any record or document used in the creation of the FBI Intelligence Note.
3. Any record that would show the identity and title of any FBI employee who reviewed or approved the document in question or any of the documents cited or used in its creation, including the Richmond FBI field office’s Intelligence Analyst, Supervisory Intelligence Analyst (SIA), and Chief Division Counsel (CDC), and Intelligence Squad.
4. Any record that would indicate the date the FBI Intelligence Note was distributed to each of the 56 FBI field offices.
5. Any record of any action taken by the FBI because of the FBI Intelligence Note to include, but not limited to, any conducted interviews (FBI FD-302s), internal communications (Electronic Communications known as “EC’s”), surveillances, and lawful interception of electronic communications.
6. Any policy, rule or instruction relating to how an FBI Intelligence Note is created, approved, and disseminated when it may implicate First Amendment-protected activities.
7. An unredacted copy of the FBI Intelligence Note.

Application for Waiver or Limitation of Fees

AAF requests the waiver of any fees associated with responding to its FOIA request, pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 22 C.F.R. § 171.16. AAF requests the waiver of document search, review, and duplication fees on the grounds that “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5

U.S.C. § 552(a)(4)(A)(iii). Additionally, AAF qualifies as a “representative of the news media” and does not seek the Records for commercial use. *See* 5 U.S.C. § 552(a)(4)(A)(ii)(II).

A. Disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government.

As a nonprofit organization, Advancing American Freedom does not have a commercial purpose and any release of information requested is not primarily in AAF’s financial interest. One of the primary purposes of Advancing American Freedom is to inform and educate the public about the activities of the federal government, and whether those activities may chill Constitutional rights to the freedom of speech, association, and to petition the government for redress. Therefore, any information disclosed to AAF because of this Request will be made readily available to the public at no cost.

B. Advancing American Freedom qualifies as a “representative of the news media” which is not seeking records for commercial use.

Advancing American Freedom qualifies as a “representative of the news media” because it “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience.” 5 U.S.C. § 552(a)(4)(A)(ii); *see Nat’l Sec. Archive v. DOD*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). Although AAF is a new organization, it intends to regularly collect, publish, and disseminate information it receives to the general public via its website, social media accounts, and through public appearances by its principal figures. Further, AAF would exercise editorial discretion with respect to all information that it obtains from the Request.

AAF distributes its work widely. It routinely issues press releases that highlight various newsworthy events and amicus legal briefs that it files; its principal figures make regular appearances in the news media and at conferences and other large events. Indeed, obtaining and distributing information about government activity is a key part of AAF’s purpose and work.

* * *

If the Request is denied in whole or in part, AAF requests justifications for all deletions by reference to specific FOIA exemptions. AAF expects the release of all segregable portions of otherwise exempt material. AAF reserves the right to appeal a decision relating to any portion of this request.

Thank you for your prompt attention to this Request. Please provide the requested records to:

Paul Teller, Executive Director
Advancing American Freedom
801 Pennsylvania Avenue, N.W., Suite 930
Washington, D.C. 20004
(202) 780-4848