CREW

CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

July 25, 2022

SENT VIA EMAIL: FOIA@usss.dhs.gov

FOIA Officer
United States Secret Service
Communications Center (FOIA/PA)
245 Murray Lane, SW Building T-5
Washington, D.C. 20223

Re: Freedom of Information Act Request

Dear FOIA Officer:

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

Specifically, CREW requests any records, including but not limited to complaints, grievances, incident reports, or requests for investigation relating to then-President Donald Trump's reported assault on Secret Service Agent Bobby Engel 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.

If it is your position that 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).

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 5 U.S.C. § 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).

Over the past few months the Select Committee to Investigate the January 6th Attack on the United States Capitol (Select Committee) has revealed shocking details about the insurrection and the days leading up to it. In one particularly appalling testimony former White House aide Cassidy Hutchinson described how President Trump attacked Secret Service agent Bobby Engel in his limousine after the President was told he could not go to the Capitol building to meet with his supporters on January 6.[1] Hutchinson described to the Select Committee how another aide witnessed President Trump reach to the front of the vehicle when he did not get his way and "'grab at the steering wheel,' while using his free hand 'to lunge toward Bobby Engel.'"[2] According to Hutchinson the aide "motioned his hands toward the clavicle" when he shared this.[3] The Secret Service has since pushed back on Hutchinson's account.[4] The requested records will shed light on the events that took place in the President's limousine on January 6 and possibly reveal if President Trump committed assault, a matter of immense 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

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[1] Mangan, Dan. "Trump lunged at Secret Service agent in rage when told he couldn't go to Capitol on Jan. 6, aide testifies." *CNBC*. June 28, 2022. *Available at* https://www.cnbc.com/2022/06/28/trump-lunged-at-secret-service-agent-in-rage-when-told-he-couldnt-go-to-capitol-on-jan-6-aide-testifies.html
[2] *Id.*
[3] *Id.*
[4] Lillis, Mike and Rebecca Beitsch. "Secret Service denial of Hutchinson story fuels attacks from both sides." *The Hill*. July 7, 2022. *Available at* https://thehill.com/homenews/house/3548186-secret-service-denial-of-hutchinson-story-fuels-attacks-from-both-sides/

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

CREW routinely and systematically disseminates information to the public in several ways. CREW's website receives tens 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. In addition, CREW posts documents it receives under the FOIA its website, which has been visited hundreds of thousands of times.

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 [redacted]. Also, if CREW's request for a fee waiver is not granted in full, 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]. If DHS is not able to provide the records electronically, please contact me to arrange an alternative method of transmission. Thank you for your assistance in this matter.

Sincerely,



Rebecca Jacobs
Senior Researcher