

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON,

Plaintiff,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY, *et al.*,

Defendants.

Civil Action No. 21-0475 (ABJ)

DEFENDANTS' STATUS REPORT

Pursuant to the Court's Order dated April 15, 2021, Defendants, the United States Department of Homeland Security ("DHS") and the United States Department of the Interior ("Interior"), by and through their undersigned counsel, respectfully submit the following status report in this Freedom of Information Act ("FOIA") matter and proposal for the completion of Defendants' production of documents to Plaintiff, Citizens for Responsibility and Ethics in Washington ("CREW").

1. On June 3, 2020, CREW submitted a FOIA request to both the U.S. Secret Service ("Secret Service") and National Parks Service seeking "(1) all documents or communications regarding President Donald Trump's trip to St. John's Church on June 1, 2020; and (2) all documents related to the policies of the [Secret Service and United States Park Police] governing the treatment of peaceful protesters." Compl. (ECF No. 1) ¶¶ 20, 28.

The Secret Service FOIA Request

2. The Secret Service has completed its search for responsive records to CREW's request and has located approximately 300 pages of potentially responsive records. The Secret

Service intends to make its first production to CREW by June 1, 2021, with supplemental productions to occur every 30 days until production is complete.

3. The Secret Service conferred with CREW, through counsel, regarding the proposal described above, and CREW requested that the Secret Service complete its productions within 90 days (i.e., August 11, 2021). Based on the current workload of the Secret Service's FOIA office and the sensitive law enforcement nature of the requested records, the Secret Service anticipates processing about 100 pages per month and will endeavor to complete productions by August 1, 2021.

The National Park Service FOIA Request

4. The National Park Service has completed its search for potentially responsive records for the second portion of CREW's request (i.e., involving U.S. Park Police policies) and anticipates producing all responsive, non-exempt records for that portion of the request by June 1, 2020.

5. The National Park Service has not yet completed its search for the first portion of CREW's request, which substantially overlaps with similar records requests that the National Park Service is currently processing. In light of the significant public interest in the events of June 1, 2020 in Lafayette Square, the National Park Service has established a public reading room on the agency's website for those records, <https://www.nps.gov/aboutus/foia/foia-frd.htm> ("US Park Police - Lafayette Square FOIA releases"). The National Park Service is processing approximately 500 pages each month to be added to this website and proposes to fulfill the first portion of CREW's request through these productions.

6. The National Park Service conferred with CREW, through counsel, regarding the proposal described above, and CREW indicated that it is acceptable.

7. In light of the above, Defendants respectfully propose that they file another status report within 60 days (i.e., by July 12, 2021), further updating the Court regarding their progress in responding to CREW's FOIA requests.

A proposed order is attached.

Dated May 13, 2021

Respectfully submitted,

CHANNING D. PHILLIPS, D.C. Bar No. 415793
Acting United States Attorney

BRIAN P. HUDAK
Acting Chief, Civil Division

By: /s/ Christopher C. Hair
CHRISTOPHER C. HAIR, PA Bar No. 306656
Assistant United States Attorney
555 Fourth Street, N.W.
Washington, D.C. 20530
(202) 252-2541
christopher.hair@usdoj.gov

Counsel for Defendants

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON,

Plaintiff,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY, *et al.*,

Defendants.

Civil Action No. 21-0475 (ABJ)

[PROPOSED] ORDER

UPON CONSIDERATION of Defendants' status report and proposal for further proceedings, it is hereby ORDERED that Defendants shall submit another status report by July 12, 2021, further updating the Court regarding their progress in responding to Plaintiff's FOIA requests.

SO ORDERED.

Date

Hon. Amy Berman Jackson
United States District Judge