



DEPARTMENT OF HOMELAND SECURITY
UNITED STATES SECRET SERVICE
WASHINGTON, D.C. 20223

Freedom of Information and Privacy Acts Branch
Communications Center
245 Murray Lane, S.W.
Building T-5
Washington, D.C. 20223

JUN - 8 2009

Anne L. Weismann
Citizens for Responsibility and Ethics in Washington
1400 Eye Street, N. W.
Suite 450
Washington, DC 20005

File Number: 20090317-20090331, 20090333

Dear Ms. Weismann:

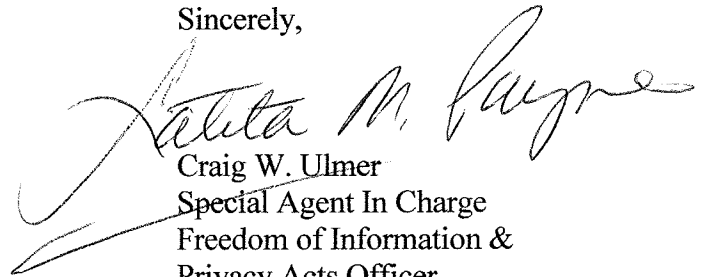
Reference is made to your Freedom of Information Act (FOIA) request, dated May 15, 2009, received by this office on May 26, 2009, for all records relating to any visit that the following individuals made to the White House or the residence of the Vice President from January 21, 2009, to the present. . . . [:] Gregory H. Boyce . . . Colin Marshall . . . Steven F. Leer . . . James F. Roberts . . . J. Brett Harvey. . . Don L. Blankenship . . . Alfred M. Rankin, Jr. . . . Robert L. Benson . . . Keith E. Alessi . . . Kevin A. Paprzycki . . . Robert E. Murray . . . Bruce E. Grewcock . . . Kenneth E. Stinson . . . Stephen L. Miller . . . Glenn English . . . [and] Krait Gneiss.

At this time, the issue of whether certain White House and Vice President's Residence visitor records are Presidential Records rather than agency records is the subject of litigation in the case of Citizens for Responsibility and Ethics in Washington v. Department of Homeland Security, et al., Civil No. 06-1912, pending in the United States District Court for the District of Columbia, and appellate Case No. 09-5014, pending in the United States Court of Appeals for the District of Columbia Circuit; as well as the case of Citizens for Responsibility and Ethics in Washington v. Department of Homeland Security, et al., Civil No. 08-1535, pending in the United States District Court for the District of Columbia, and appellate Case No. 09-5015, pending in the United States Court of Appeals for the District of Columbia Circuit (consolidated with appellate Case No. 09-5014).

It is the government's position that the vast majority, if not all, of the records that would have to be searched to determine whether any records responsive to your request exist are not agency records subject to the FOIA. Rather, these records are records governed by the Presidential Records Act, 44 U.S.C. § 2201 et seq., and remain under the exclusive legal custody and control of the White House Office and the Office of the Vice President. After the resolution of this litigation, we will respond further to your request if necessary.

Additionally, we are advised by the Department of Justice that disclosing the requested records could reveal information protected by the presidential communications privilege. This issue is also the subject of litigation in the same cases referred to above.

Sincerely,



Craig W. Ulmer
Special Agent In Charge
Freedom of Information &
Privacy Acts Officer