



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

February 26, 2024

BY EMAIL: NG.MO.MOARNG.LIST.FOIA@MAIL.MIL

Office of the Adjutant General
JFMO-IMA (ATTN: FOIA Manager)
6900 N. Boundary Rd
Jefferson City, MO 65101-1203

Re: Freedom of Information Act Request

Dear FOIA Manager:

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 U.S. Department of Defense ("DOD") regulations.

Specifically, CREW requests:

1. All communications between the Office of Governor Mike Parson and the Missouri National Guard relating to the Governor's February 2024 interstate deployment of 1,000 National 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 DOD, the National Guard, or any other federal or state entity regarding any legal restrictions applicable to the Deployment.
5. All records reflecting the parameters of the Deployment, including any instructions or other communications to Missouri National Guard members about the nature of the Deployment, whether participation is mandatory or voluntary, and the source of funding for the Deployment.

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 20, 2024, Governor Mike Parson announced he would deploy members of the Missouri National Guard to Texas to help the state with “border security efforts.”¹ In a press release Parson said that 200 soldiers would be deployed to help “secure the border, prevent illegal immigration, and stop illicit drug and human trafficking.”² Parson 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 use of razor wire barriers on the border.³ The requested records will show the reasoning behind Parson’s 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

¹ James Bickerton, *Republican State Sends National Guard to Texas Border*, *Newsweek*, February 21, 2024, <https://shorturl.at/knHN7>

² *GOVERNOR PARSON ANNOUNCES DEPLOYMENT OF 200 NATIONAL GUARD MEMBERS, 22 HIGHWAY PATROL TROOPERS TO TEXAS SOUTHERN BORDER*, *Office of Governor Michael L. Parson*, February 20, 2024, <https://shorturl.at/nvA89>

³ Bickerton, *Newsweek*, February 21, 2024

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, [REDACTED]
[REDACTED]

Sincerely,



Rebecca Jacobs
Senior Researcher