



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

February 13, 2024

BY EMAIL: desantis.opengov@eog.myflorida.com

Executive Office of Governor Ron DeSantis
Attn: Office of Open Government
400 S Monroe St.
Suite 209
Tallahassee, FL 32399

Re: Freedom of Information Act Request

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington ("CREW") submits this request for records from the Executive Office of Governor Ron DeSantis ("Executive Office") pursuant to the Public Records Act, Chapter 119 of the Florida Statutes.

Specifically, CREW requests:

1. All communications between the Office of Governor Ron DeSantis and the Florida State Guard (FLSG), including but not limited to communications between Gov. DeSantis and FLSG Director Mark Thieme, relating to the Governor's February 2024 interstate deployment of State Guard troops to the southern U.S. border between Texas and Mexico ("the Deployment")
2. Records sufficient to identify the total cost of the Deployment.
3. Records sufficient to identify the source(s) of all money used to fund the Deployment
4. All records reflecting any complaint, inquiry, analysis, consideration, or determination by the Office of the Governor regarding any legal restrictions applicable to the Deployment.
5. All records reflecting the parameters of the Deployment, including any instructions or other communications to FLSG members about the nature of the Deployment, whether participation is mandatory or voluntary, and the source of funding for the Deployment.
6. All records from the Office of the Governor regarding the Deployment being "deemed necessary"

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 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).

By way of Background, on February 1, 2024, Governor Ron DeSantis announced he would deploy members of the Florida National Guard and Florida State Guard to Texas to help the state "in its efforts to stop the invasion at the southern border" with Mexico.¹ In a press release DeSantis said that the troops would be deployed to help install razor wire along the border.² DeSantis is one of many Republican Governors who announced their support of Texas Governor Greg Abbott after he flouted a Supreme Court decision ruling against the

¹ Lauren Sforza, DeSantis sends National Guard troops to Texas border, *The Hill*, February 1, 2024, <https://shorturl.at/dpCEG>

² *Id.*

use of razor wire barriers on the border.³ The Deployment comes as the FL State Legislature attempts to remove a requirement that the FLSG “be used exclusively within state” and would allow DeSantis to activate it whenever it is “deemed necessary.”⁴ The requested records will show the reasoning behind DeSantis’ decision and the costs associated with the deployment, both of which are matters of substantial 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, 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 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 [REDACTED] 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 [REDACTED] and foia@citizensforethics.org or by mail to Rebecca Jacobs, Citizens for Responsibility and Ethics in Washington, 1331 F St. NW, Suite 900, Washington, D.C. 20004.

³ *Id.*

⁴ *Id.*

February 13, 2024
Page 4

Sincerely,

A handwritten signature in black ink, appearing to be 'RJ' followed by a stylized flourish.

Rebecca Jacobs
Senior Researcher