

# Exhibit 345

Case Number: 2023  
US Attorney's Office  
The District of Columbia  
Petition for Writ of Quo Warranto

<https://www.thepostemail.com/wp-content/uploads/2023/04/Biden-Oaths-of-Office-Writ-of-Quo-Warranto.pdf>

Case Number: 2023-\_\_\_\_

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**US ATTORNEY'S OFFICE  
THE DISTRICT OF COLOMBIA**

In re: LISA MCGEE  
*Petitioner*

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On Petition for Writ of Quo Warranto to the U.S. Attorney in the District of Columbia Regarding: Director of Center of Disease Control and of Toxic Substances and Disease Registry, Rochelle Walensky; U.S. Secretary of Treasury, Janet Yellen; U.S. Secretary of Energy, Jennifer Granholm; FDA's Principal Deputy Commissioner, Janet Woodcock; U.S. Secretary of Health and Human Services, Xavier Becerra; U.S. Secretary of Transportation, Pete Buttigieg; Secretary of State, Antony Blinken; Secretary of the Department of Homeland Security, Alejandro Mayorkas; Secretary of Education, Dr. Miguel A. Cardona; Secretary of Commerce, Gina M. Raimondo; Attorney General, Merrick Garland; and Commissioner of Food and Drug Administration, Robert Califf M.D.; Secretary of Labor, Marty Walsh; Deputy Secretary of Labor Julie Su, Secretary of Defense, Lloyd Austin III; and Vice President Kamala Harris

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**PETITION FOR WRIT OF QUO WARRANTO**

Submitted by Lisa McGee

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/s/ Kenneth W. Ferguson  
Kenneth W. Ferguson, Esq.

/s/ Todd S. Callender  
Todd S. Callender, Esq.

Attorneys for Petitioner

I.

**JURISDICTIONAL STATEMENT**

The US Attorney has jurisdiction over this petition pursuant to 28 U.S. Code § 1651 and D.C. Codes §16-3501 and §16-3503 as it seeks a writ of quo warranto from the Federal District Court for the District of Washington D.C., regarding individuals elected or appointed to an office of honor or profit in the civil or uniformed services. All conditions precedent are satisfied, waived, or otherwise deemed unnecessary to instigate this action.

## II.

### **RELIEF SOUGHT**

1. Pursuant to 28 U.S.C. §1651 and D.C. Codes §16–3501 and §16–3503, Petitioner, Lisa McGee (“McGee”), respectfully petitions the US Attorney for a writ of quo warranto regarding the legitimacy of authority of the following persons: Director of Center of Disease Control and Prevention and of Toxic Substances and Disease Registry, Rochelle Walensky (“Walensky”), U.S. Secretary of Treasury, Janet Yellen (“Yellen”), U.S. Secretary of Energy, Jennifer Granholm (“Granholm”), Food and Drug Administration, Principal Deputy Commissioner, Janet Woodcock (“Woodcock”), U.S. Secretary of Health and Human Services, Xavier Becerra, (“Becerra”), Transportation Secretary, Pete Buttigieg (“Buttigieg”), Secretary of State, Antony Blinken (“Blinken”); Secretary of the Department of Homeland Security, Alejandro Mayorkas (“Mayorkas”), Secretary of Education, Dr. Miguel A. Cardona (“Cardona”), Secretary of Commerce, Gina M. Raimondo (“Raimondo”), Department of Justice, Attorney General Merrick Garland (“Garland”), Commissioner of Food and Drug Administration, Robert M. Califf M.D., (“Califf”); Secretary of Labor, Marty Walsh (“Walsh”); Deputy Secretary

of Labor, Julie Su (“Su”); Secretary of Defense, Lloyd Austin III (“Austin”) and Vice President, Kamala Harris (“Harris”) (collectively, “Appointees”).

2. For those individuals who have failed or refused to produce an affidavit as required by 5 U.S. Code § 3332, demand that those persons provide the US Attorney and this Court with the compulsory affidavit within ten (10) days.

3. For those individuals who do not produce the 5 U.S. Code § 3332 affidavit within ten (10) days as described above; as well as, those who have admitted they do not possess the requisite affidavit and those who have produced defective affidavits:

- a. Immediately terminate their appointments or positions;
- b. Render all official acts, bills, laws, regulations, or any official actions whatsoever, including the appointment of any subordinates void ab initio and;
- c. Replace and restore all proper, former office holders until competent replacements can be lawfully appointed.

### III.

#### ISSUES PRESENTED

4. 5 U.S. Code § 3331 - Oath of office, states:

*An individual, except the President, elected or appointed to an office of honor or profit in the civil service or uniformed services, **shall** take the following oath: “I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.”*

5. Concordantly, 5 U.S. Code § 3332 - Officer affidavit; no consideration paid for appointment states:

*An officer, within 30 days after the effective date of his appointment, **shall file** with the oath of office required by section 3331 of this title **an affidavit** that neither he nor anyone acting in his behalf has given, transferred, promised, or paid any consideration for or in the expectation or hope of receiving assistance in securing the appointment.*

6. In order for any Affidavit, including an Affidavit in support of a person's Oath of Office, it must be sworn to which include specific provisions requiring allegiance to the Nation and office they hold in

support of the Nation which contains, inter alia, the following language from the form Appointment Affidavit, which states in relevant part:

A. OATH OF OFFICE

I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

B. AFFIDAVIT AS TO STRIKING AGAINST THE FEDERAL GOVERNMENT

I am not participating in any strike against the Government of the United States or any agency thereof, and I will not so participate while an employee of the Government of the United States or any agency thereof . . .<sup>1</sup>

7. In order to be effective as a sworn declaration, it must either be sworn before a notary public or sworn under penalty of perjury per 18 U.S. Code § 1746, which requires:

Wherever, under any law of the United States or under any rule, regulation, order, or requirement made pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed by him, as true under penalty of perjury, and dated, in substantially the following form:  
**(1)** If executed without the United States: “I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)”.

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<sup>1</sup> See: Standard Form 61, Revised August 2002; U.S. Office of Personnel Management; The Guide to Processing Personnel Actions

(2) If executed within the United States, its territories, possessions, or commonwealths: “I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date).  
(Signature)”

8. The issue before the US Attorney is straightforward: Petitioner has sought the required affidavits prescribed in 5 U.S. Code § 3332 from all appointees referenced via the Freedom of Information Act requests (“FOIA”); and *not one of the aforesaid appointees have produced a compliant affidavit consistent with the applicable statutes*. Either the affidavit(s) are nonexistent, wanting, defective or the appointee has failed or refuses to provide the mandated affidavit to hold their respective offices.

9. 5 U.S. Code § 3332 is nondiscretionary and mandatory; yet **none** of the aforementioned appointees have complied with or fulfilled their oath-obligation to hold their respective offices or appointments. For the reasons provided, Petitioner respectfully requests the US Attorney seek the Court to issue a writ of quo warranto and enforce the relief sought in Part II for the individuals referenced, as the legitimacy of each to hold their respective positions or offices are demonstrably in question.



#### IV.

#### STATEMENT OF FACTS

##### **Re: Rochelle Walensky (Centers for Disease Control & Toxicity)**

10. On February 2, 2023, Petitioner submitted a FOIA requesting a signed copy of the Director of the Centers for Disease Control's, Rochelle P. Walensky, Oath of Office. Petitioner received a response which included an incomplete copy of Walensky's Oath of Office. *See Exhibit A* for a composite of all communication exchanges along with the defective affidavit Oath of Office.

##### **Re: Janet Yellen (Secretary of Treasury)**

11. On February 1, 2023, Petitioner submitted a FOIA requesting a signed copy of Secretary of Treasury, Janet Yellen's Oath of Office. On February 2, 2023, Petitioner received a letter stating a search is not expected to yield the records requested because Yellen did not sign an Oath of Office (emphasis added). To date, the mandatory 5 U.S. Code § 3332 affidavit has not been produced. *See Exhibit B* for all communications exchanges.

**Re: Secretary Jennifer Granholm (Dept. of Energy)**

12. In February 2023, Petitioner submitted a FOIA requesting a signed copy of Secretary of Energy Jennifer Granholm's Oath of Office affidavit. After several email exchanges, Petitioner was directed to a third-party vendor to handle her request. A link was provided to Granholm's public, oral Oath of Office; however, to date, the requisite 5 U.S. Code § 3332 affidavit has never been produced. See **Exhibit C** for all communication exchanges.

**Re: Xavier Becerra (Health and Human Services)**

13. On February 2, 2023, Petitioner submitted a FOIA requesting a signed copy of Secretary of Health and Human Services Xavier Becerra's Oath of Office. To date, Petitioner has yet to receive a signed copy of Becerra's mandatory 5 U.S. Code § 3332 Oath of Office affidavit. See **Exhibit D** for all communication exchanges.

**Re: Secretary Pete Buttigieg (Dept. of Transportation)**

14. On February 21, 2023, Petitioner submitted a FOIA requesting a signed copy of Secretary of Transportation Pete Buttigieg's Oath of Office. On March 15, 2021, Petitioner received a letter from the Dept. of Transportation which unequivocally stated that Buttigieg *does not* have

a signed Oath of Office affidavit. In lieu of providing the requisite 5 U.S. Code § 3332 affidavit, a YouTube link was provided presumably to demonstrate his public, oral Oath of Office which is insufficient. To date, Petitioner has yet to receive a signed copy of Buttigieg’s 5 U.S. Code § 3332 Oath of Office. *See Exhibit E* for all communication exchanges.

**Re: Secretary Alejandro Mayorkas (Dept. of Homeland Security)**

15. On February 2, 2023, Petitioner submitted a FOIA requesting a signed copy of Secretary of Homeland Security, Alejandro Mayorkas’ Oath of Office. On March 7, 2023, Petitioner received a letter stating that there were delays in response to her request. To date, Petitioner has yet to receive a signed copy of Mayorkas’ 5 U.S. Code § 3332 Oath of Office affidavit. *See Exhibit F* for all communication exchanges.

**Re: Secretary Miguel Cardona’s (Dept. of Education)**

16. On February 2, 2023, Petitioner submitted a FOIA requesting a signed copy of Secretary of Education, Dr. Miguel A. Cardona’s Oath of Office. After a labyrinth of emails instructing Petitioner to go to various portals with different logins; the final “summary” for her FOIA stated that her request is closed. In short, Petitioner did not receive any documents notwithstanding the “portals” she set up; and the agency

ultimately closed her request. To date, Petitioner has yet to receive a signed copy of Cardona's 5 U.S. Code § 3332 Oath of Office affidavit. *See Exhibit G* for all communication exchanges and PDF document relating to the faulty, portal system referenced herein.

**Re: Secretary Antony Blinken (Secretary of State)**

17. On December 30, 2022, Petitioner submitted a FOIA requesting a signed copy of Secretary of State, Antony Blinken's Oath of Office. After no response, Petitioner subsequently followed up with another written request and to date, Petitioner has yet to receive a signed copy of Blinken's 5 U.S. Code § 3332 Oath of Office. *See Exhibit H* for all communication exchanges.

**Re: Secretary Gina Raimondo (Secretary of Commerce)**

18. On February 2, 2023, Petitioner submitted a FOIA requesting a signed copy of Secretary of Commerce, Gina Raimondo's Oath of Office. Later that day, Petitioner received an email confirming her submission. There has been no follow up from their office; and Petitioner has yet to receive a signed copy of 5 U.S. Code § 3332 Raimondo's Oath of Office. *See Exhibit I* for all communication exchanges.

**Re: Commissioner Robert M. Califf, M.D. and Deputy  
Commissioner Janet Woodcock (Food and Drug Administration)**

19. On February 3, 2023, Petitioner submitted a FOIA requesting a signed copy of both the Commissioners' of Food and Drug Administration (FDA) Robert M Califf, MD and FDA Principal Deputy Commissioner's, Janet Woodcock Oaths of Office. Petitioner received two separate letters describing "unusual circumstances" in providing copies of the requisite Oaths' of Office. To date, Petitioner has not received the mandatory affidavits as required by 5 U.S. Code § 3332 from either Robert Califf or Janet Woodcock. *See Exhibit J* for all communication exchanges.

**Re: Secretary Marty Walsh and Acting  
Deputy Labor Secretary Julie Su (Secretary of Labor)**

20. On March 21, 2023, Petitioner submitted a FOIA requesting a signed copy of the former Secretary of Labor's, Marty Walsh (during the time he served) and acting Deputy Labor's, Secretary Julie Su, Oaths of Office. Days later, Petitioner received an email from the Dept. of Labor stating they would need more time due to backlog requests. To date, Petitioner has not received the mandatory affidavits as required by 5 U.S. Code § 3332 from either Marty Walsh or Julie Su. *See Exhibit K* for all communication exchanges

**Re: Attorney General Merrick Garland's Oath of Office**

21. On March 17, 2023, Petitioner submitted a FOIA requesting a signed copy of Attorney General Merrick Garland's Oath of Office. On March 20, 2023, Petitioner received a letter which provided a link to Garland's Oath; however, the affidavit provided was incomplete. To date, a compliant 5 U.S. Code § 3332 affidavit from Garland has yet to be produced. See **Exhibit L** for all communications and affidavit referenced.

**Re: Secretary Lloyd Austin (Dept. of Defense)**

22. On July 25, 2022, Petitioner submitted a FOIA request seeking a signed copy of Secretary of Defense, Lloyd Austin's III Oath of Office. On July 27, 2022, Petitioner received a response from the OSD/JS FOIA office stating, "Although we have already begun processing your request, we will not be able to respond within the FOIA's 20-day statutory time period *as there are unusual circumstances which impact our ability to quickly process your request.*" The 20-day statutory time period has transcended into several months; and the consistent pattern of response has been that Austin's Oath of Office cannot be not located. Finally, on March 27, 2023, Petitioner received a final response which included a deficient copy of Secretary of Defense Lloyd Austin III's Oath of Office.

See **Exhibit M** for all communication exchanges; as well as, the deficient copy of Austin's Oath of Office.

**Re: Kamala Harris (Vice President)**

23. In early March, Petitioner submitted a FOIA requesting a signed copy of Vice President Kamala Harris' affidavit and has never received a response from her office. To date, Vice President Kamala Harris has not produced the mandatory affidavits as required by 5 U.S. Code § 3332.

**Summations**

24. In summary of the foregoing and for ease of reference per below, Petitioner sought the production of the compulsory affidavits that evidence each Officers' allegiance to the Constitution and commitment that all official acts conducted by them could potentially subject them to Treason for failure of adherence.<sup>2</sup> The FOIA responses (or lack thereof) are listed below categorized by their noncompliance or defects:

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<sup>2</sup> Tucker's Blackstone Vol. 1 Appendix Note B [Section 3] 1803 - If in a limited government the public functionaries exceed the limits which the constitution prescribes to their powers, every such act is an act of usurpation in the government, and, as such, treason against the sovereignty of the people.

Have Not Timely Responded

25. Alejandro Mayorkas – Failed to respond.

26. Xavier Becerra – Failed to respond.

27. Dr. Miguel A. Cardona – Failed to respond.

28. Gina M. Raimondo – Failed to respond.

29. Marty Walsh and Julie Su – Failed to respond

30. Kamala Harris – Failed to respond.

31. Antony Blinken – Two letters were received; the latest of which has sought more time<sup>3</sup>.

32. Janet Yellen – Responded with official letter stating that she *does not* have a Signed and Notarized Oath of Office.

33. Pete Buttigieg – Responded with official letter stating that he *does not* have a Signed and Notarized Oath of Office.

34. Jennifer Granholm – Exchange of communications with a third-party contractor handling Granholm’s FOIA stating they are almost certain that she *does not* have a Signed and Notarized Oath of Office.

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<sup>3</sup> Petitioner submits that requesting so much additional time to find a simple, compulsory affidavit amounts to a failure to produce.



35. Robert M. Califf M.D. and Janet Woodcock – Contends they are exempted under 5 USC 552(b) and the foreseeable harm standard in 5 USC 552(a)(8)(i).

Defective Affidavit

36. Rochelle P. Walensky – Received letter and affidavit, however, Walensky fails to specify which position she was appointed; and is not properly notarized or sworn.

37. Merrick Garland – An affidavit was produced; however, Garland fails to specify the date when he was appointed; and is not properly notarized or sworn.

38. Lloyd Austin III – An affidavit was produced; however, the document is not properly notarized or sworn.

## V.

### REASONS THE WRIT SHOULD ISSUE

A petition for quo warranto is an appropriate method of determining whether a person is eligible to the office or position to which the individual was appointed or elected. *Newman v. U.S. of Am. ex rel. Frizzell*, 238 U.S. 537, 544–46 (1915). The purpose of bringing a writ of quo warranto is to correct an improper appointment or election; and ultimately to achieve the ouster of the person who is illegally occupying a public office. *Ames v. State of Kansas*, 111 U.S. 449, 4 S. Ct. 437, 28 L. Ed. 482 (1884). Stated differently, it is used to question the authority of an individual asserting a right and title to a public office or appointment; and intended to prevent or challenge the exercise of those powers that are not conferred by law. *Sibley v. Obama*, 866 F. Supp. 2d 17 (D.D.C. 2012), *aff'd*, 2012 WL 6603088 (D.C. Cir. 2012); *Sierra Club v. Castle & Cooke Homes Hawaii, Inc.*, 132 Haw. 184, 320 P.3d 849 (2013).

The United States Constitution is clear that:

No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, ***who, having previously taken an oath***, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or

as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof.<sup>4</sup>

U.S. Const. amend. XIV, § 3. This necessarily implies that oaths must be taken as required by 5 U.S. Code § 3331:

*An individual, except the President, elected or appointed to an office of honor or profit in the civil service or uniformed services, **shall** take the following oath: "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic...*

and 5 U.S. Code § 3332:

*An officer, within 30 days after the effective date of his appointment, **shall file** with the oath of office required by section 3331 of this title **an affidavit** that neither he nor anyone acting in his behalf has given, transferred, promised, or paid any consideration for or in the expectation or hope of receiving assistance in securing the appointment.*

U.S. Codes § 3331 and § 3332 are unambiguous: "An individual, except the President, elected or appointed to an office of honor or profit

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<sup>4</sup> By longstanding tradition and standard, on or about noon of the day the president-elect takes office, they recite the following oath, in accordance with Article II, Section I of the U.S. Constitution:

"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

in the civil service or uniformed services, **shall** take the following oath...” [and] “An officer, within 30 days after the effective date of his appointment, **shall** file with the oath of office required by section 3331 of this title an affidavit...” Precedence clearly shows that the use of the word “shall” in a statute creates a mandatory duty. *See e.g., Appalachian Voices v. McCarthy*, 989 F. Supp. 2d 30, 54 (D.D.C. 2013); *See also Kingdomware Techs., Inc. v. United States*, 579 U.S. 162, 171–72, 136 S. Ct. 1969, 1977, 195 L. Ed. 2d 334 (2016) (“Unlike the word ‘may’, which implies discretion, the word ‘shall’ usually connotes a requirement. Compare *Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26, 35, 118 S.Ct. 956, 140 L.Ed.2d 62 (1998) (recognizing that “‘shall’ is ‘mandatory’ and normally creates an obligation impervious to judicial discretion.”))

Simply put: none of the individuals referenced in this petition have satisfied their Constitutional obligations or have adhered to 5 U.S. Code § 3332 thereby nullifying, or at a minimum, calls into question the legitimacy of their appointments or positions. Since not one of the appointees referenced have produced a compliant, mandatory Oath of Office affidavit, it follows that the Petitioner has established a prima

facie case for the issuance of a writ of quo warranto based upon the FOIA requests and the individuals' responses to same. In turn, the burden now shifts to the respondent-appointees to prove Petitioner otherwise; and to produce the affidavits as required by law. *See e.g., Ford v. Leithead-Todd*, 139 Haw. 129, 384 P.3d 905 (Ct. App. 2016); *People ex rel. Lacey v. Robles*, 44 Cal. App. 5th 804, 258 Cal. Rptr. 3d 97 (2d Dist. 2020).

### CONCLUSION

Indeed, while writs are extraordinary remedies, this petition has demonstrated that there are uncontroverted, substantial pertinent facts that show the Petitioner is entitled to the requested relief; and a peremptory writ of quo warranto ought to be sought and issued along with the relief requested in Part II.

Respectfully Submitted,

**Ferguson Law, P.A.**

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*/s/ Kenneth W. Ferguson*  
Kenneth W. Ferguson, Esq.  
Florida Bar No.: 98950

*Attorney for Petitioner*

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E: Todd@dradvocates.com

*/s/ Todd S. Callender*  
Todd S. Callender, Esq.  
Colorado Bar No.: 25981

*Attorney for Petitioner*

## **CERTIFICATE OF COMPLIANCE**

The foregoing filing complies with the relevant type-volume limitation of the Federal Rules of Civil Procedure because the filing has been prepared using a proportionally-spaced typeface and includes 3727 words and is less than 30 pages.

DATED: April 12, 2023

**Ferguson Law, P.A.**

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/s/ Todd S. Callender  
Todd S. Callender, Esq.  
Colorado Bar No.: 25981

# EXHIBIT A



### Your CDC FOIA Request #23-00647-FOIA

You forwarded this message on Fri 2/3/2023 11:35 AM

qvr6@cdc.gov  
To: You

Thu 2/2/2023 12:10 PM

23-00647 Record.pdf  
35 KB

Final Response Full Grant.pdf  
105 KB

2 attachments (141 KB) Save all to OneDrive Download all

February 2, 2023

Request Number: 23-00647-FOIA

Dear Ms. McGee:

This is regarding your Freedom of Information Act (FOIA) request of February 2, 2023, for Hello, I am requesting the Oath of Office for Rochelle P. Walensky, MD, MPH, the Director of the Centers for Disease Control and Prevention and the Administrator of the Agency for Toxic Substances and Disease Registry. ALL public officials are legally required to have an Oath of Office readily available to provide.

Please see the attached letter.

Sincerely,  
CDC/ATSDR FOIA Office  
770-488-6399





Centers for Disease Control  
and Prevention (CDC)  
Atlanta GA 30333

February 2, 2023

Lisa McGee  
2009 South Williams Street  
Denver, Colorado 80210  
Via email: mcgeelisa@hotmail.com

Dear Ms. McGee:

This letter is our final response to your Centers for Disease Control and Prevention and Agency for Toxic Substances and Disease Registry (CDC/ATSDR) Freedom of Information Act (FOIA) request of February 2, 2023, assigned #23-00647-FOIA, attached.

We located 1 record responsive to your request. After a careful review of these pages, no information was withheld from release.

If you need any further assistance or would like to discuss any aspect of the records provided please contact either our FOIA Requester Service Center at 770-488-6399 or our FOIA Public Liaison at 770-488-6246.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger Andoh".

Roger Andoh  
CDC/ATSDR FOIA Officer  
Office of the Chief Operating Officer  
(770) 488-6399  
Fax: (404) 235-1852

23-00647-FOIA

# APPOINTMENT AFFIDAVITS

Senior Advisor

(Position to which Appointed)

01/20/2021

(Date Appointed)

Health and Human Services

(Department or Agency)

CDC

(Bureau or Division)

Washington, DC

(Place of Employment)

I, Rochelle Paula Walensky, do solemnly swear (or affirm) that—

## A. OATH OF OFFICE

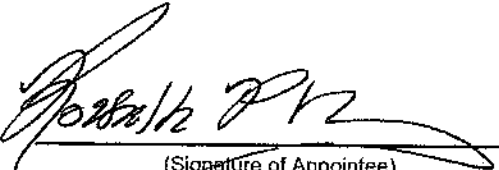
I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

## B. AFFIDAVIT AS TO STRIKING AGAINST THE FEDERAL GOVERNMENT

I am not participating in any strike against the Government of the United States or any agency thereof, and I will not so participate while an employee of the Government of the United States or any agency thereof.

## C. AFFIDAVIT AS TO THE PURCHASE AND SALE OF OFFICE

I have not, nor has anyone acting in my behalf, given, transferred, promised or paid any consideration for or in expectation or hope of receiving assistance in securing this appointment.

  
(Signature of Appointee)

Subscribed and sworn (or affirmed) before me this 20 day of January, 2021

at Washington

(City)

District of Columbia

(State)

  
(Signature of Officer)

(Signature of Officer)

(SEAL)

Commission expires \_\_\_\_\_

(If by a Notary Public, the date of his/her Commission should be shown)

Director, Executive Resources Div, OHR

(Title)

Note - If the appointee objects to the form of the oath on religious grounds, certain modifications may be permitted pursuant to the Religious Freedom Restoration Act. Please contact your agency's legal counsel for advice.

# **EXHIBIT B**



DEPARTMENT OF THE TREASURY  
WASHINGTON, D.C.

02/02/2023

Ms. Lisa McGee  
2009 South Williams St.  
Denver, CO 80210

email: mcgeelisa@hotmail.com

RE: Your FOIA Request to Treasury, Case Number 2023-FOIA-00222

Dear Ms. McGee:

This is the acknowledgment and final response to your Freedom of Information Act (FOIA) request to the U.S. Department of the Treasury, dated 02/01/2023. Your request is outlined as follows:

Hello, I am requesting a copy of Secretary of the Treasury Janet Yellen's Oath of Office. ALL public officials are legally required to have an Oath of Office readily available to provide."

Your request has been processed under the provisions of the FOIA, 5 U.S.C. § 552. A search within Treasury is not expected to locate the records you have requested because, Secretary Janet Yellen was publicly sworn into the Office of the Secretary of the Treasury by Vice President Harris on January 26, 2021, and did not sign an Oath of Office. The White House live-streamed video of Secretary Yellen's swearing-in to their YouTube page at [https://m.youtube.com/watch?v=jw1\\_00uI02U](https://m.youtube.com/watch?v=jw1_00uI02U). Treasury did not capture any video of this event, as the event was at the White House.

There are no fees assessed at this time since allowable charges fell below \$25.

You have the right to appeal this decision within 90 days from the date of this letter. By filing an appeal, you preserve your rights under FOIA and give the agency a chance to review and reconsider your request and the agency's decision. Your appeal must be in writing, signed by you or your representative, and should contain the rationale for your appeal. Please also cite the FOIA reference number noted above. Your appeal should be addressed to:

FOIA Appeal  
FOIA and Transparency  
Office of Privacy, Transparency, and Records  
Department of the Treasury  
1500 Pennsylvania Ave., N.W.  
Washington, D.C. 20220

If you submit your appeal by mail, clearly mark the letter and the envelope with the words “Freedom of Information Act Appeal.” Your appeal must be postmarked or electronically transmitted within 90 days from the date of this letter.

If you would like to discuss this response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact our FOIA Public Liaison for assistance via email at [FOIAPL@treasury.gov](mailto:FOIAPL@treasury.gov), or via phone at (202) 622-8098. A FOIA Public Liaison is a supervisory official to whom FOIA requesters can raise questions or concerns about the agency’s FOIA process. FOIA Public Liaisons can explain agency records, suggest agency offices that may have responsive records, provide an estimated date of completion, and discuss how to reformulate and/or reduce the scope of requests in order to minimize fees and expedite processing time.

If the FOIA Public Liaison is unable to satisfactorily resolve your question or concern, the Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and federal agencies as a non-exclusive alternative to litigation. If you wish to contact OGIS, you may contact the agency directly by email at [OGIS@nara.gov](mailto:OGIS@nara.gov), by phone at (877) 684-6448, by fax at (202) 741-5769 or by mail at the address below:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road – OGIS  
College Park, MD 20740-6001

Please note that contacting any agency official (including the FOIA analyst, FOIA Requester Service Center, FOIA Public Liaison) and/or OGIS is not an alternative to filing an administrative appeal and does not stop the 90-day appeal clock.

You may reach me by phone at (202) 622-0930, extension 2; or by e-mail at [FOIA@treasury.gov](mailto:FOIA@treasury.gov). Please reference FOIA case number 2023-FOIA-00222 when contacting our office about this request.

Sincerely,

Cawana Pearson  
FOIA and Transparency  
Office of Privacy, Transparency, and Records  
U.S. Department of the Treasury

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## Your Request to Treasury 2023-FOIA-00222



FOIA@treasury.gov  
To: You

Thu 2/2/2023 8:48 AM

No Records Response.pdf  
76 KB

Good afternoon,

Please find the Department of the Treasury's response to your Freedom of Information Act request 2023-FOIA-00222, attached.

The FOIA Requester Service Center can be reached at [FOIA@treasury.gov](mailto:FOIA@treasury.gov). Please reference FOIA case number 2023-FOIA-00222 when contacting our office about this request if any questions arise.

Sincerely,

Department of the Treasury

Reply Forward

# EXHIBIT C

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Re: HQ-2023-00508-F Fee Agreement to Requester



**From:** Dorcelus, Theresa (CONTR) <theresa.dorcelus@hq.doe.gov>

**Sent:** Thursday, February 16, 2023 10:31 AM

**To:** mcgeelisa@hotmail.com <mcgeelisa@hotmail.com>

**Cc:** Harris, Renee (CONTR) <renee.harris@hq.doe.gov>; Hayes, Richard (CONTR) <richard.hayes@hq.doe.gov>

**Subject:** HQ-2023-00508-F Fee Agreement to Requester

Dear Ms. Lisa McGee,

I am the **FOIA** Analyst assigned to continue with your request. The **FOIA** generally requires that requestors pay fees for processing their requests. The **FOIA** generally requires a nominal fee that could be \$15, \$25 for processing. If the processing does not exceed the amount you agree to pay, you will be charged that exact amount. If costs are expected to exceed the agreed upon amount, we will contact you for a fee agreement to pay the amount we expect processing will cost.

Your **FOIA** request should address your willingness to pay fees, offering a limit, or request a waiver of fee. All issues concerning fees associated with the processing of your request must be resolved before the processing of your request can begin.

If you have any questions or concerns, feel free to reach out to me anytime.

Best,

Theresa Dorcelus  
FOIA Analyst II  
Wits Solutions Inc. – Contractor  
U.S. Department of Energy **FOIA** Office  
1000 Independence Ave. SW  
Washington DC 20585  
[Theresa.Dorcelus@hq.doe.gov](mailto:Theresa.Dorcelus@hq.doe.gov)

Best,

Theresa Dorcelus  
FOIA Analyst II  
Wits Solutions Inc. – Contractor  
U.S. Department of Energy **FOIA** Office  
1000 Independence Ave. SW  
Washington DC 20585  
[Theresa.Dorcelus@hq.doe.gov](mailto:Theresa.Dorcelus@hq.doe.gov)



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Re: HQ-2023-00508-F Fee Agreement to Requester

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Thu 2/16/2023 11:27 AM

LM

Lisa McGee

To: Dorcelus, Theresa (CONTR)

Cc: Harris, Renee (CONTR); Hayes, Richard (CONTR)

Ms. Dorcelus,

Thank you for reaching out. I have requested a copy of the Secretary of Energy, Jennifer M. **Granholtm** Oath of Office. A written, notarized Oath of Office is a legal requirement for ALL public officials; and it should be easily attainable, more importantly - Sec of Energy's **Granholtm** Oath of Office should be readily available, and free of any financial charge in providing via a **FOIA** request to an American Citizen. Please provide a logical and legal explanation as to the delay, as well as the need to charge me for a legally required document.

Secretary of Energy **Granholtm** was supposedly sworn in (see below), to legally compile, there would be a signed and notarized copy of her Oath of Office available to provide - it is a Constitutional Law. Your email is quite concerning, the proper response and action would be for the Department of Energy to promptly and proudly provide Ms. **Granholtm**'s Oath of Office.

"WASHINGTON, D.C. – Jennifer M. **Granholtm** was sworn in today as the 16th Secretary of Energy by Vice President Kamala Harris, following a broad bipartisan confirmation vote of 64-35 in the United States Senate. Secretary **Granholtm** is only the second woman to lead the U.S. Department of Energy (DOE)."

<https://www.energy.gov/articles/jennifer-m-granholtm-sworn-16th-secretary-energy>

Thank you,

Lisa McGee



Lisa McGee

To: Dorcelus, Theresa (CONTR)

Cc: Harris, Renee (CONTR); Hayes, Richard (CONTR)

Thu 2/16/2023 3:46 PM



Ms. Dorcelus,

As the FOIA Analyst II was assigned to assist with my FOIA request, it is my understanding that your position, as well as your employer, requires you to be an attorney. "Wits Solutions Inc. FOIA Analyst II (Must be an Attorney)" Please provide prove of your status as a registered attorney. As well as the positions of the Renee Harris, and Richard Hayes, who are included on these emails.

Thank you,  
Lisa



Delete



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Report



Reply



Re: HQ-2023-00508-F Link to Requester

On Feb 24, 2023, at 2:35 PM, Dorcelus, Theresa (CONTR) <theresa.dorcelus@hq.doe.gov> wrote:

Lisa,

We found a link to the oath of office video and transcript here at this site: [Energy Secretary Jennifer Granholm Swearing-In Ceremony | C-SPAN.org](#). Is this what you were looking for pertaining to this request?

Best,

Theresa Dorcelus

FOIA Analyst

Wits Solutions Inc. – Contractor

U.S. Department of Energy **FOIA** Office

1000 Independence Ave. SW

Washington DC 20585

[Theresa.Dorcelus@hq.doe.gov](mailto:Theresa.Dorcelus@hq.doe.gov)

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Re: HQ-2023-00508-F Link to Requester

 LM Lisa McGee

To: Dorcelus, Theresa (CONTR)

Cc: Hayes, Richard (CONTR); Harris, Renee (CONTR)

Fri 2/24/2023 3:13 PM

Ms. Dorcelus -

Hello, thank you for your response, and for providing the link; however, this is not what I requested, nor is it a legally valid Oath of Office. Within 30 days of an appointment to public office, ALL public officials are legally required to have a signed and notarized copy of their Oath of Office. It is to be on file with their office. As well as filed with the Secretary of State's office. Please provide a copy of her signed and notarized Oath of Office.

Please provide a copy of your legal credentials; all **FOIA** Analysts are required to be a licensed attorney.

Thank you,  
Lisa McGee

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HQ-2023-00508-F Meeting w/Requester

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**DT** Dorcelus, Theresa (CONTR) <theresa.dorcelus@hq.doe.gov>

To: You

Cc: Hayes, Richard (CONTR); Harris, Renee (CONTR)

Mon 2/27/2023 1:04 PM

Ms. McGee,

I would like to schedule a call with you regarding this request. Are you available this week on Tuesday afternoon, Wednesday afternoon or Thursday Afternoon between 1 and 4pm?

Best,

Theresa Dorcelus

FOIA Analyst

Wits Solutions Inc. – Contractor

U.S. Department of Energy **FOIA** Office

1000 Independence Ave. SW

Washington DC 20585

[Theresa.Dorcelus@hq.doe.gov](mailto:Theresa.Dorcelus@hq.doe.gov)

Reply

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RE: HQ-2023-00508-F Meeting w/Requester

**HR** Harris, Renee (CONTR) <renee.harris@hq.doe.gov>

To: You; Dorcelus, Theresa (CONTR)

Cc: Hayes, Richard (CONTR)

     
Wed 3/1/2023 8:16 AM

Ms. Mcgee,

I am the supervisor of Ms. Dorcelus and Mr. Hayes, either I or Mr. Hayes will be on the call along with Ms. Dorcelus, to discuss this request and **FOIA** processing at DOE so you can better understand some of the information Ms. Dorcelus has been providing you. You may also receive a response in the interim for this request.

The credentials provided are in the signature line, we all function as **FOIA** Analysts with DOE Freedom of Information Office under the **FOIA** Officer.

Hopefully, the call can be enlightening for you so that we can get you a response on this as soon as possible.

Thank you for allowing us to assist you in this matter.

Best regards,

Renee M. Harris, Esq.  
Program Manager  
Wits Solutions Inc. – Contractor  
U.S. Department of Energy **FOIA** Office  
1000 Independence Ave. SW  
Washington DC 20585

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Re: HQ-2023-00508-F Meeting w/Requester



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LM Lisa McGee  
To: Harris, Renee (CONTR); Dorcelus, Theresa (CONTR)

Wed 3/1/2023 9:57 AM

Cc: Hayes, Richard (CONTR)

Ms. Harris,

Thank you for your response, and for providing your credentials. I have requested those of Ms. Dorcelus and Mr. Hayes as well. Your verbal confirmation is not a substitute, nor affirmation to their individual credentials; and I expect to have both before a call takes place. Another observation, it would be professionally appropriate for all who respond to spell my name correctly - my last name is McGee.

I fully understand the information Ms. Dorcelus is providing; as I stated to her, the YouTube link she provided is not what I requested. My **FOIA** request is for a **signed and notarized copy of Secretary of Energy, Jennifer Granholm's Oath of Office.**

Please note, the excuses that continue to come from the **FOIA** department, and recently from the handful of analysts from Wit Solutions Inc, have been consistent for quite some time now, and there is no legal excuse for the delays. More importantly, there are no substitutes for the United States Constitution requirements pertain to signed and notarized Oaths of Office. In fact, I would expect, as most American citizens, that Ms. Granholm, and the Dept. of Energy would not only proudly, but properly be able and willing to provide a copy of her signed and notarized Oath of Office.

Again, there are no exceptions, exemptions, or substitutes regarding Oaths of Office of ALL public officials

Thank you,  
Lisa McGee

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RE: HQ-2023-00508-F Meeting w/Requester



**DT** Dorcelus, Theresa (CONTR) <theresa.dorcelus@hq.doe.gov>

To: You; Harris, Renee (CONTR)

Cc: Hayes, Richard (CONTR)

Thu 3/2/2023 11:29 AM

I look forward to speaking with you today. Please see the information below for a teams call today 3:30pm.

## Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 238 475 199 677

Passcode: Nyeaxy

[Download Teams](#) | [Join on the web](#)

**Or call in (audio only)**

[+1 443-457-0649](#), [6492179966#](#) United States, Baltimore

Phone Conference ID: 649 217 9966#

[Find a local number](#) | [Reset PIN](#)

[Learn More](#) | [Meeting options](#)

Best,

Theresa D.





Lisa McGee

To: Dorcelus, Theresa (C... **+1 other**

Cc: Hayes, Richard (CONTR)

Thu 3/2/2023 11:41 AM

Ms. Dorcelus,

The phone call will take place once I have your credentials, as well as Mr. Hayes. I have made this very clear, and it is a valid and reasonable request.

Thank you,  
Lisa McGee

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RE: HQ-2023-00508-F Meeting w/Requester



Harris, Renee (CONTR) <renee.harris@hq.doe.gov>

To: You; Dorcelus, Theresa (CONTR)

Thu 3/2/2023 11:55 AM

Cc: Hayes, Richard (CONTR)

Ma'am There are no credentials to provide. You wrote in a request to the Dept of Energy for information through the FOIA process. The phone call is for your benefit.

If you don't want to take the call, we can cancel call and proceed with communications via email.

**From:** Lisa McGee <mcgeelisa@hotmail.com>

**Sent:** Thursday, March 2, 2023 1:42 PM

 Delete  Archive  Report  Reply     ...

Re: HQ-2023-00508-F Meeting w/Requester

**From:** Lisa McGee <mcgeelisa@hotmail.com>

**Sent:** Thursday, March 2, 2023 1:03 PM

**To:** Harris, Renee (CONTR) <renee.harris@hq.doe.gov>; Dorcelus, Theresa (CONTR) <theresa.dorcelus@hq.doe.gov>

**Cc:** Hayes, Richard (CONTR) <richard.hayes@hq.doe.gov>

**Subject:** Re: HQ-2023-00508-F Meeting w/Requester

Hello all -

Ms. Harris, the three of you are not employed by the Dept. of Energy, nor the United States Government; you are contractors from a third-party vendor. Additionally, based on your employer, Wit Solutions, Inc. FOIA Analysts II are required to be attorneys. All three of you have credentials; my concern is that they are not the legally required ones. If you aren't qualified, it is best just to provide that. And based on the push back to provide, and even acknowledge my requests for such, this is most likely the case.

Please provide a logical explanation as to how a phone call is beneficial regarding my request for a signed and notarized copy of the Secretary of Energy's Oath of Office. What would be **beneficial** for all involved would be to just simply provide the required copy.

I will advise my attorney regarding participation in a phone call and will follow up.

Thank you,

Lisa

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Re: HQ-2023-00508-F Meeting w/Requester



Lisa McGee

To: Harris, Renee (CONTR); Dorcelus, Theresa (CONTR)

Cc: Hayes, Richard (CONTR)

Mon 3/13/2023 2:18 PM

Hello all,

I would like to schedule a phone call regarding my FOIA request. Due to the unwillingness in providing credentials, I will be reaching out to alternative departments within the Dept of Energy. The very obvious, and consistent "push back" to provide is not both unprofessional, it is alarmingly inappropriate. The best time for a call is the afternoon, please provide some dates and times that work this week.

FYI: Found the below; employees with third party vendor, Wit Solution, Inc, and contractors for Dept. of Energy. I assume this is Renee Harris and Richard Hayes that are included on the emails. This information could have easily been provided. As I stated, I will inquire elsewhere confirmation.

<https://www.zoominfo.com/p/Renee-Harris/1553092914>

<https://www.linkedin.com/in/richard-hayes-esq>

**\*FOIA Analyst I, Wits Solutions Inc., Washington, DC**

Wits Solutions Inc. (WITS) is an SBA certified 8(a) company with headquarters in the metropolitan Washington D.C. area. Minimum 3 years of experience required

Provides processing and internal/external consulting services in support of MA-90's administration of the FOIA/PA.

**\*\*Must possess a Juris Doctorate**

<https://www.ziprecruiter.com/c/Wits-Solutions-Inc/job/FOIA-Analyst-I/-in-Washington,DC?jid=39dd19f13a4138c5>

Thank you,  
Lisa McGee

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HQ-2022-00508-F Interim letter



**DT** Dorcelus, Theresa (CONTR) <theresa.dorcelus@hq.doe.gov>

To: You

Cc: Harris, Renee (CONTR); Hayes, Richard (CONTR); Morris, Alexander



Tue 3/14/2023 1:59 PM

HQ-2022-00508-F Interim Letter a...  
288 KB

Lisa,

Please see your interim letter attached.

Best,

Theresa Dorcelus  
FOIA Analyst  
Wits Solutions Inc. – Contractor  
U.S. Department of Energy **FOIA** Office  
1000 Independence Ave. SW  
Washington DC 20585  
[Theresa.Dorcelus@hq.doe.gov](mailto:Theresa.Dorcelus@hq.doe.gov)

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RE: HQ-2022-00508-F Interim letter



Morris, Alexander <alexander.morris@hq.doe.gov>

To: You; Dorcelus, Theresa (CONTR)

Cc: Harris, Renee (CONTR); Hayes, Richard (CONTR)

Wed 3/15/2023 5:16 AM



Good morning Ms. McGee,

Ms. Harris, Mr. Hayes and Ms. Dorcelus work for me in the **FOIA** Office. We have assigned your request to an office to search for the document you requested. We should be providing a response soon.

I appreciate the opportunity to assist you with this matter.

v/r

Alex Morris  
FOIA Officer  
Department of Energy

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Re: HQ-2022-00508-F Interim letter



 You replied on Thu 4/6/2023 11:01 AM



Lisa McGee

To: Morris, Alexander

Cc: Dorcelus, Theresa (CONTR); Harris, Renee (CONTR); Hayes, Richard (CONTR)

Thu 4/6/2023 10:52 AM



Correction: Mr. Morris and all,

Let's be clear, Ms. Harris, Mr. Hayes, and Ms. Dorcelus are employed by Wit Solutions, Inc. which is a third-party vendor with whom the Department of Energy has a contract. They are not employed by the United States Government, nor the Department of Energy. As I have already stated, the refusal to provide their credentials, at the very least, to recognize their lack of required credentials is both unprofessional, and inappropriate, and most likely a legal violation.

Most concerning is the blatant inability to provide a signed and notarized copy of the Secretary of Energy, Jennifer Granholm's Oath of Office. As a reminder... this is a legal requirement for ALL public officials.

Thank you,  
Lisa McGee

# EXHIBIT D



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RE: HHS FOIA Acknowledgement Letter -- 2023-00411-FOIA-OS



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**From:** Sufian, Ruhma <[foiarequest@hhs.gov](mailto:foiarequest@hhs.gov)>  
**Sent:** Thursday, February 9, 2023 2:02 PM  
**To:** [mcgeelisa@hotmail.com](mailto:mcgeelisa@hotmail.com) <[mcgeelisa@hotmail.com](mailto:mcgeelisa@hotmail.com)>  
**Subject:** HHS FOIA Acknowledgement Letter -- 2023-00411-FOIA-OS

Dear Ms. McGee

Please see the attached Acknowledgement Letter in response to your FOIA Request submitted to the Department of Health and Human Services (HHS) via E-mail on February 2, 2023.

The letter contains important information concerning your FOIA matter which has been assigned tracking number **2023-00411-FOIA-OS**. For status updates or other inquiries, please contact our office via email at [FOIARquest@hhs.gov](mailto:FOIARquest@hhs.gov). *Please include your tracking number in the subject line of your inquiry,*

Sincerely,

OS FOIA Division Intake  
Assistant Secretary for Public Affairs (ASPA)  
Office of the Secretary (OS)  
U.S. Department of Health and Human Services (HHS)

 Reply

 Forward



Refer to: Request Number **2023-00411-FOIA-OS**

**February 9, 2023**

*Sent via email:*

Lisa McGee

**[mcgeelisa@hotmail.com](mailto:mcgeelisa@hotmail.com)**

Dear Ms. McGee:

This acknowledges receipt of your February 2, 2023, Freedom of Information Act (FOIA) request, submitted to the Department of Health and Human Services (HHS), FOI/Privacy Acts Division concerning “requesting a copy of Secretary of Department of Health and Human Services Xavier Becerra's Oath of Office. ALL public officials are legally required to have an Oath of Office readily available to provide.”. We received your request on February 2, 2023.

Because you seek records which require a search in another office, “unusual circumstances” apply to your request, automatically extending the time limit to respond to your request for ten additional days. See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii) (2012 & Supp. V. 2017). Further, we estimate needing more than 10 additional days to respond to your request and so, in the next paragraph of this letter we are offering you an opportunity to narrow your request, in case narrowing the request would enable us to respond to the request sooner. The actual time needed to process your request will depend on the complexity of our records search and on the volume and complexity of any material located. For your information, this Office assigns incoming requests to one of three tracks: simple, complex, or expedited. Each request is then handled on a first-in, first-out basis in relation to other requests in the same track. Our current workload is approximately 3000 cases.

Your request is assigned to the complex track. In an effort to speed up our records search, you may wish to narrow the scope of your request to limit the number of potentially responsive records or agree to an alternative time frame for processing, should records be located. You may also wish to await the completion of our records search to discuss either of these options.

I regret the necessity of this delay, but I assure you that your request will be processed as soon as possible. If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, you may contact the analyst handling your request, ASA-Assistant Secretary for Administration Queue at [ASAIO@hhs.gov](mailto:ASAIO@hhs.gov).

If you are not satisfied with any aspect of the processing and handling of this request, you have the right to seek dispute resolution services from:

HHS FOIA/PA Public Liaison  
FOI/Privacy Acts Division  
Assistant Secretary for Public Affairs (ASPA)  
Office of the Secretary (OS)  
U.S. Department of Health and Human Services (HHS)

Telephone: (202) 690-7453  
E-mail: [HHS\\_FOIA\\_Public\\_Liaison@hhs.gov](mailto:HHS_FOIA_Public_Liaison@hhs.gov)

and/or:

Office of Government Information Services  
National Archives and Records Administration  
Telephone: 202- 741-5770  
Toll-Free: 1-877-684-6448  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)

If you are not already submitting your requests through our Public Access Link (PAL), we recommend all future requests and appeals be submitted through PAL - <https://requests.publiclink.hhs.gov/>. Submitting requests through PAL automatically logs your requests into our tracking system and provides you with a tracking number. Your PAL account will allow you to track the progress of your request, receive your documents directly through the portal, and securely submit privacy-sensitive or business-sensitive documents.

Sincerely yours,



Arianne Perkins  
Director, Initial FOIA Requests  
FOI/Privacy Acts Division

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RE: HHS FOIA Acknowledgement Letter -- 2023-00411-FOIA-OS

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**From:** Lisa McGee <[mcgeelisa@hotmail.com](mailto:mcgeelisa@hotmail.com)>

**Sent:** Monday, February 13, 2023 7:37 PM

**To:** OS FOIA Request (HHS/ASPA) <[FOIARequest@hhs.gov](mailto:FOIARequest@hhs.gov)>

**Subject:** Re: HHS FOIA Acknowledgement Letter -- 2023-00411-FOIA-OS

To Whom it May Concern -

Please provide an explanation for the "unusual circumstance" in dealing with my FOIA For Secretary of Health and Human Services, Xavier Becerra. He is the Secretary of the Department where my request was made.

Thank you,  
Lisa McGee

---

## Fw: HHS FOIA Acknowledgement Letter -- 2023-00411-FOIA-OS



Lisa McGee &lt;mcgeelisa@hotmail.com&gt;

Today, 3:39 PM

Lisa McGee ▾

Reply all | ▾

Inbox

---

**From:** Sufian, Ruhma (OS/ASPA) (CTR) <Ruhma.Sufian@hhs.gov>  
**Sent:** Thursday, February 16, 2023 11:14 AM  
**To:** mcgeelisa@hotmail.com <mcgeelisa@hotmail.com>  
**Subject:** RE: HHS FOIA Acknowledgement Letter -- 2023-00411-FOIA-OS

Good Afternoon,

The FOIA provides that agencies may extend its time limits when "unusual circumstances" are met in the processing of a request. See 5 U.S.C. § 552(a)(6)(B)(i) (2014). Those "unusual circumstances" are set forth in the statute and are described as 1) the need to search for records from field facilities or other locations, 2) the need to search, collect and examine voluminous records, and 3) the need for consultation with another agency or among two or more components of an agency. See id. § 552(a)(6)(B)(iii). When a request involves "unusual circumstances" agencies have long been required to provide written notice to the requester and in those instances where an extension of time of more than ten working days is specified, the agency has been required to provide the requester an opportunity to limit the scope of the request so that it can be processed more quickly or to arrange an alternative time to respond. To aid the requester in doing so, the FOIA provides that the agency must make its FOIA Public Liaison available. See id. § 552(a)(6)(B)(ii).

This request is complex because it involves "unusual circumstances" under 5 U.S.C. § 552(a)(6)(B)(i) (2014). Those "unusual circumstances" are set forth in the statute and for your case specifically is 1) the need to search for records from field facilities or other locations. Since your request needs to be searched in another office it is tasked as complex.

Best,

***Ruhma Sufian***

OS FOIA Division Intake

Assistant Secretary for Public Affairs (ASPA)

Office of the Secretary (OS)

U.S. Department of Health and Human Services (HHS)

---

**From:** Lisa McGee <[mcgeelisa@hotmail.com](mailto:mcgeelisa@hotmail.com)>  
**Sent:** Monday, February 13, 2023 7:37 PM  
**To:** OS FOIA Request (HHS/ASPA) <[FOIARequest@hhs.gov](mailto:FOIARequest@hhs.gov)>  
**Subject:** Re: HHS FOIA Acknowledgement Letter -- 2023-00411-FOIA-OS

To Whom it May Concern -

Please provide an explanation for the "unusual circumstance" in dealing with my FOIA For Secretary of Health and Human Services, Xavier Becerra. He is the Secretary of the Department where my request was made.

Thank you,  
Lisa McGee

---

**From:** Sufian, Ruhma <[foiarequest@hhs.gov](mailto:foiarequest@hhs.gov)>  
**Sent:** Thursday, February 9, 2023 2:02 PM  
**To:** [mcgeelisa@hotmail.com](mailto:mcgeelisa@hotmail.com) <[mcgeelisa@hotmail.com](mailto:mcgeelisa@hotmail.com)>  
**Subject:** HHS FOIA Acknowledgement Letter -- 2023-00411-FOIA-OS

Dear Ms. McGee

Please see the attached Acknowledgement Letter in response to your FOIA Request submitted to the Department of Health and Human Services (HHS) via E-mail on February 2, 2023.

The letter contains important information concerning your FOIA matter which has been assigned tracking number **2023-00411-FOIA-OS**.

For status updates or other inquiries, please contact our office via email at [FOIARequest@hhs.gov](mailto:FOIARequest@hhs.gov). Please include your tracking number in the subject line of your inquiry.

Sincerely,

[OS FOIA Division Intake](#)

[Assistant Secretary for Public Affairs \(ASPA\)](#)


[Office of the Secretary \(OS\)](#)

[U.S. Department of Health and Human Services \(HHS\)](#)

# EXHIBIT E

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FOIA Response: DOT OST Request # OST-2023-0250

 michael.bell1@dot.gov

To: You

 OST 2023-0250 Final Response Le...  
233 KB

Good morning Ms. McGee,

Attached you will find the response to your FOIA Request to the Department of Transportation, Office of the Secretary. For request number OST-2023-0250, you asked for a copy of Secretary of Transportation, Pete Buttigieg's Oath of Office.

Please let me know if you have any questions.

Sincerely,

Michael C. Bell

DOT FOIA Officer

michael.bell1@dot.gov

(202) 366-5546



**U.S. Department  
of Transportation**

**Office of the Secretary  
of Transportation (OST)**

1200 New Jersey Ave., S.E.  
Washington, DC 20590

**OST FOIA Contact Information**

FOIA Requester Service Center  
202-366-4542; [ost.foia@dot.gov](mailto:ost.foia@dot.gov)

Michael Bell, FOIA Officer  
202-366-5546; [michael.bell1@dot.gov](mailto:michael.bell1@dot.gov)

Fern Kaufman, FOIA Public Liaison  
202-366-8067; [fern.kaufman@dot.gov](mailto:fern.kaufman@dot.gov)

March 15, 2023

Lisa McGee  
2009 South Williams Street  
Denver , CO 80210

**FOIA File: OST-2023-0250**

Dear Ms. McGee:

This is in response to your Freedom of Information Act (FOIA) request received February 21, 2023. You requested a copy of Secretary of Transportation, Pete Buttigieg's Oath of Office.

Please note that there is not a signed paper copy of the oath of office that Secretary Buttigieg took upon taking office. However, we can provide you with a link to the video of him taking the oath of office. You may find that video here:

<https://www.youtube.com/watch?v=7Vwq7koRDn8>

I am the person responsible for this determination. If you are dissatisfied with this response, you may appeal to Judith S. Kaleta, Deputy General Counsel, U.S. Department of Transportation, 1200 New Jersey Ave., S.E., Rm. W94-122, Washington, DC 20590. If you prefer, your appeal may be sent via electronic mail to [ost.foia.appeals@dot.gov](mailto:ost.foia.appeals@dot.gov). An appeal must be received within 90 days of the date of this determination and should contain any information and arguments you wish to rely on. The Deputy General Counsel's determination will be administratively final.

You also have the right to seek dispute resolution services from the FOIA Public Liaison (contact information shown above) or the Office of Government Information Services (<https://ogis.archives.gov>) via phone--202-741-5770 / toll-free--1-877-684-6448; fax--202-741-5769; or [email--ogis@nara.gov](mailto:email--ogis@nara.gov).

Sincerely,

Michael C. Bell  
DOT/OST FOIA Officer





**U.S. Department  
of Transportation**

**Office of the Secretary  
of Transportation (OST)**

1200 New Jersey Ave., S.E.  
Washington, DC 20590

**OST FOIA Contact Information**

FOIA Requester Service Center  
202-366-4542; [ost.foia@dot.gov](mailto:ost.foia@dot.gov)

Michael Bell, FOIA Officer  
202-366-5546; [michael.bell1@dot.gov](mailto:michael.bell1@dot.gov)

Fern Kaufman, FOIA Public Liaison  
202-366-8067; [fern.kaufman@dot.gov](mailto:fern.kaufman@dot.gov)

March 15, 2023

Lisa McGee  
2009 South Williams Street  
Denver , CO 80210

**FOIA File: OST-2023-0250**

Dear Ms. McGee:

This is in response to your Freedom of Information Act (FOIA) request received February 21, 2023. You requested a copy of Secretary of Transportation, Pete Buttigieg's Oath of Office.

Please note that there is not a signed paper copy of the oath of office that Secretary Buttigieg took upon taking office. However, we can provide you with a link to the video of him taking the oath of office. You may find that video here:

<https://www.youtube.com/watch?v=7Vwq7koRDn8>

I am the person responsible for this determination. If you are dissatisfied with this response, you may appeal to Judith S. Kaleta, Deputy General Counsel, U.S. Department of Transportation, 1200 New Jersey Ave., S.E., Rm. W94-122, Washington, DC 20590. If you prefer, your appeal may be sent via electronic mail to [ost.foia.appeals@dot.gov](mailto:ost.foia.appeals@dot.gov). An appeal must be received within 90 days of the date of this determination and should contain any information and arguments you wish to rely on. The Deputy General Counsel's determination will be administratively final.

You also have the right to seek dispute resolution services from the FOIA Public Liaison (contact information shown above) or the Office of Government Information Services (<https://ogis.archives.gov>) via phone--202-741-5770 / toll-free--1-877-684-6448; fax--202-741-5769; or [email--ogis@nara.gov](mailto:email--ogis@nara.gov).

Sincerely,

Michael C. Bell  
DOT/OST FOIA Officer

# EXHIBIT F

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## Department of Homeland Security FOIA 2023-HQFO-00870 Acknowledgment



foia@hq.dhs.gov <noreply@securerelease.us>  
To: You

Tue 3/7/2023 1:38 PM

128523-20230307143824090.zip  
149 KB

Good Afternoon,

Attached is our acknowledgment of your DHS FOIA request. If you need to contact this office again concerning your request, please provide the DHS reference number. This will enable us to quickly retrieve the information you are seeking and reduce our response time. This office can be reached at 866-431-0486.

Regards,

DHS Privacy Office  
Disclosure & FOIA Program  
STOP 0655  
Department of Homeland Security  
245 Murray Drive, SW  
Washington, DC 20528-0655  
Telephone: 1-866-431-0486 or 202-343-1743  
Fax: 202-343-4011  
Visit our FOIA website <https://www.dhs.gov/foia>

This message (including any attachments) contains confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this message and any disclosure, copying, or distribution of this message, or the taking of any action based on it, by you is strictly prohibited.

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v/E:1



# Homeland Security

*Privacy Office, Mail Stop 0655*

March 7, 2023

**SENT VIA E-MAIL TO: mcgeelisa@hotmail.com**

Lisa McGee  
2009 South Williams St.  
Denver, Colorado 80210

Re: **2023-HQFO-00870**

Dear Ms. McGee:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated 2/1/2023, and to your request for a waiver of all assessable FOIA fees. Our office received your request on February 1, 2023. Specifically, you requested Seeking “a copy of Secretary of the Department of Homeland Security Alejandro Mayorkas' Oath of Office. ALL public officials are legally required to have an Oath of Office readily available to provide.”

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Consistent with 6 C.F.R. Part 5 § 5.5(a) of the DHS FOIA regulations, the Department processes FOIA requests according to their order of receipt. Although DHS’ goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances under 6 C.F.R. Part 5 § 5.5(c). As your request seeks documents that will require a thorough and wide-ranging search, DHS will invoke a 10-day extension for your request pursuant to 6 C.F.R. Part 5 § 5.5(c). If you would like to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.

You have requested a fee waiver. The DHS FOIA regulations at 6 C.F.R. Part 5 § 5.11(k) set forth six factors DHS must evaluate to determine whether the applicable legal standard for a fee waiver has been met: (1) Whether the subject of the requested records concerns “the operations or activities of the government,” (2) Whether the disclosure is “likely to contribute” to an understanding of government operations or activities, (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requester or a narrow segment of interested persons, (4) Whether the contribution to public understanding of government operations or activities will be “significant,” (5) Whether the requester has a commercial interest that would be furthered by the requested disclosure, and (6) Whether the magnitude of any identified commercial interest to the requester is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requester.

Upon review of the subject matter of your request, and an evaluation of the six factors identified above, DHS has determined that it will conditionally grant your request for a fee waiver. The fee waiver determination will be based upon a sampling of the responsive documents received from the various DHS program offices as a result of the searches conducted in response to your FOIA request. DHS will, pursuant to DHS FOIA regulations applicable to non-commercial requesters, provide two hours of search

time and process the first 100 pages at no charge to you. If upon review of these documents, DHS determines that the disclosure of the information contained in those documents does not meet the factors permitting DHS to waive the fees, then DHS will at that time either deny your request for a fee waiver entirely or will allow for a percentage reduction in the amount of the fees corresponding to the amount of relevant material found that meets the factors allowing for a fee waiver. In either case, DHS will promptly notify you of its final decision regarding your request for a fee waiver and provide you with the responsive records as required by applicable law.

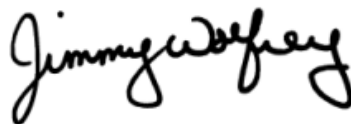
In the event that your fee waiver is denied, and you determine that you still want the records, provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS FOIA regulations as they apply to non-commercial requesters. As a non-commercial requester you will be charged for any search time and duplication beyond the free two hours and 100 pages mentioned in the previous paragraph. You will be charged 10 cents per page for duplication and search time at the per quarter-hour rate (\$4.00 for clerical personnel, \$7.00 for professional personnel, \$10.25 for managerial personnel) of the searcher. In the event that your fee waiver is denied, we will construe the submission of your request as an agreement to pay up to \$25.00. This office will contact you before accruing any additional fees.

We have queried the appropriate component(s) of DHS for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the analysts in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned reference number **2023-HQFO-00870**. Please refer to this identifier in any future correspondence. The status of your FOIA request is now available online and can be accessed at: <https://foiarequest.dhs.gov/app/CheckStatus.aspx>, by using this FOIA request number.

If you have any questions, or would like to discuss this matter, please feel free to contact this office at 1-866-431-0486 or 202-343-1743.

Sincerely,

A handwritten signature in black ink that reads "Jimmy Wolfrey". The signature is written in a cursive, flowing style.

Jimmy Wolfrey  
Senior Director, FOIA Operations and Management



# EXHIBIT G



Request Status

Please complete all required fields marked with an asterisk (\*)

Note: Request Number must be entered exactly as provided. Example 23-00001-F

Request Number \*

Last Name \*

REQUEST STATUS LEGEND

Request Status	Status Description
Received	Request has been properly received by the U.S Department of Education.
Assigned for Processing	Request has been assigned to a FOIA Specialist for processing.
On Hold-Need Info/Clarification	Request is on hold, additional information required.
On Hold-Fee Related Reasons	Request is on hold due to fee related reasons.
In Process	Request is actively being processed.
Document Delivered	Responsive documents have been delivered. If delivery was made via to your private reading room on this site please sign in and click on the download icon for the delivered request. Otherwise, the records will be delivered in the method requested.
Closed	The Agency's response to your request was sent and your request is closed.

Some text fields may be case-sensitive.





Privacy Act Statement. In accordance with 34 CFR Section 5b.5(b)(2) personal data sufficient to identify the individuals submitting requests under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Education systems of records are not wrongfully disclosed by the Department. Requests will not be processed if this information is not furnished. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Request - 23-00911-F [Inbox (0)] [Compose Message] [Sent Messages] [Withdraw Request] [Back]

Requester Details

To modify request details please update your requester profile or contact our office for assistance.

Lisa McGee
2009 South Williams Street
Denver, CO 80210
Phone 7206351773
mcgeelisa@hotmail.com

Requester Default Category: Private Individual

Request Details

Date Requested 02/01/2023
Status In Process

General Information

When requesting records from the Office of the Inspector General, please select Office of the Inspector General as the office for proper handling and routing.

Office Dept.-of-Education

Do you want to request information about the U.S. Department of Education?

This is a request that should be made under FOIA. You may be able to access the information you need on the internet without making a FOIA request. Before making a FOIA request, you should browse our FOIA Library and search the ED.gov website.

Do you want to request information about yourself or your student loan records?

This is a request that should be made under the Privacy Act (PA). Privacy Act requests can be made only by U.S. citizens or aliens lawfully admitted for permanent U.S. residence who are seeking information about themselves in a system of records maintained under their names or other personal identifiers. Submission of a Privacy Act request requires the completion of the Certification of Identity and Consent form below.

When requesting records from the Office of the Inspector General, please select the FOIA/IG request type for FOIA requests and PA/IG for requests for records about yourself under the Privacy Act.

Request Type FOIA

Requester Category Other

Delivery Mode Select

Request Information

Description of documents that are being requested. Be as specific as possible with regard to names, dates, places, events, subjects, etc. If known, you should include any file designations or descriptions for the records that you are requesting.

Description Hello, I am requesting a copy of Secretary of Education Dr. Miguel A. Cardona Oath of Office. ALL public officials are legally required to have an Oath of Office readily available to provide.

Date Range for Record Search: From (mm/dd/yyyy) To (mm/dd/yyyy)

Attach any supporting documentation (optional)

Description Document Add Attachment -FOIA Request confirmation #563891.pdf

Fee Information

Check the box below if you are willing to pay all applicable fees. To view the fee structure, visit: http://www2.ed.gov/policy/gen/leg/foia/fees.html

Willing to Pay All Fees [ ]

Enter a specified amount which you agree to pay. For all requesters, if the total fee for your request is less than \$5, you will not be charged. You will be notified if your fees exceed \$25 or any other amount specified in your request. If the fees total more than \$250, ED will request payment in advance.

Willing Amount (\$) 0.00

Check the box below to request a waiver or reduction of fees. To view the criteria for fee waivers, visit: http://www2.ed.gov/policy/gen/leg/foia/fee-waiver.html

Fee Waiver Requested [ ] Add Attachment

Fee Waiver Request Reason

Expedite Information

If you are requesting expedited processing, you must meet one of the reasons below.

- Failure to obtain requested records could reasonably be expected to pose an imminent threat to the life or physical safety of an individual. Additionally, if immediate use of the FOIA is shown to be critical (as opposed to a mere allegation) to the preservation of a substantial right that fact may also be considered.
Request made by a person primarily engaged in disseminating information and there is an urgency to inform the public concerning actual or alleged Federal Government activity (this option available ONLY for requesters primarily engaged in disseminating information).

Expedite Requested [ ] Add Attachment

Expedite Reason

Mailing Address

Street1 2009 South Williams Street Street2
City Denver State Colorado
State (Other) Country United States
Zip Code 80210

# EXHIBIT H

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Ref: F-2023-03385, Freedom of Information Act Acknowledgement

 A\_FOIAacknowledgement@groups.state.gov  
To: You

     
Fri 12/30/2022 1:39 PM

**\*\*THIS EMAIL BOX IS NOT MONITORED, PLEASE DO NOT REPLY TO THIS EMAIL.\*\***

Ms. McGee:










This email acknowledges receipt of your December 30, 2022, Freedom of Information Act (FOIA) (5 U.S.C. § 552) request received by the U.S. Department of State, Office of Information Programs and Services on December 30, 2022, regarding a copy of Secretary of State, **Antony Blinken**'s, Oath of Office (Date Range for Record Search: From 1/26/2021 To 12/30/2022). Unless you advise otherwise, we will treat as non-responsive any compilations of publicly available news reports and any publicly available documents not created by the U.S. government, such as mass-distribution emails from news media. This Office assigned your request the subject reference number and placed it in the complex processing track where it will be processed as quickly as possible. See 22 CFR § 171.11(h). This Office grants your request for a fee waiver.

This Office will not be able to respond within the 20 days provided by the statute due to "unusual circumstances." See 5 U.S.C. § 552(a)(6)(B)(i)-(iii). In this instance, the unusual circumstances include the need to search for and collect requested records from other Department offices or Foreign Service posts.

If you have any questions regarding your request, would like to narrow the scope or arrange an alternative time frame to speed its processing, or would like an estimated date of completion, please contact our FOIA Requester Service Center or our FOIA Public Liaison by email at FOIAstatus@state.gov or telephone at 202-261-8484. 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, email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

**\*\*THIS EMAIL BOX IS NOT MONITORED, PLEASE DO NOT REPLY TO THIS EMAIL.\*\***



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RE: FOIA Request for Secretary of State, Antony Blinken's Oath of Office

U.S. Department of State  
FOIA Requester Service Center

**From:** Lisa McGee <mcgeelisa@hotmail.com>  
**Sent:** Wednesday, January 25, 2023 9:39 PM  
**To:** FOIA Status <FOIAStatus@state.gov>  
**Subject:** FOIA Request for Secretary of State, Antony Blinken's Oath of Office

To Whom it May Concern,

On December 30, 2022, I submitted a FOIA request requesting a copy of Secretary of State, Antony Blinken's Oath of Office. This is a very simple request and should be readily available, as should ALL public officials Oaths of Office. I received the below response. Please provide Secretary of State Blinken's Oath of Office, as well as an explanation for the "unusual circumstances."

**5 U.S. Code § 3331 - Oath of office**  
<https://www.law.cornell.edu/uscode/text/5/3331>

Thank you,  
Lisa McGee

"Ms. McGee,

*This email acknowledges receipt of your December 30, 2022, Freedom of Information Act (FOIA) (5 U.S.C. § 552) request received by the U.S. Department of State, Office of Information Programs and Services on December 30, 2022, regarding a copy of Secretary of State, Antony Blinken's, Oath of Office (Date Range for Record Search: From 1/26/2021 To 12/30/2022). Unless you advise otherwise, we will treat as non-responsive any compilations of publicly available news reports and any publicly available documents not created by the U.S. government, such as mass-distribution emails from news media. This Office assigned your request the subject reference number and placed it in the complex processing track where it will be processed as quickly as possible. See 22 CFR § 171.11(h). This Office grants your request for a fee waiver.*

*This Office will not be able to respond within the 20 days provided by the statute due to "unusual circumstances." See 5 U.S.C. § 552(a)(6)(B)(i)-(iii). In this instance, the unusual circumstances include the need to search for and collect requested records from other Department offices or Foreign Service posts"*

*If you have any questions regarding your request, would like to narrow the scope or arrange an alternative time frame to speed its processing, or would like an estimated date of completion, please contact our FOIA Requester Service Center or our FOIA Public Liaison by email at [FOIAstatus@state.gov](mailto:FOIAstatus@state.gov) or telephone at 202-267-8484. 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, 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."*

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RE: FOIA Request for Secretary of State, Antony Blinken's Oath of Office

FS FOIA Status <FOIAStatus@state.gov>

To: You

Wed 2/1/2023 3:11 PM

Ms. McGee,

This is in response to your email below regarding FOIA Case Control Number F-2023-03385.

The Office of Information Programs and Services' electronic records system indicates this request is in process. We are unable to process your request within the 20 days time limit due to unusual circumstances. In this case, a part of the usual circumstances is the need to search for and collect the requested record(s) from a Department office that is separate from the office processing your request. Additionally, the Department currently has a backlog of FOIA requests and is working through it as quickly as possible. As the Department continues to work through its backlog of requests, it is mindful of its accountability to the public.

We apologize for the delayed response and appreciate your continued patience.

If you have further questions or any concerns regarding a FOIA-related matter, please contact the FOIA Requester Service Center via email at [FOIAStatus@state.gov](mailto:FOIAStatus@state.gov). Be sure to refer to the aforementioned case control number in all future inquiries regarding this request.

Regards,

U.S. Department of State  
FOIA Requester Service Center

# EXHIBIT I



**FOIA** Request DOC-IOS-2023-001024 Submitted



no-reply@foiaonline.gov  
To: You



Wed 2/1/2023 5:25 PM

This message is to confirm your request submission to the **FOIA**online application: [View Request](#). Request information is as follows:

- Tracking Number: DOC-IOS-2023-001024
- Requester Name: Lisa McGee
- Date Submitted: 02/01/2023
- Request Status: Submitted
- Description: Hello, I am requesting a copy of Secretary of Commerce Gina M. Raimondo's Oath of Office. ALL public officials are legally required to have an Oath of Office readily available to provide.



# EXHIBIT J





Refer to: Request Number **2023-00422-FOIA-OS**

**February 16, 2023**

*Sent via email:*

Lisa McGee

**mcgeelisa@hotmail.com**

Dear Ms. McGee:

This acknowledges receipt of your February 3, 2023, Freedom of Information Act (FOIA) request, submitted to the Department of Health and Human Services (HHS), FOI/Privacy Acts Division concerning “requesting a copy of Robert M. Caliiff, M.D., Commissioner of Food and Drugs Administration (FDA) Oath of Office ... also requesting Janet Woodcock's Oath of Office while she served as the Acting Commissioner of Food and Drugs Administration from Jan. 20, 2021 until Feb. 17, 2022. As well as Ms. Woodcock's current Oath of Office as FDA's Principal Deputy Commissioner.”. We received your request on February 3, 2023.

Because you seek records which require a search in another office, “unusual circumstances” apply to your request, automatically extending the time limit to respond to your request for ten additional days. See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii) (2012 & Supp. V. 2017). Further, we estimate needing more than 10 additional days to respond to your request and so, in the next paragraph of this letter we are offering you an opportunity to narrow your request, in case narrowing the request would enable us to respond to the request sooner. The actual time needed to process your request will depend on the complexity of our records search and on the volume and complexity of any material located. For your information, this Office assigns incoming requests to one of three tracks: simple, complex, or expedited. Each request is then handled on a first-in, first-out basis in relation to other requests in the same track. Our current workload is approximately 3000 cases.

Your request is assigned to the complex track. In an effort to speed up our records search, you may wish to narrow the scope of your request to limit the number of potentially responsive records or agree to an alternative time frame for processing, should records be located. You may also wish to await the completion of our records search to discuss either of these options.

I regret the necessity of this delay, but I assure you that your request will be processed as soon as possible. If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, you may contact the analyst handling your request, Ruhma Sufian at [Ruhma.Sufian@hhs.gov](mailto:Ruhma.Sufian@hhs.gov).

If you are not satisfied with any aspect of the processing and handling of this request, you have the right to seek dispute resolution services from:

HHS FOIA/PA Public Liaison  
FOI/Privacy Acts Division  
Assistant Secretary for Public Affairs (ASPA)  
Office of the Secretary (OS)  
U.S. Department of Health and Human Services (HHS)

Telephone: (202) 690-7453  
E-mail: [HHS\\_FOIA\\_Public\\_Liaison@hhs.gov](mailto:HHS_FOIA_Public_Liaison@hhs.gov)

and/or:

Office of Government Information Services  
National Archives and Records Administration  
Telephone: 202- 741-5770  
Toll-Free: 1-877-684-6448  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)

If you are not already submitting your requests through our Public Access Link (PAL), we recommend all future requests and appeals be submitted through PAL - <https://requests.publiclink.hhs.gov/>. Submitting requests through PAL automatically logs your requests into our tracking system and provides you with a tracking number. Your PAL account will allow you to track the progress of your request, receive your documents directly through the portal, and securely submit privacy-sensitive or business-sensitive documents.

Sincerely yours,



Arianne Perkins  
Director, Initial FOIA Requests  
FOI/Privacy Acts Division



February 03, 2023

LISA MCGEE  
LISA MCGEE  
2009 South Williams Street  
Denver CO 80210 US

In Reply refer to  
FOIA Control #:  
2023-957

Requester reference:

Dear Requester:

The Food and Drug Administration (FDA) has received your Freedom of Information Act (FOIA) request for records regarding:

Hello, I am requesting a copy of Robert M. Califf, M.D., Commissioner of Food and Drugs Administration (FDA) Oath of Office. I am also requesting Janet Woodcock's Oath of Office while she served as the Acting Commissioner of Food and Drugs from Jan. 20, 2021 until Feb. 17, 2022.

As well as Ms. Woodcock's current Oath of Office as FDA's Principal Deputy Commissioner.

In processing your FOIA request, FDA will apply, as appropriate, the FOIA exemptions in 5 USC 552(b) and the foreseeable harm standard in 5 USC 552(a)(8)(i). We will respond as soon as possible and may charge you a fee for processing your request. If your informational needs change, and you no longer need the requested records, please contact us to cancel your request, as charges may be incurred once processing of your request has begun. For more information on processing fees, please see <http://www.fda.gov/RegulatoryInformation/FOI/FOIAFees/default.htm>.

Due to an increase in the number of incoming requests, we may be unable to comply with the twenty-working-day time limit in this case, as well as the ten additional days provided by the FOIA. The actual processing time will depend on the complexity of your request and whether sensitive records, voluminous records, extensive search, and/or consultation with other HHS components or other executive branch agencies are involved. Please note that requests for medical device approval records (e.g. 510K, PMA, DEN) may take up to 18 to 24 months to process.

If you have any questions about your request, please call Sarah B. Kotler, Director, Division Of Freedom Of Information, at (301) 796-8976 or write to us at:  
Food and Drug Administration  
Division of Freedom of Information  
5630 Fishers Lane, Room 1035  
Rockville, MD 20857

If you call or write, use the FOIA control number provided above which will help us to answer your questions more quickly.

You also have the right to seek dispute resolution services from:

Office of Government Information Services  
National Archives and Administration  
8601 Adelphi Road – OGIS  
College Park, MD 20740-6001  
Telephone: 202-741-5770  
Toll-Free: 1-877-684-6448  
Email: [ogis@nara.gov](mailto:ogis@nara.gov)  
Fax: 202-741-5769

and/or

FDA FOIA Public Liaison  
Office of the Executive Secretariat  
US Food and Drug Administration  
5630 Fishers Lane, Room 1050  
Rockville, MD 20857  
Email: [FDAFOIA@fda.hhs.gov](mailto:FDAFOIA@fda.hhs.gov)

Sincerely,

SARAH KOTLER  
Director

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- ...

**FDA FOIA 2023-957**



Kotler, Sarah <Sarah.Kotler@fda.hhs.gov>  
To: You

⏪ ⏩ ⏴ ⏵ ...  
Fri 2/3/2023 11:58 AM

Dear Requester,

**FDA** received your request for:

Hello, I am requesting a copy of Robert M. Califf, M.D., Commissioner of Food and Drugs Administration (**FDA**) Oath of Office. I am also requesting Janet Woodcock's Oath of Office while she served as the Acting Commissioner of Food and Drugs from Jan. 20, 2021 until Feb. 17, 2022. As well as Ms. Woodcock's current Oath of Office as **FDA**'s Principal Deputy Commissioner.

These records, if they exist, would belong to the Department of Health and Human Services. We will refer your request to that office.

Please contact me if you have questions about your request. You may also contact the **FDA FOIA** Public Liaison for assistance at: Office of the Executive Secretariat, US Food & Drug Administration, 5630 Fishers Lane, Room 1050, Rockville, MD 20857, E-mail: [FDAFOIA@fda.hhs.gov](mailto:FDAFOIA@fda.hhs.gov).

Sincerely,

Sarah B. Kotler, J.D.  
Director, Division of Freedom of Information  
US **FDA**  
301-796-8976

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## HHS FOIA Acknowledgement Letter -- 2023-00422-FOIA-OS

SR Sufian, Ruhma <foiarequest@hhs.gov>

To: You

Thu 2/16/2023 1:06 PM

Acknowledgement Letter .pdf  
133 KB

Dear Ms . McGee

Please see the attached Acknowledgement Letter in response to your FOIA Request submitted to the Department of Health and Human Services (HHS) via E-mail on February 3, 2023.

The letter contains important information concerning your FOIA matter which has been assigned tracking number **2023-00422-FOIA-OS**.

For status updates or other inquiries, please contact our office via email at FOIARequest@hhs.gov. *Please include your tracking number in the subject line of your inquiry,*

Sincerely,

OS FOIA Division Intake

Assistant Secretary for Public Affairs (ASPA)

Office of the Secretary (OS)

U.S. Department of Health and Human Services (HHS)

Reply

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# EXHIBIT K

# FOIA Acknowledgment 2023-F-06593

 OSEC FOIA <OSEC-FOIA@dol.gov>  
To: You

     
Tue 3/21/2023 3:00 PM

Hello:

This acknowledges the receipt of your Freedom of Information Act (FOIA) request, in which you requested following:

1. A copy Labor Secretary Marty Walsh's signed and notarized Oath of Office for the time he was appointed.
2. A copy of Acting Deputy Labor Secretary Julie Su signed and notarized Oath of Office.

Your request was received in our office on **3/21/23** and assigned FOIA tracking number **2023-F-06593**.

This letter is to inform you the Office of the Secretary is unable to respond to your request within the time limits established by the FOIA. Our ability to process your request is delayed because we are experiencing a backlog of requests. Please be advised, however, that your request is being handled as equitably as possible and that all documents that can be released will be made available at the earliest possible date. We will keep you informed of our progress. We expect to complete processing your request on or before 40 days from the date of this acknowledgment.

The Department of Labor has transitioned to a new data platform and the interface of the FOIA Portal has changed. By using the tracking number above, you may track the status of your FOIA request online at <https://efoia.dol.gov/app/CheckStatus.aspx>. Case files numbers must be entered exactly as provided. For example, FOIAXpress assigns alpha numeric tracking numbers (2020-F-00001), while SIMS-FOIA assigns six digit tracking numbers (887686). If you have been assigned an SIMS-FOIA tracking number, you can check the status of your FOIA request by clicking on the ["legacy case search portal"](#) link.

If you need to contact OSEC about it for any reason, please submit your inquiry via email at [OSEC-FOIA@DOL.GOV](mailto:OSEC-FOIA@DOL.GOV). In addition, it would be helpful to include the tracking number in the Subject line of any submission made.

Sincerely,

*Toya A. Peets*  
*U.S. Department of Labor*  
*Office of the Secretary*  
*(202) 693-6112*



FOIA Acknowledgment 2023-F-06593

OF OSEC FOIA <OSEC-FOIA@dol.gov>  
To: You

Tue 3/21/2023 3:00 PM

Hello:

This acknowledges the receipt of your Freedom of Information Act (FOIA) request, in which you requested following:

1. A copy of Labor Secretary Marty Walsh's signed and notarized Oath of Office for the time he was appointed.
2. A copy of Acting Deputy Labor Secretary Julie Su signed and notarized Oath of Office.

Your request was received in our office on **3/21/23** and assigned FOIA tracking number **2023-F-06593**.

This letter is to inform you the Office of the Secretary is unable to respond to your request within the time limits established by the FOIA. Our ability to process your request is delayed because we are experiencing a backlog of requests. Please be advised, however, that your request is being handled as equitably as possible and that all documents that can be released will be made available at the earliest possible date. We will keep you informed of our progress. We expect to complete processing your request on or before 40 days from the date of this acknowledgment.

The Department of Labor has transitioned to a new data platform and the interface of the FOIA Portal has changed. By using the tracking number above, you may track the status of your FOIA request online at <https://efoia.dol.gov/app/CheckStatus.aspx>. Case files numbers must be entered exactly as provided. For example, FOIA Xpress assigns alpha numeric tracking numbers (2020-F-00001), while SIMS-FOIA assigns six digit tracking numbers (887686). If you have been assigned an SIMS-FOIA tracking number, you can check the status of your FOIA request by clicking on the "legacy case search portal" link.

If you need to contact OSEC about it for any reason, please submit your inquiry via email at [OSEC-FOIA@DOL.GOV](mailto:OSEC-FOIA@DOL.GOV). In addition, it would be helpful to include the tracking number in the Subject line of any submission made.

Sincerely,

*Toya A. Peets*  
*U.S. Department of Labor*  
*Office of the Secretary*  
*(202) 693-6112*

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## Acknowledgment



Miller:Darlene@dol.gov  
To: Mcgeelisa@hotmail.com  
Cc: oliveriramonad@dol.gov; osec-foia@dol.gov

Tue 3/21/2023 9:20 AM

March 21, 2023

Lisa McGee  
2009 South Williams Street  
Denver, CO 80210

Lisa:

This acknowledges receipt of your FOIA request for a copy of Secretary Marty Walsh's and Deputy Secretary Julie Su's signed and notarized oath of office. It has been assigned to the Office of the Secretary (OSEC) with tracking number **2023-F-06593**. You may use this number to track the progress of your request at <https://efoia.dol.gov/app/CheckStatus.aspx>. If you need to contact the agency about it for any reason, please submit your inquiry through [OSEC-FOIA@dol.gov](mailto:OSEC-FOIA@dol.gov) or phone 202-693-6102. In addition, it would be helpful to include the tracking number in the subject line of any submission to them or to have it available at the time of a call.

Sincerely,

**Darlene Miller** | *Government Information Specialist, Office of Information Services*

Division of Management and Administrative Legal Services (MAIS) | Office of the Solicitor  
U S Department of Labor | [200 Constitution Avenue NW N2420](https://www.dhs.gov) | Washington DC 20210  
Phone: 202-693-5442 | Fax: 202-693-5389 | Email: [miller.darlene@dol.gov](mailto:miller.darlene@dol.gov) | e-FOIAs: [foiarequests@dol.gov](mailto:foiarequests@dol.gov)

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# EXHIBIT L

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Your FOIA Request FOIA-2023-00917



OIP-NoReply <OIP-NoReply@usdoj.gov>  
To: You



Mon 3/20/2023 7:22 AM

Final Response - 2023-03-20T091...  
158 KB

Attached is correspondence from the Department of Justice's Office of Information Policy, which is associated with the above-referenced Freedom of Information Act (FOIA) request.

Please do not reply to this e-mail, as this account is not monitored.

Thank you,

-----  
Initial Request Staff  
Office of Information Policy  
U.S. Department of Justice

Reply

Forward



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

---

Telephone: (202) 514-3642

March 20, 2023

Lisa McGee  
2009 South Williams Street  
Denver, CO 80210  
[mcgeelisa@hotmail.com](mailto:mcgeelisa@hotmail.com)

Re: FOIA-2023-00917  
DRH:ABP

Dear Lisa McGee:

This responds to your Freedom of Information Act (FOIA) request dated and received in this Office on March 17, 2023, seeking a copy of the Oath of Office for Attorney General Merrick Garland.

Please be advised that the Appointment Affidavit of Attorney General Garland, which includes the Oath of Office, is available in this Office's online FOIA Library at [www.justice.gov/oip/foia-library/general\\_topics/ag\\_garland\\_appointment\\_affidavit\\_02\\_01\\_22/download](http://www.justice.gov/oip/foia-library/general_topics/ag_garland_appointment_affidavit_02_01_22/download).

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2018). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

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.

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,



Douglas R. Hibbard  
Chief, Initial Request Staff

# APPOINTMENT AFFIDAVITS

Attorney General  
(Position to which Appointed)

\_\_\_\_\_  
(Date Appointed)

Department of Justice  
(Department or Agency)

Office of the AG  
(Bureau or Division)

Washington, DC  
(Place of Employment)

I, Merrick B. Garland, do solemnly swear (or affirm) that--

## A. OATH OF OFFICE

I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

## B. AFFIDAVIT AS TO STRIKING AGAINST THE FEDERAL GOVERNMENT

I am not participating in any strike against the Government of the United States or any agency thereof, and I will not so participate while an employee of the Government of the United States or any agency thereof.

## C. AFFIDAVIT AS TO THE PURCHASE AND SALE OF OFFICE

I have not, nor has anyone acting in my behalf, given, transferred, promised or paid any consideration for or in expectation or hope of receiving assistance in securing this appointment.

  
(Signature of Appointee)

Subscribed and sworn (or affirmed) before me this 11th day of March, 2021

at Washington  
(City)

D.C.  
(State)

(SEAL)

  
(Signature of Officer)

Commission expires \_\_\_\_\_  
(If by a Notary Public, the date of his/her Commission should be shown)

Assistant Attorney General / A  
(Title)

Note - If the appointee objects to the form of the oath on religious grounds, certain modifications may be permitted pursuant to the Religious Freedom Restoration Act. Please contact your agency's legal counsel for advice.

# EXHIBIT M



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## OSD/JS FOIA 22-F-1176

You forwarded this message on Fri 12/16/2022 4:26 PM



WHS MC-ALEX ESD Mailbox OSD-JS FOIA Requester Service Center <whs.mc-alex.esd.mbx.osd-js-foia-requester-service-center@mail.mil>  
To: You  
Cc: Harper, Madalyn J CIV WHS ESD (USA); Ernest-Johnson, Ann J CIV WHS ESD (USA) **+2 others**

Wed 7/27/2022 12:46 PM



22-F-1176 Request Description.pdf  
150 KB



22-F-1176 Interim Response.pdf  
725 KB

2 attachments (875 KB)

Good Afternoon Ms. McGee,

Please find the Interim Response attached for your recent FOIA Request that was requested on July 25, 2022. The case number for this request is 22-F-1176, please refer to this number and the action officer mentioned in the interim response in any future correspondence regarding this case.

V/R,

George Pugh  
Senior FOIA Analyst  
Freedom of Information Division  
OSD / JS FOIA Office  
(571) 372-0445



**DEPARTMENT OF DEFENSE  
FREEDOM OF INFORMATION DIVISION  
1155 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1155**

Ref: 22-F-1176  
July 27, 2022

Ms. Lisa McGee  
2009 S. Williams St.  
Denver, CO 80210

Dear Ms. McGee:

This is an interim response to your July 25, 2022 Freedom of Information Act (FOIA) request, a copy of which is enclosed for your convenience. We received your request on July 25, 2022, and assigned it FOIA case number 22-F-1176. We ask that you use this number when referring to your request.

Although we have already begun processing your request, we will not be able to respond within the FOIA's 20-day statutory time period as there are unusual circumstances which impact our ability to quickly process your request. The FOIA defines unusual circumstances as (a) the need to search for and collect records from a facility geographically separated from this office; (b) the potential volume of records responsive to your request; and (c) the need for consultation with one or more other agencies or DoD components having a substantial interest in either the determination or the subject matter of the records. At least one, if not more of these scenarios applies or would likely apply to your request. While this office handles FOIA requests for the Office of the Secretary of Defense (OSD), the Joint Staff (JS) and other component offices, we do not actually hold their records and our office is not geographically located with these organizations. As we do not hold the records, until the required record searches are complete, we are unable to estimate the potential volume of records or the number of consultations that will be required to make a release determination.

Your request has been placed in our complex processing queue and is being worked based on the order in which the request was received. Our current administrative workload is approximately 3,888 open requests.

If you have requested a fee waiver, please note that decisions to waive or reduce fees are made on a case-by-case basis, and we will make a determination concerning your fee waiver request at the conclusion of the search and assessment of responsive records, should they exist. However, this office will only assess fees if we provide the final response to your FOIA request within the statutory time allotted by the FOIA or if the responsive records total more than 5,000 pages, even after a good faith effort on our part to limit the scope of your request.

In some instances, we have found that requesters who narrow the scope of their requests experience a reduction in the time needed to process their requests. If you wish to narrow the scope of your request or have questions about the foregoing, please do not hesitate to contact your Action Officer, Jasmine Anderson, at [jasmine.j.anderson.civ@mail.mil](mailto:jasmine.j.anderson.civ@mail.mil) or 571-372-0420.

Additionally, if you have concerns about service received by our office, please contact a member of our Leadership Team at 571-372-0498 or Toll Free at 866-574-4970.

Should you wish to inquire about mediation services, you may contact the OSD/JS FOIA Public Liaison, Tonya R. Fuentes, at 571-372-0462 or by email at [OSD.FOIALiaison@mail.mil](mailto:OSD.FOIALiaison@mail.mil), or the Office of Government Information Services (OGIS) at the National Archives and Records Administration. The contact information for OGIS is as follows:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, MD 20740  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Telephone: 202-741-5770  
Fax: 202-741-5769  
Toll-free: 1-877-684-6448

We regret the delay in responding to your request and appreciate your patience. As previously stated, please contact the Action Officer assigned to your request, Jasmine Anderson, and reference FOIA case number 22-F-1176, if you have any questions or concerns.


Sincerely,

*Madalyn Harper*  
*for* Stephanie L. Carr  
Chief

Enclosure:  
As stated

Re: OSD/JS **FOIA 22-F-1176**



 You forwarded this message on Mon 11/21/2022 11:19 AM

**LM**

Lisa McGee

To: WHS MC-ALEX ESD Mailbox OSD-JS FOIA Requester Service Center

Cc: Harper, Madalyn J CIV WHS ESD (USA); Ernest-Johnson, Ann J CIV WHS ESD (USA) **+ 2 others**

Thu 10/13/2022 3:41 PM



Hello Alex and all,

I have made a very simple request for Sec of Defense Lloyd Austin's Oath of Office. The request was submitted on July 25, 2022. Please respond with the status of my request, as well as a written statement for the reason for the inappropriate delay in providing for the Oath of Office of a public official.

Thank you,  
Lisa

Re: OSD/JS FOIA 22-F-1176



LM

Lisa McGee

To: WHS MC-ALEX ESD Mailbox OSD-JS FOIA Requester Service Center

Cc: Harper, Madalyn J CIV WHS ESD (USA); Ernest-Johnson, Ann J CIV WHS ESD (USA) + 2 others

Mon 10/31/2022 12:42 PM



To whom it may concern,

I have made NUMEROUS attempts on a very simple request for information regarding a government official, of which should not be difficult. An Oath of Office should be readily available, as should his Foreign Agent Registration.

The FOIA request was sent in July. I have reached out to all of you, on several occasions, and no response. As you are all familiar; FOIA requests are required by law, to be fulfilled.

I expect a response, and if there isn't one, I will be seeking legal assistance, providing my FOIA requests; all correspondences that have transpired.

Thank you,  
Lisa



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Reply



RE: OSD/JS FOIA 22-F-1176



**From:** Anderson, Jasmine J CIV WHS ESD (USA)

**Sent:** Tuesday, November 22, 2022, 7:51 AM

**To:** mcgeelisa@hotmail.com

**Subject:** RE: OSD/JS FOIA 22-F-1176

Good morning Ms. McGee,

I reached out to the component tasked for search of your request and they provided an estimated completion date of December 9, 2022. Please note this date is subject to change and any records found may need to undergo review by additional components.

Respectfully,

Jasmine Anderson

Government Information Specialist

OSD/JS Freedom of Information Division

[jasmine.j.anderson.civ@mail.mil](mailto:jasmine.j.anderson.civ@mail.mil) <Caution-mailto:jasmine.j.anderson.civ@mail.mil >

Office: 571-372-0420"

Comments: Caution-<https://ice.disa.mil/index.cfm?fa=card&sp=125562>

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RE: OSD/JS FOIA 22-F-1176

**From:** Lisa McGee <[mcgeelisa@hotmail.com](mailto:mcgeelisa@hotmail.com)>  
**Sent:** Wednesday, February 1, 2023 6:29 PM  
**To:** **Anderson, Jasmine** J CIV WHS ESD (USA) <[jasmine.j.anderson.civ@mail.mil](mailto:jasmine.j.anderson.civ@mail.mil)>  
**Cc:** Ernest-Johnson, Ann J CIV WHS ESD (USA) <[ann.j.ernest-johnson.civ@mail.mil](mailto:ann.j.ernest-johnson.civ@mail.mil)>; Marye, Charles C CIV WHS ESD (USA) <[charles.c.marye.civ@mail.mil](mailto:charles.c.marye.civ@mail.mil)>  
**Subject:** [URL Verdict: Neutral][Non-Dod Source] Re: OSD/JS FOIA 22-F-1176

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

---

Hello **Jasmine** and all ~

**Jasmine**, I received the email below for you on November 22, 2022, and you provided a date of December 9, 2022, to provide my FOIA request for Secretary of Defense Austin's copy of Oath of Office. It is Feb. 1st, 2023, and I have heard nothing. The lack of communication, and the failure to provide Secretary of Defense Ausin's Oath of Office is extremely concerning. 5 U.S. Code § 3331 - Oath of office

Caution-<https://www.law.cornell.edu/uscode/text/5/3331> < Caution-<https://www.law.cornell.edu/uscode/text/5/3331> >

Thank you,  
Lisa McGee



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Report



Reply



RE: OSD/JS FOIA 22-F-1176

**From:** Anderson, Jasmine J CIV WHS ESD (USA)

**Sent:** Thursday, February 9, 2023 12:56 PM

**To:** Lisa McGee

**Cc:** Ernest-Johnson, Ann J CIV WHS ESD (USA); Marye, Charles C CIV WHS ESD (USA)

**Subject:** RE: OSD/JS FOIA 22-F-1176

Good afternoon Ms. McGee,

I apologize for the delay in response. Your FOIA request, 22-F-1176, is currently in the record review process. I have reached out to the tasked component for an estimated completion date and will update you as soon as I hear back. Thanks!

V/r,

**Jasmine Anderson**

Government Information Specialist










OSD/JS Freedom of Information Division

NIPR: [jasmine.j.anderson.civ@mail.mil](mailto:jasmine.j.anderson.civ@mail.mil)

Office: 571-372-0420

Comments: Caution-<https://ice.disa.mil/index.cfm?fca=card&sp=125562>



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RE: OSD/JS FOIA 22-F-1176



**From:** Lisa McGee <mcgeelisa@hotmail.com>  
**Sent:** Monday, February 13, 2023 7:42 PM  
**To:** Anderson, Jasmine J CIV WHS ESD (USA) <jasmine.j.anderson.civ@mail.mil>  
**Cc:** Ernest-Johnson, Ann J CIV WHS ESD (USA) <ann.j.ernest-johnson.civ@mail.mil>; Marye, Charles C CIV WHS ESD (USA) <charles.c.marye.civ@mail.mil>  
**Subject:** [URL Verdict: Neutral][Non-Dod Source] Re: OSD/JS FOIA 22-F-1176

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Jasmine and all -

Clearly, there is an issue with the ability to provide a copy of Secretary of Defense Austin's Oath of Office. This is extremely alarming, as well as inappropriate. Please provide a legally logical explanation as to this inappropriate delay in providing Austin's Oath of Office. ALL elected/appointed officials are to have a copy readily available.

Thank you,  
Lisa McGee

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RE: OSD/JS FOIA 22-F-1176

**A** Anderson, Jasmine J CIV WHS ESD (USA) <jasmine.j.anderson.civ@mail.mil>

Fri 2/17/2023 5:21 AM



To: You

Cc: Ernest-Johnson, Ann J CIV WHS ESD (USA); Marye, Charles C CIV WHS ESD (USA)

 22-F-1176 Interim Response.pdf  
725 KB

 22-F-1176 Request Description.pdf  
150 KB

2 attachments (875 KB)

Good morning Ms. McGee,

It is our policy that each request receives prompt attention. Unfortunately, as stated in our interim response to you, our backlog of open cases was approximately 3,888 at the time your request was received. Additionally, this request requires the need for consultation with one or more other agencies or DoD components with a substantial interest in either the determination or the subject matter of the records, which is considered an unusual circumstance and impacts the processing of your case.

Once I receive a response, all releasable records, if any, cannot be provided to you until all processing is completed, and all documents are reviewed before we respond. At this time, your case 22-F-1176 has an estimated completion date of May 15, 2023 but this date is subject to change and a response may be returned sooner. Again, I apologize for the delay in response. Please let me know if you have any further questions.

V/r,

**Jasmine Anderson**

Government Information Specialist

OSD/JS Freedom of Information Division

NIPR: [jasmine.j.anderson.civ@mail.mil](mailto:jasmine.j.anderson.civ@mail.mil)

Office: 571-372-0420

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OSD/JS FOIA 22-F-1176 Final Response



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**A** **Anderson, Jasmine J CIV WHS ESD (USA)** <[jasminej.anderson.civ@mail.mil](mailto:jasminej.anderson.civ@mail.mil)>

Mon 3/27/2023 9:25 AM

To: You  
Cc: Marye, Charles C CIV WHS ESD (USA)

22-F-1176 Final Response.pdf 598 KB

22-F-1176 Document-SF61\_Appt... 61 KB

22-F-1176 Request Description.pdf 150 KB

3 attachments (809 KB)

Good morning Ms. McGee,

Please find attached our office's final response to FOIA request 22-F-1176, as well as a copy of your original request. Please feel free to contact me with any questions that you may have regarding the attached.

Respectfully,

**Jasmine Anderson**  
Government Information Specialist  
OSD/JS Freedom of Information Division  
[jasmine.j.anderson.civ@mail.mil](mailto:jasmine.j.anderson.civ@mail.mil)  
Office: 571-372-0420

Comments: <https://ice.disa.mil/index.cfm?fa=card&sp=125562>



**DEPARTMENT OF DEFENSE  
FREEDOM OF INFORMATION DIVISION  
1155 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1155**

Ref: 22-F-1176  
March 27, 2023

Ms. Lisa McGee  
2009 S. Williams Street  
Denver, CO 80210

Dear Ms. McGee:

This is a final response to your July 25, 2022 Freedom of Information Act (FOIA) request, a copy of which is enclosed for your convenience. We received your request on July 25, 2022, and assigned it FOIA case number 22-F-1176. We ask that you use this number when referring to your request.

The Washington Headquarters Services, Human Resources Directorate, a component of the Office of the Secretary of Defense, conducted a search of their records systems and located the enclosed record determined to be responsive to your request. It has been determined that this record is appropriate for release in its entirety, without excision.

This constitutes a full grant of your request and closes your case file in this office. There are no assessable fees associated with this response.

Should you wish to inquire about mediation services, you may contact the OSD/JS FOIA Public Liaison, Toni Fuentes, at 571-372-0462, or by email at [OSD.FOIALiaison@mail.mil](mailto:OSD.FOIALiaison@mail.mil). You may also contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer at 202-641-5770/1-877-684-6448 or email: [ogis@nara.gov](mailto:ogis@nara.gov).

If you have any questions or concerns about the foregoing or about the processing of your request, please do not hesitate to contact the Action Officer assigned to your request, Jasmine Anderson, at [jasmine.j.anderson.civ@mail.mil](mailto:jasmine.j.anderson.civ@mail.mil) or 571-372-0420. Additionally, if you have concerns about service received by our office, please contact a member of our Leadership Team at 571-372-0498 or Toll Free at 866-574-4970.

Sincerely,

*for Pamela Andrews*  
Stephanie L. Carr  
Chief

Enclosures:  
As stated

# APPOINTMENT AFFIDAVITS

Secretary of Defense  
(Position to which Appointed)

01/22/2021  
(Date Appointed)

DoD  
(Department or Agency)

OSD  
(Bureau or Division)

Arlington, Virginia  
(Place of Employment)

I, Lloyd James Austin III, do solemnly swear (or affirm) that--

## A. OATH OF OFFICE

I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

## B. AFFIDAVIT AS TO STRIKING AGAINST THE FEDERAL GOVERNMENT

I am not participating in any strike against the Government of the United States or any agency thereof, and I will not so participate while an employee of the Government of the United States or any agency thereof.

## C. AFFIDAVIT AS TO THE PURCHASE AND SALE OF OFFICE

I have not, nor has anyone acting in my behalf, given, transferred, promised or paid any consideration for or in expectation or hope of receiving assistance in securing this appointment.

  
(Signature of Appointee)

Subscribed and sworn (or affirmed) before me this 22<sup>nd</sup> day of January, 2021

at Arlington  
(City)

Virginia  
(State)

  
(Signature of Officer)

(SEAL)

Commission expires \_\_\_\_\_  
(If by a Notary Public, the date of his/her Commission should be shown)

Interim DA&M  
(Title)

Note - If the appointee objects to the form of the oath on religious grounds, certain modifications may be permitted pursuant to the Religious Freedom Restoration Act. Please contact your agency's legal counsel for advice.