



February 18, 2025

Charlotte Luckstone
FOIA Officer, Office of General Counsel
United States Marshals Service
Department of Justice
CG-3 15th Floor
Washington, DC 20530-1000

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 Justice ("DOJ") regulations.

Specifically, from January 1, 2018 to the date this request is processed, CREW requests:

1. All documents and communications related to any formal or informal policies employed by the United States Marshals Service ("USMS," "Marshals Service") or other federal entities used to determine whether a current or former government official warrants a personal protective detail ("PPD"); and
2. Documents sufficient to identify the factors taken into account by the Marshals Service or other federal entities during this period to determine whether any current or former government official warrants a PPD.

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 agencywide 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).

During President Trump's first days back at the White House, the protective security details for several former federal officials were revoked,¹ despite recent reports suggesting that credible threats against them remained.² Because the president controls the USMS, a bureau of the Department of Justice whose primary purpose is to protect the judiciary, and because threats against judicial officials are on the rise, it is even more important that there be transparency in USMS operations.³

The necessarily public functions of an independent judiciary leaves judges and court officers particularly susceptible to increased risks.⁴ In his 2024 end-of-year report, Chief Justice John Roberts condemned the many hostile threats that judicial officers have faced as a consequence of simply doing their jobs and the security measures that have been taken in response, from the issuance of bulletproof vests to the assignment of full-time security

¹ Sheryl Gay Stolberg, *Trump Terminates Fauci's Government Security Protection*, N.Y. Times, (Jan. 24, 2025), https://www.nytimes.com/2025/01/24/us/politics/fauci-security-protection.html?campaign_id=1908&emc=edit_ufn_20250124&instance_id=145721&nl=from-the-times®i_id=202459426&segment_id=189217&user_id=2dc180498f86147914c4bc9de2d97fc2; Maggie Haberman, *Trump Revokes Security Detail for Pompeo and Others, Despite Threats From Iran*, N.Y. Times (Jan. 23, 2025), <https://www.nytimes.com/2025/01/23/us/politics/trump-pompeo-security-iran.html>.

² The Associated Press, *Trump ends Fauci's security detail, says he'd feel no responsibility if he was harmed*, NPR (Jan. 24, 2025 4:39 ET), <https://www.npr.org/2025/01/24/nx-s1-5273805/donald-trump-anthony-fauci-security-detail-federal>; Associated Press, *Trump Should Rethink Revoking Former Officials' Security Details, Tom Cotton Says*, U.S. News & World Report (Jan. 26, 2025), <https://www.usnews.com/news/politics/articles/2025-01-26/trump-should-rethink-revoking-former-officials-security-details-tom-cotton-says>.

³ U.S. Marshal Service, Fact Sheet: Judicial Security (Oct. 1, 2024), <https://www.usmarshals.gov/sites/default/files/media/document/2025-Judicial-Security.pdf>; Robert Legare, *Threats to federal judges have risen every year since 2019*, CBS (Feb. 14, 2024 5:30 EST), <https://www.cbsnews.com/news/threats-to-federal-judges-have-risen-every-year-since-2019/>.

⁴ Summary Statement of Account Requirements, U.S. Courts (2025), <https://www.uscourts.gov/file/78357/download#page=6>.

details.⁵ And in the past few years, high-profile examples of such threats against the federal judiciary have made headlines.⁶ Tragically, state and federal judges and their family members have also lost their lives as threats have escalated to violence.⁷ The “new normal” of highly volatile behavior” in response to standard judicial processes raises questions about how judges can safely and faithfully perform their duties, as they must, “without fear of reprisal or retribution.”⁸

Numerous recent congressional hearings, including those related to the January 6th attack on the U.S. Capitol, have focused on threats to federal officials and PPDs. However, without insight into standards that warrant the allocation of federal tax dollars to providing individuals with security details, the public has not been able to exercise an informed role in influencing its representatives. A 2024 Congressional Research Service report stated that “there are numerous federal PPD factors that Congress may be currently unaware of[,] . . . includ[ing]. . . [w]hat process is used by federal entities in determining who receives PPD[.]”⁹ Congress, and the people it represents, must have insight into the PPD process to ensure executive branch accountability. Transparency around whether there is a consistent approach to determining credible threats to federal elected and appointed officials is critical to the 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 any documents it acquires from this request to the public through its website,

⁵ John Roberts, 2024 year end report on the federal judiciary, <https://www.supremecourt.gov/publicinfo/year-end/2024year-endreport.pdf>.

⁶ Joseph Tanfani, Ned Parker and Peter Eisler, *Judges in Trump-related cases face unprecedented wave of threats*, Reuters (Feb. 29, 2024), <https://www.reuters.com/investigates/special-report/usa-election-judges-threats/>; Emily Olson, *A Texas woman is charged with threatening the judge overseeing Trump’s Jan. 6 trial*, NPR (Aug. 17, 2023 9:28 ET), <https://www.npr.org/2023/08/17/1194362551/tanya-chutkan-judge-threats-trump-insurrection-trial-shry>; *Trump removes Anthony Fauci’s federal security detail*, CBS (Jan. 24, 2025 9:04 ET), <https://www.cbsnews.com/news/trump-removes-anthony-fauci-federal-security-detail/>; Michael Kunzelman, *Trial date set for man accused of trying to assassinate Supreme Court Justice Kavanaugh*, A.P. News (Aug. 20, 2024 5:07 ET), <https://apnews.com/article/supreme-court-threat-brett-kavanaugh-nicholas-roske-767c1c519906f0551328fdb3a503cc65>.

⁷ Lea Skene, Michael Kunzelman, and Sarah Brumfield, *A slain Maryland judge presides over the divorce case of man identified as a suspect in his killing*, AP News (Oct. 20, 2023 5:46 ET), <https://apnews.com/article/maryland-judge-shot-killed-394b2eaf2570813d1f2845c45f8a99fe>; William K. Rashbaum, *Misogynistic lawyer who killed judge’s son had list of possible targets*, N.Y. Times (July 25, 2020), <https://www.nytimes.com/2020/07/25/nyregion/roy-den-hollander-esther-salas-list.html>.

⁸ Oversight of the United States Marshals Service Before the Subcommittee on Crime and Federal Government Surveillance, 118 Cong. (2024) (statement of Ronald Davis, Director, U.S. Marshals Service) <https://www.congress.gov/118/meeting/house/116837/witnesses/HHRG-118-JU08-Wstate-DavisR-20240214.pdf#page=7>; Judiciary Affirms Need for Bill to Protect Federal Judges, U.S. Courts (July 14, 2021), <https://www.uscourts.gov/data-news/judiciary-news/2021/07/14/judiciary-affirms-need-bill-protect-federal-judges>.

⁹ Shawn Reese, Cong. Rsch. Serv., R47731, *Who protects whom? Federal official and judicial security and personal protective details* (updated July 16, 2024) <https://sgp.fas.org/crs/misc/R47731.pdf>.

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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 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 over 150,000 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 kmm@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 kmm@citizensforethics.org and foia@citizensforethics.org or by mail to Kalyn Mizelle McDaniel, Citizens for Responsibility and Ethics in Washington, P.O. Box 14596, Washington, D.C. 20044.

Sincerely,

Kalyn Mizelle McDaniel
Legal Fellow