

Anne L. Weismann, Chief FOIA Counsel
Citizens for Responsibility and Ethics in Washington
Testimony Before the House Committee on Appropriations
Subcommittee on Homeland Security

Chairwoman Roybal-Allard, Ranking Member Fleischmann, and members of the Subcommittee, thank you for the opportunity to submit written testimony regarding the FY 2021 Homeland Security Appropriations Bill. My organization, Citizens for Responsibility and Ethics in Washington (CREW), is a non-profit, non-partisan organization committed to protecting the rights of citizens to be informed about the actions of government officials, ensuring their integrity, and protecting our democracy from corruption and deceit. In furtherance of this mission, I am writing to recommend inclusion of bill text governing the operations and support for the United States Secret Service that would require the Secret Service to make publicly available records of visitors to the White House and the vice president's residence.

The Secret Service, as part of its statutory responsibilities to protect the president, vice president, and their immediate families,¹ monitors and clears visitors to the White House complex using records from two automated systems. It is our understanding that the Secret Service uses a similar system for visitors to the vice president's residence. These records track visitors from the initiation of a request that they be cleared for access to the point that they exit the White House complex. The White House visitor records play a critical role in the Secret Service's performance of a core statutory function, yet the agency has refused to release them upon request under the Freedom of Information Act (FOIA), claiming they are not agency records.

To settle then-ongoing litigation brought by CREW over this very issue, and recognizing the "right" of "Americans" to "know whose voices are being heard in the policymaking

¹ 18 U.S.C. §§ 3056, 3056A

process,² the Obama administration began voluntarily disclosing the majority of the information in the White House visitor logs on December 31, 2009, from records created after September 15, 2009. As implemented, the posted records included names of visitors, the dates and times they entered and exited the White House compound, and the names of the White House staff requesting that they be cleared for access. Under this disclosure policy, the Obama administration released nearly 6,000,000 records, which opened a new window into the functioning of the White House and helped inform the public through countless news stories about who was going into the White House to meet with administration officials, and it offered opportunities for groups like CREW and Judicial Watch to analyze the data in an effort to hold the administration accountable. President Trump closed that window after he came into the White House, leaving the public in the dark about who was going into “the people’s house” and fueling multiple lawsuits.

Regardless of who the president is, information about White House visitors should continue to be publicly accessible. This is information the Secret Service—an agency component of the U.S. Department of Homeland Security subject to the FOIA—creates and uses to perform one of its key statutory responsibilities. For purposes of the FOIA, there simply is no meaningful way to distinguish the records it creates from the visitor records available to the public from all the other agencies in the executive branch. Of critical importance, these records help inform the public about those individuals and entities that seek to influence presidential decision-making and executive branch policies, and the basic day-to-day workings of our government—the information the FOIA was designed to access.

² Peter Baker, [The White House Will Disclose Visitor Logs](https://thecaucus.blogs.nytimes.com/2009/09/04/the-white-house-will-disclose-visitor-logs/), *New York Times*, Sept. 4, 2009, <https://thecaucus.blogs.nytimes.com/2009/09/04/the-white-house-will-disclose-visitor-logs/>.

Experience under the Obama administration’s voluntary disclosure policy demonstrates how important these records are for public accountability. The *Washington Post* reported that the visitor records the Obama administration released included “scores of lobbyists.”³ For example, one news report that examined records from an “unremarkable” day in January 2012 revealed the “regular presence” of lobbyists at the White House, with “lobbyists with personal connections to the White House enjoy[ing] the easiest access.”⁴ At the same time, the Obama disclosure policy protected the interests of the president, his family, and the national interest by excluding purely personal guests of the president’s family, records implicating national security interests, and records of particularly time-sensitive meetings that were temporarily withheld.

While the Trump administration has chosen to discontinue the voluntary disclosure policy, Congress has the power to improve congressional and public visibility into visitors to the White House and the vice president’s residence through the appropriations process. To that end, CREW recommends the following bill language:

Not later than 30 days after the date of enactment of this Act, and updated every 30 days thereafter, the United States shall report to the Congress and make contemporaneously available online a searchable, sortable, downloadable database of visitors to the White House and the vice president’s residence that includes the name of each visitor, the name of the individual who requested clearance for each visitor, and the date and time of entry and exit for each visitor. Notwithstanding this requirement, the United States Secret Service, after consultation with the president or his designee, may exclude from the database any information that would (1) implicate personal privacy or law enforcement concerns or threaten national security, or (2) relate to a purely personal guest. In addition, with respect to a particular sensitive meeting, the United States Secret Service shall disclose each month to Congress and the public the number of records withheld on this basis and shall post the applicable records no later

³ John Wagner, *Trump will keep list of White House visitors secret*, *Washington Post*, Apr. 14, 2017, <https://www.washingtonpost.com/news/post-politics/wp/2017/04/14/trump-to-discontinue-obama-policy-of-voluntarily-releasing-white-house-visitor-logs/>.

⁴ T.W. Farnam, *White House Visitor Logs Show Lobbying Going Strong*, *Washington Post*, May 20, 2012, https://www.washingtonpost.com/politics/2012/05/20/gIQA2ok4dU_story.html.

than 360 days thereafter.

Thank you for the opportunity to address the subcommittee.