



May 5, 2022

Raymond G. Murphy VA Medical Center
Release of Information
1501 San Pedro SE
Albuquerque, NM, 87108

RE: FOIA Request to the U.S. Department of Veterans Affairs Regarding the Removal of Bibles and other Religious Literature from the "Patriot Store" in the Raymond G. Murphy VA Medical Center

Dear Sir or Ma'am:

This letter is a request ("Request") in accordance with the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and the corresponding department/agency implementing regulations.

The Request is made by the American Center for Law and Justice ("ACLJ")¹ on behalf of its members. The ACLJ respectfully seeks expedited processing and a waiver of fees related to this Request as set forth in an accompanying memorandum.

To summarize, this Request seeks records pertaining to information exchanged between the U.S. Department of Veterans Affairs ("USVA") officials and employees, former USVA officials and employees, USVA General Counsel officials and employees, former USVA General Counsel officials and employees, and/or any other Government official(s) and employee(s) concerning the removal of Bibles and other religious literature from the "Patriot Store" in the Raymond G. Murphy VA Medical Center in Albuquerque, New Mexico, which occurred on or about March 23, 2022.

Background

On Wednesday, March 23, 2022, Mr. Michael L. "Mikey" Weinstein of the Military Religious Freedom Foundation ("MRFF") posted, in part, the following on the MRFF website:

Senior leadership was good to their word, keeping in touch with me via several follow-up phone calls, the last of which confirmed that the display in the "Patriot

¹The ACLJ is a not-for-profit 501(c)(3) organization dedicated to the defense of constitutional liberties secured by law. The ACLJ regularly monitors governmental activity and works to inform the public of such affairs. The ACLJ and its global affiliated organizations are committed to ensuring governmental accountability and the ongoing viability of freedom and liberty in the United States and around the world.

Store" facility with Christian Bibles and related Christian reading materials had been removed, not more than 24 hours after MRFF's initial request!

MRFF had been contacted by 10 VAMC employees and/or patient complainants.²

Mr. Weinstein included the following photo to show what he had achieved:



(Photo Credit Military Religious Freedom Foundation)³

On March 31, 2022, the ACLJ sent a letter to Ms. Sonja Brown, who, at the time, was the Interim Director of the VA New Mexico Health Center explaining why Mr. Weinstein's complaint was legally baseless.⁴ To date, it is our understanding that USVA officials and USVA leaders at the Raymond G. Murphy VA Medical Center did not correct this violation.

To the best of the Requestor's knowledge and belief, this Request seeks records of which the USVA, and its components, would be custodians.

² *Christian Bibles Removed Within 24 Hrs Due To MRFF's Efforts From Easter Display At Raymond G. Murphy VA Medical Center, Albuquerque, NM*, MILITARY RELIGIOUS FREEDOM FOUNDATION (Mar. 23, 2022), <https://myemail.constantcontact.com/At-MRFF-s-Request--Raymond-G--Murphy-VAMC--Albq--NM--Does-the-Right-Thing--Removes-Christian-Bibles-from-VA-Easter-Display.html?soid=1101766362531&aid=cEpS96kBES0>

³ *Id.*

⁴ Letter from Jay Sekulow, Chief Counsel at the American Center for Law and Justice, to Sonja Brown, Interim Director, VA New Mexico Health Center (Mar. 31, 2022), http://media.aclj.org/pdf/LTR-Brown-VAMC-Albuquerque-20220331_Redacted.pdf

Records Requested

For purposes of this Request, the term “record” is “any information” that qualifies under 5 U.S.C. § 552(f), and includes, but is not limited to, the original or any full, complete and unedited copy of any log, chart, list, memorandum, note, correspondence, writing of any kind, policy, procedure, guideline, agenda, handout, report, transcript, set of minutes or notes, video, photo, audio recordings, or other material. The term “record” also includes, but is not limited to, all relevant information created, stored, received or delivered in any electronic or digital format, e.g., electronic mail, instant messaging or Facebook Messenger, iMessage, text messages or any other means of communication, and any information generated, sent, received, reviewed, stored or located on a government or private account or server, consistent with the holdings of *Competitive Enter. Inst. v. Off. of Sci. & Tech. Pol’y*, 827 F.3d 145, 150 (D.C. Cir. 2016) (rejecting agency argument that emails on private email account were not under agency control, and holding, “If a department head can deprive the citizens of their right to know what his department is up to by the simple expedient of maintaining his departmental emails on an account in another domain, that purpose is hardly served.”).

For purposes of this Request, the term “briefing” includes, but is not limited to, any meeting, teleconference, electronic communication, or other means of gathering or communicating by which information was conveyed to one or more person(s). For purposes of this Request, all sources, documents, letters, reports, briefings, articles and press releases cited in this Request are incorporated by reference as if fully set forth herein.

For purposes of this Request, the term “USVA Official” includes, but is not limited to, any person who is (1) employed by or on behalf of the USVA in any capacity; (2) contracted for services by or on behalf of the USVA in any capacity; or (3) appointed by the President of the United States to serve in any capacity at the USVA, all without regard to the component or office in which that person serves.

For purposes of this Request, and unless otherwise indicated, the timeframe of records requested herein is March 1, 2022, to May 1, 2022.

Pursuant to FOIA, 5 U.S.C. § 552, ACLJ hereby requests that the USVA respond to the following numbered requests and produce all responsive records:

1. All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any USVA official regarding the removal of Bibles and other religious literature from the “Patriot Store” in the Raymond G. Murphy VA Medical Center, including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, USVA electronic mail or message accounts, non-USVA electronic mail or message accounts, personal electronic mail or message accounts, USVA servers, non-USVA servers, and personal servers, as well as any electronic mail or message carbon copied to agency account recipients, any electronic mail or message carbon copied to non-agency account recipients, any electronic mail or message forwarded to agency account recipients, any

electronic mail or message forwarded to non-agency account recipients, and attachments to any electronic mail or message.

2. All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any USVA officials regarding the "Patriot Store" in the Raymond G. Murphy VA Medical Center and Mr. Michael L. Weinstein of the MRFF, including, but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, USVA electronic mail or message accounts, non-USVA electronic mail or message accounts, personal electronic mail or message accounts, USVA servers, non-USVA servers, and personal servers, as well as any electronic mail or message carbon copied to agency account recipients, any electronic mail or message carbon copied to non-agency account recipients, any electronic mail or message forwarded to agency account recipients, any electronic mail or message forwarded to non-agency account recipients, and attachments to any electronic mail or message.
3. All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any USVA official regarding the "Patriot Store" in the Raymond G. Murphy VA Medical Center, and any employee(s) or former employee(s) of the MRFF, including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, USVA electronic mail or message accounts, non-USVA electronic mail or message accounts, personal electronic mail or message accounts, USVA servers, non-USVA servers, and personal servers, as well as any electronic mail or message carbon copied to agency account recipients, any electronic mail or message carbon copied to non-agency account recipients, any electronic mail or message forwarded to agency account recipients, any electronic mail or message forwarded to non-agency account recipients, and attachments to any electronic mail or message.
4. All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any USVA official from the company and/or companies that were in any way connected via sale, distribution, or some other means, with the Bibles and other religious literature that were removed from the "Patriot Store" in the Raymond G. Murphy VA Medical Center, following Mr. Michael L. Weinstein's complaint, including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, USVA electronic mail or message accounts, non-USVA electronic mail or message accounts, personal electronic mail or message accounts, USVA servers, non-USVA servers, and personal servers, as well as any electronic mail or message carbon copied to agency account recipients, any electronic mail or message carbon copied to non-agency account recipients, any electronic mail or message forwarded to agency account recipients, any electronic mail or message forwarded to non-agency account recipients, and attachments to any electronic mail or message.
5. All records concerning or relating in any manner to the communications of USVA officials with "Patriot Store" employee(s) or former employee(s) about Mr. Michael L.

Weinstein, the MRFF, and/or the removal of Bibles and other religious literature from the "Patriot Store" in the Raymond G. Murphy VA Medical Center, including forwarded email messages or CC or BCC email messages.

6. All of the USVA emails and other records pertaining to Mr. Michael L. Weinstein and/or the MRFF from March 1, 2022, to May 1, 2022.


CONCLUSION

If this Request is denied in whole or in part, ACLJ requests that, within the time requirements imposed by FOIA, you support all denials by reference to specific FOIA exemptions and provide any judicially required explanatory information, including but not limited to, a *Vaughn* Index.

Moreover, as explained in an accompanying memorandum, the ACLJ is entitled to a waiver of all fees associated with it. The ACLJ reserves the right to appeal a decision to withhold any information sought by this request and/or to deny the separate application for expedited processing and waiver of fees.

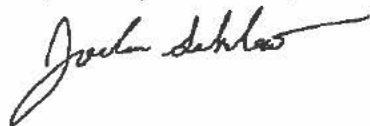
Thank you for your prompt consideration of this Request. Please furnish all applicable records and direct any responses to:

Jordan Sekulow, Executive Director
Benjamin P. Sisney, Senior Litigation Counsel
John Monaghan, Senior Litigation Counsel
Marshall H. Goldman, Senior Litigation Counsel
American Center for Law and Justice

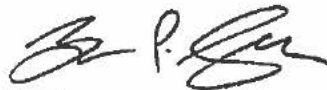


I affirm that the foregoing request and attached documentation are true and correct to the best of my knowledge and belief.

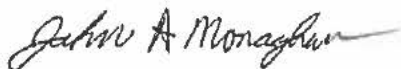
Respectfully submitted,



Jordan Sekulow
Executive Director



Benjamin P. Sisney
Senior Litigation Counsel



John Monaghan
Senior Litigation Counsel



Marshall H. Goldman
Senior Litigation Counsel

May 2, 2022

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Cc: Robert McKenrick, Raymond G. Murphy VA Medical Center Director
Ms. Sonja Brown, Raymond G. Murphy VA Medical Center Associate Director
The Honorable Denis Richard McDonough, Secretary of Veterans Affairs
The Honorable Richard A. Sauber, General Counsel

Raymond G. Murphy VA Medical Center
Release of Information
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