



October 5, 2020

BY EMAIL: FOIA@uss.s.dhs.gov

Kevin Tyrrell
FOIA Officer
United States Secret Service
Communications Center (FOIA/PA)
245 Murray Lane, SW Building T-5
Washington, D.C. 20223

Re: Freedom of Information Act Request

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and U.S. Department of Homeland Security regulations.

Specifically, CREW requests records sufficient to identify the total number of active U.S. Secret Service employees who have tested positive for COVID-19 as of the date this request is processed. This request only seeks records reflecting generalized or aggregate data; it does not seek individualized health data or personally identifiable information of any Secret Service employee.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, as well as those who were cc’ed or bcc’ed on any emails.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. *See* 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. *See Mead Data Central v. U.S. Dep’t of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and agency regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. *See* 5 U.S.C. § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. *See, e.g., McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

Amid the ongoing COVID-19 pandemic, President Trump and Vice President Pence have continued to hold large-scale rallies and events in contravention of public health guidelines.¹ These actions have recklessly and needlessly placed Secret Service personnel in harm's way, with dozens of agents reportedly contracting the virus in the last few months.² Most recently, President Trump enlisted Secret Service agents to drive his motorcade around Walter Reed National Military Medical Center where he is undergoing treatment for his own COVID-19 infection, so that he could wave to supporters. An attending physician at Walter Reed, Dr. James Phillips, decried the President's publicity stunt, tweeting that "[e]very single person in the vehicle during that completely unnecessary Presidential 'drive-by' just now has to be quarantined for 14 days. They might get sick. They may die. For political theater. Commanded by Trump to put their lives at risk for theater. This is insanity."³ The requested records will shed light on precisely how many Secret Service employees have tested positive for COVID-19 in the wake of the White House's continued disregard of those employees' health and safety—an issue of compelling public interest.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate documents it acquires from this request to the public through its website, www.citizensforethics.org. The release of information obtained through this request is not in CREW's financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a "representative of the news media" and broadly interpreting the term to

¹ Carol D. Leonnig, Secret Service copes with coronavirus cases in aftermath of Trump appearances, *Washington Post*, Aug. 28, 2020, <https://wapo.st/3izIVZU>.

² *See id.*; Zolan Kanno-Youngs, Trump's Secret Service Has Struggled With Outbreak at Training Center, *New York Times*, Oct. 2, 2020, <https://nyti.ms/2SrunAX>.

³ Mary Papenfuss, Horrorified Walter Reed Attending Physician Slams Trump's Drive-By Risk To Secret Service, *HuffPost*, Oct. 4, 2020, <https://bit.ly/3jEF4fO>.

include “any person or organization which regularly publishes or disseminates information to the public”).

CREW routinely and systematically disseminates information to the public in several ways. CREW’s website receives tens of thousands of page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. In addition, CREW posts documents it receives under the FOIA on its website, which has been visited hundreds of thousands of times.

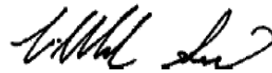
Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at (202) 408-5565 or nsus@citizensforethics.org. Also, if CREW’s request for a fee waiver is denied, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to me at either nsus@citizensforethics.org or Nikhel Sus, Citizens for Responsibility and Ethics in Washington, 1101 K St., N.W., Suite 201, Washington, D.C. 20005.

Sincerely,



Nikhel Sus
Senior Counsel