



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

October 21, 2022

BY EMAIL: FOIA@usss.dhs.gov

U.S. Secret Service FOIA Office
245 Murray Lane Building T-5
3rd Floor, FOIA
Washington, D.C. 20223

Re: Freedom of Information Act Request

Dear FOIA Officer:

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

Specifically, CREW requests all communications between the Secret Service and any member of the Oath Keepers between August 1, 2020 and Jan 31, 2021, including but not limited to the following members of the Oath Keepers: Stewart Rhodes, Thomas Caldwell, Kelly Meggs, Kenneth Harrelson, Jessica Watkins, Joshua James, Brian Ulrich, William Todd Wilson, Joseph Hackett, Roberto Minuta, David Moerschel, Edward Vallejo, Kellye SoRelle, Richard Mack, and Wendy Rogers.

The above request excludes agency records consisting solely of news articles, press clippings, and other publicly-available material, so long as the records include no accompanying discussion by agency officials.

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, and anyone who was 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). If 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).

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

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 id.* § 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).

On January 6, 2021, insurrectionists attacked the United States Capitol to stop the certification of the 2020 presidential election.¹ Those who participated in this violent, coordinated attack on our democracy included members of organized groups, such as the Oath Keepers, a far-right militia group. Since January 6, many members of the Oath Keepers have been charged with seditious conspiracy for their role in the attack, with some pleading guilty to those charges.²

Recent reports show that a Secret Service agent was in contact with members of the Oath Keepers via multiple phone calls leading up to the January 6 attack.³ Because the requested records will shed light on contacts between the Secret Service and members of a violent paramilitary group that played a central role in the January 6 attack, there is a strong public interest in their disclosure.

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 any 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.

¹ [Capitol Riots Timeline: What Happened on 6 January 2021?](#), June 10, 2021, available at [BBC News](#).

² Rachel Weiner, Spencer S. Hsu, & Tom Jackman, [Who Are the Oath Keepers Going to Trial on Seditious Conspiracy Charges?](#), October 3, 2022, available at [Washington Post](#).

³ Dan Mangan, [Jan. 6 Capitol Riot Panel Briefed on Multiple Calls between Secret Service and Oath Keepers](#), NBC News reports, October 14, 2022, available at [CNBC](#).

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

CREW routinely disseminates information obtained through FOIA to the public in several ways. For example, CREW's website receives hundreds 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. These reports frequently rely on government records obtained through FOIA. CREW also posts the documents it obtains through FOIA on its website.

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 email me at ghonig@citizensforethics.org and foia@citizensforethics.org or call me at (202) 408-5565. 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 ghonig@citizensforethics.org and foia@citizensforethics.org or by mail to Grace Honig, Citizens for Responsibility and Ethics in Washington, 1331 F St. NW, Suite 900, Washington, D.C. 20004.

Sincerely,

A handwritten signature in black ink that reads "Grace Honig". The signature is written in a cursive style with a large, stylized "H".

Grace Honig
Research Intern