

# CREW | citizens for responsibility and ethics in washington

August 18, 2017

**BY EMAIL: [foia@hq.dhs.gov](mailto:foia@hq.dhs.gov)**

Jonathan Cantor  
Acting Chief Privacy Officer/Chief FOIA Officer  
The Privacy Office  
U.S. Department of Homeland Security  
245 Murry Lane SW  
STOP-0655  
Washington, D.C. 20528-0655

Re: Freedom of Information Act Request

Dear Mr. Cantor:

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:

- (1) Copies of all calendars and/or other records from January 20, 2017 to the present reflecting meetings Katharine Gorka had, currently Adviser to the Department of Homeland Security’s Office of Policy, and formerly Adviser to the DHS Chief of Staff’s Office;
- (2) Documents reflecting the responsibilities and duties of Ms. Gorka, both in her current role as Adviser to the DHS Office of Policy, and in her previous role as Adviser to the DHS Chief of Staff’s Office;
- (3) All communications from January 20, 2017 to the present between Ms. Gorka and George Selim, former DHS Director of the Office for Community Partnerships, and/or his then-deputy David Gersten; and
- (4) Documents reflecting DHS’ 2017 review of the Countering Violent Extremism (CVE) program, ordered by then-DHS Secretary John Kelly in January, as well as any other documents reflecting the decision to revoke CVE grant funding from the nonprofit organization, Life After Hate, and from the University of North Carolina at Chapel Hill.

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,

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or discussions. Our request also includes any attachments to emails and other records, as well as emails to which the subjects of this request were cc'ed or bcc'ed.

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).

### **Fee Waiver Request**

In accordance with 5 U.S.C. § 552(a)(4)(A) and DHS 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).

On January 13, 2017, then-DHS Secretary Jeh Johnson announced that DHS had selected 31 proposals to support local efforts to counter violent extremism to receive \$10 million in grant funding appropriated by Congress in 2016.<sup>1</sup> Only two of these projects were aimed at countering white nationalist groups: Life After Hate, founded by former white supremacists who have renounced the racist ideology, was awarded \$400,000 to assist individuals seeking to leave hate groups,<sup>2</sup> and the University of North Carolina at Chapel Hill was awarded \$900,000 to counter jihadist and white supremacist recruiting.<sup>3</sup> Neither grant was ever dispersed. Shortly after President Trump took office, then-DHS Secretary John Kelly ordered a review of the Countering Violent Extremism (CVE) task force, including a "re-vet" of the groups that had already been selected to receive funding. When DHS published a new list of award recipients on June 23, 2017, neither Life After Hate nor UNC-Chapel Hill was included.<sup>4</sup>

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<sup>1</sup> Statement by Secretary Jeh Johnson Announcing First Round of DHS's Countering Violent Extremism Grants, Department of Homeland Security, Jan. 13, 2017, available at <https://www.dhs.gov/news/2017/01/13/statement-secretary-jeh-johnson-announcing-first-round-dhss-countering-violent>.

<sup>2</sup> Jessica Shulberg, Controversial Trump Aide Katharine Gorka Helped End Funding for Group That Fights White Supremacy, *Huffington Post*, Aug. 15, 2017, available at [http://www.huffingtonpost.com/entry/katharine-gorka-life-after-hate\\_us\\_59921356e4b09096429943b6](http://www.huffingtonpost.com/entry/katharine-gorka-life-after-hate_us_59921356e4b09096429943b6).

<sup>3</sup> Melanie Zanona, Trump Cuts Funds to Fight Anti-Right Wing Violence, *The Hill*, Aug. 14, 2017, available at <http://thehill.com/policy/national-security/346552-trump-cut-funds-to-fight-anti-right-wing-violence>.

<sup>4</sup> DHS Countering Violent Extremism Grants, Department of Homeland Security, Jun. 23, 2017, available at <https://www.dhs.gov/cvegrants>.

Prior to joining the Trump Administration, Katharine Gorka, currently Adviser to the DHS Office of Policy, and formerly Adviser to the DHS Chief of Staff's Office, was highly critical of the DHS Countering Violent Extremism (CVE) Task Force, and proposed limiting its focus to radical Islamic extremism, rather than white supremacist groups.<sup>5</sup> As a member of the Trump Administration's transition team, Gorka told DHS officials that the office would likely be renamed "Countering Radical Islam" or "Countering Violent Jihad."<sup>6</sup> Yet, in May 2017, DHS and the FBI warned that white supremacists "were responsible for 49 homicides in 26 attacks from 2000 to 2016 [...] more than any other domestic extremist movement."<sup>7</sup> Nevertheless, the following month, DHS revoked the only two CVE grants intended to counter white supremacist groups.

Three months later, the city of Charlottesville, Virginia came under siege, as white nationalists and counter-protesters violently clashed over the removal of Confederate monuments.<sup>8</sup> Heather Heyer, one of the counter-protestors, was hit by a car allegedly driven into the crowd by James Alex Fields, Jr., one of the rally participants.<sup>9</sup> Tony McAleer, one of the co-founders of Life After Hate, told *The Hill* that their grant-funded program to identify white supremacists who wanted to leave the movement would have been up and running before the protest spun out of control, had DHS not revoked their funding. "Whether or not we would have made a difference, it's impossible to know."<sup>10</sup>

The requested records would shed light on the decision by DHS to revoke funding for programs aimed at combatting white supremacist groups only months prior to a fatal attack at a rally staged by white nationalists, during which a counter-protester was killed by a man participating in the rally.<sup>11</sup>

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<sup>5</sup> Alex Emans, Homeland Security Hires Anti-Islam Activist Katharine Gorka as Trump Makes Overtures to Muslim States, *The Intercept*, May 23, 2017, available at <https://theintercept.com/2017/05/23/homeland-security-hires-anti-islam-activist-katharine-gorka-as-trump-makes-overtures-to-muslim-states/>.

<sup>6</sup> Michael Crowley, Trump's Terror-Fighting Team Yet to Take Shape, *Politico*, Dec. 20, 2016, available at <http://www.politico.com/story/2016/12/donald-trump-terrorism-232870>.

<sup>7</sup> Jana Winter, FBI and DHS Warned of Growing Threat From White Supremacists Months Ago, *Foreign Policy*, Aug. 14, 2017, available at <http://foreignpolicy.com/2017/08/14/fbi-and-dhs-warned-of-growing-threat-from-white-supremacists-months-ago/>.

<sup>8</sup> Sheryl Gay Stolberg and Brian M. Rosenthal, Man Charged After White Nationalist Rally in Charlottesville Ends in Deadly Violence, *New York Times*, Aug. 12, 2017, available at <https://www.nytimes.com/2017/08/12/us/charlottesville-protest-white-nationalist.html?action=click&contentCollection=U.S.&module=RelatedCoverage&region=EndOfArticle&pgtype=article&r=0>.

<sup>9</sup> Jonah Engel Bromwich and Alan Blinder, What We Know About James Alex Fields, Driver Charged in Charlottesville Killing, *The New York Times*, Aug. 13, 2017, available at <https://www.nytimes.com/2017/08/13/us/james-alex-fields-charlottesville-driver-.html?mcubz=0>.

<sup>10</sup> Melanie Zanoa, Trump Cuts Funds to Fight Anti-Right Violence, *The Hill*, Aug. 14, 2017, available at <http://thehill.com/policy/national-security/346552-trump-cut-funds-to-fight-anti-right-wing-violence>.

<sup>11</sup> Jonah Engel Bromwich and Alan Blinder, What We Know About James Alex Fields, Driver Charged in Charlottesville Killing, *The New York Times*, Aug. 13, 2017, available at <https://www.nytimes.com/2017/08/13/us/james-alex-fields-charlottesville-driver-.html?mcubz=0>.

Furthermore, these records would shed light on the extent to which Ms. Gorka, previously a vocal critic of the CVE Task Force, directed that this funding be revoked. Ms. Gorka's husband, Deputy Assistant to the President Sebastian Gorka, has his own ties to the far right—expressing support for the Magyar Gárda, a racist and anti-Semitic Hungarian militia during a 2007 television interview, serving as the national security editor for the alt-right website Breitbart, and wearing a medal issued by the Vitezi Rend, a Hungarian group that collaborated with the Nazis, to President Trump's inaugural ball.<sup>12</sup> The public has an interest in determining the extent to which a DHS policy adviser holding views contradicted by the majority of counterterrorism experts, and married to a man with ties to white nationalist groups, was involved in the decision to revoke funding for programs intended to de-radicalize neo-Nazis (*i.e.*, Life After Hate) and counter white supremacist recruiting (*i.e.*, University of North Carolina at Chapel Hill).

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](http://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 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 a blog that regularly reports on and analyzes newsworthy developments including 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 all 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.

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<sup>12</sup> Eli Clifton, [Sebastian Gorka's Long History of Denying the Right Wing Terrorism Threat](http://lobelog.com/sebastian-gorkas-long-history-of-denying-the-right-wing-terrorism-threat/), Lobelog, available at <http://lobelog.com/sebastian-gorkas-long-history-of-denying-the-right-wing-terrorism-threat/>.

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**Conclusion**

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at (202) 408-5565 or [aweismann@citizensforethics.org](mailto:aweismann@citizensforethics.org). 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 me either at [aweismann@citizensforethics.org](mailto:aweismann@citizensforethics.org) or at Anne L. Weismann, Citizens for Responsibility and Ethics in Washington, 455 Massachusetts Ave., N.W., 6th Floor, Washington, D.C. 20001. Thank you for your assistance in this matter.

Sincerely,



Brandon Brockmyer, PhD  
Director of Research