



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

January 12, 2021

Whitney Bowen
Program Analyst
District of Columbia Homeland Security and
Emergency Management Agency
2720 Martin Luther King Jr. Avenue SE, 2nd Floor
Washington, DC 20032

Re: Request for Records Under the D.C. Freedom of Information Act

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this request for records from the D.C. Homeland Security and Emergency Management Agency (“HSEMA”) pursuant to the D.C. Freedom of Information Act (“FOIA”), Subchapter II of the Code of the District of Columbia. Specifically, CREW requests:

1. All records from December 1, 2020 to January 6, 2021 relating to efforts to secure the U.S. Capitol Building or surrounding areas during the January 6, 2021 congressional session to count electoral votes, including without limitation any responsive communications with the U.S. Capitol Police, the Federal Bureau of Investigation, the Department of Justice, the Department of Defense, the Army, the National Guard, the Department of Homeland Security, the D.C. Mayor’s Office, or the D.C. Metropolitan Police Department.
2. All records from December 1, 2020 to January 6, 2021 reflecting any planned demonstrations, gatherings, disruptions, attacks, or riots in Washington, D.C. on January 6, 2021 that were identified by HSEMA or other agencies through social media monitoring, threat assessments, or other means.
3. All records from December 1, 2020 to January 6, 2021 reflecting any tips, complaints, referrals, allegations, or reports submitted to HSEMA regarding planned demonstrations, gatherings, disruptions, attacks, or riots in Washington, D.C. on January 6, 2021.
4. All records from December 1, 2020 to January 6, 2021 reflecting communications with other entities—including without limitation the U.S. Capitol Police, the

Federal Bureau of Investigation, the Department of Justice, the Department of Defense, the National Guard, the Army, the Department of Homeland Security, the D.C. Mayor's Office, or the D.C. Metropolitan Police Department—about the risks or threats posed by planned demonstrations, gatherings, disruptions, attacks, or riots in Washington, D.C. on January 6, 2021.

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, Subchapter II requires you to disclose which exemption of the FOIA permits the withholding. CREW requests that you state in writing and with particularity the reasons for any conclusion that a record is exempt or confidential. If some portions of the requested records are properly exempt from disclosure, you are required to redact those portions and produce the remainder of the requested records. D.C. Code § 2-534(b).

Please be advised that CREW intends to pursue all legal remedies to enforce its right under the FOIA to access these documents. Accordingly, because litigation reasonably is foreseeable, the agency should institute an agency-wide preservation hold on documents potentially responsive to this request.

Fee Waiver Request

CREW requests a waiver of fees associated with this request. A “waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.” D.C. Code § 2-532(b).

On January 6, 2021, a violent mob of Trump supporters stormed the U.S. Capitol Building to prevent Congress from counting electoral votes for the 2020 election, leading to five deaths, numerous injuries, defacement of government property, and removal of sensitive government records. Although the event was openly planned weeks in advance, law enforcement was woefully unprepared and failed to contain the mob.¹ According to the U.S.

¹ See Aruna Viswanatha and Sadie Gurman, Capitol Police Weren't Prepared for Rioters, Authorities Say, *Wall Street Journal*, Jan. 7, 2021, <https://www.wsj.com/articles/capitol-police-werent-prepared-for-rioters-authorities-say-11609978798>; Logan Jaffe et al., Capitol Rioters Planned for Weeks in Plain Sight. The Police Weren't Ready, *ProPublica*, Jan. 7, 2021, <https://www.propublica.org/article/capitol-rioters-planned-for-weeks-in-plain-sight-the-police-werent-ready>; W.J. Hennigan and Vera Bergengruen, Insurrectionists Openly Planned for Weeks to Storm the Capitol. Why Were Police So Easily Overwhelmed?, *Time*, Jan. 7, 2021, <https://time.com/5927215/capitol-hill-police-riots-unprepared/>; Ben Collins and Brandy Zadrozny, Extremists made little secret of ambitions to 'occupy'

Capitol Police Labor Committee, this “lack of planning” by various agencies “led to the greatest breach of the U.S. Capitol since the War of 1812,” and was a “failure of leadership at the very top.”² The requested records will shed light on this historically unprecedented failure to secure the U.S. Capitol against an insurrectionist riot—an issue of overwhelming 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 and to ensuring the integrity of those officials. To that end, CREW uses statutes like FOIA to gather information the public needs to hold public officials accountable, and widely disseminates this information through social media and its website, www.citizensforethics.org, which receives tens of thousands of views every month. Accordingly, “furnishing the information” requested here “can be considered as primarily benefiting the general public.” D.C. Code § 2-532(b).

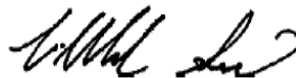
Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

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 and CREW is assessed fees exceeding \$100, 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

Capitol in weeks before attack, *NBC News*, Jan. 8, 2021, <https://www.nbcnews.com/tech/internet/extremists-made-little-secret-ambitions-occupy-capital-weeks-attack-n1253499>; Shaila Dewan, et al., *Police Failures Spur Resignations and Complaints of Double Standard*, *New York Times*, Jan. 7, 2021, <https://www.nytimes.com/2021/01/07/us/Capitol-cops-police.html>; David Ignatius, *Why weren’t officials at the Capitol more prepared for this insurrection?*, *Washington Post*, Jan. 6, 2021, https://www.washingtonpost.com/opinions/why-werent-officials-at-the-capitol-more-prepared-for-this-insurrection/2021/01/06/d1c45788-5079-11eb-bda4-615aaefd0555_story.html; Peter Hermann, et al., *How the U.S. Capitol Police were overrun in a ‘monumental’ security failure*, *Washington Post*, Jan. 8, 2021, https://www.washingtonpost.com/politics/capitol-police/2021/01/07/fa3114b8-5114-11eb-83e3-322644d82356_story.html.

² John Henry (@JohnHenryWUSA), Twitter, Jan. 7, 2021, <https://twitter.com/JohnHenryWUSA/status/1347307233487564808?s=20>.