

# Exhibit H



**U.S. Department of Justice**

Criminal Division

*Office of Enforcement Operations*

*Washington, D.C. 20530*

**VIA Electronic Mail**

June 5, 2023

Ms. Rebecca Jacobs  
Citizens for Responsibility and Ethics in  
Washington  
[rjacobs@citizensforethics.org](mailto:rjacobs@citizensforethics.org)

Request No. CRM-301942554  
Subject: Records Regarding DOJ's  
Investigation of Tennessee State Senator  
Brian Kelsey (American Conservative  
Union and Related Individuals)

Dear Ms. Jacobs:

The Criminal Division acknowledges receipt of your Freedom of Information Act request dated April 14, 2023. Your request was received in this Office on April 14, 2023. In that request, you asked for access to records concerning the above-mentioned subject. Your request has been assigned file number CRM-301942554. You should refer to this number in any future correspondence with this Office.

With respect to Part 6 of your request regarding Josh Smith, to the extent that non-public responsive records exist, without consent, proof of death, or an overriding public interest, disclosure of law enforcement records concerning an individual could reasonably be expected to constitute an unwarranted invasion of personal privacy. See 5 U.S.C. § 552(b)(7)(C). Because any non-public records responsive to your request would be categorically exempt from disclosure, this Office is not required to conduct a search for the requested records.

With respect to Parts 1-5 and 7 of your request regarding Tennessee State Senator Brian Kelsey, please be advised that I have decided to neither confirm nor deny the existence of such records pursuant to Exemptions 6 and 7(C) of the FOIA. 5 U.S.C. § 552(b)(6), (7)(C). Even to acknowledge the existence of law enforcement records on another individual could reasonably be expected to constitute an unwarranted invasion of personal privacy. This is our standard response to such requests and should not be taken to mean that records do, or do not, exist. Accordingly, I cannot confirm nor deny the existence of records responsive to your request.

As to your request for a fee waiver and preferred fee status, your request is moot as there are no fees associated with this request.

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). 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 requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may contact our FOIA Public Liaison at the (202) 616-0307 for any further assistance and to discuss any aspect of your request. 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, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with the Criminal Division's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account on the following website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in cursive script that reads "Christina Butler".

Christina Butler  
Chief  
FOIA/PA Unit