

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY,

Defendant.

Civil Action No. 20-1400 (CRC)

DEFENDANT’S STATEMENT OF UNDISPUTED MATERIAL FACTS

Pursuant to Local Civil Rule 7(h)(1) and Federal Rule of Civil Procedure 56(c), Defendant United States Department of Homeland Security (“DHS”) respectfully submits this statement of undisputed material facts in support of its motion for summary judgment.

1. Plaintiff Citizens for Responsibility and Ethics in Washington (“CREW”) submitted a FOIA request to DHS on March 24, 2020 for an unredacted version of the a report entitled “United States Secret Service Expenses Incurred at Trump Turnberry Resort” (“OIG Report”), which had been prepared by the Office of the Inspector General for the Department of Homeland Security (“DHS OIG”) concerning expenses incurred by the Secret Service to provide protection during the President’s trip to Trump Turnberry Resort on July 14-15, 2018. *See id.* ¶¶ 1, 10, 21-22; Def.’s Exhibit 3 (redacted OIG Report).

2. DHS OIG located the OIG Report CREW requested by searching its Office of Audits, which had generated the report. *See Declaration of Camille Callender (“Callender Decl.”) ¶¶ 7-9; Def’s Exhibit 3.*

3. The OIG Report was compiled for law enforcement purposes. *See Callender Decl.*

¶ 5; Def.'s Exhibit 3.

4. DHS OIG provided a final response to the FOIA request on April 2, 2020, and CREW appealed the initial response on April 3, 2020. *See* Callender Decl. ¶ 11; Complaint, ¶¶ 23-24.

5. On June 18, 2020, the Secret Service responded to the appeal, granting it in part and denying it with respect to CREW's challenge to the application of Exemptions 7(E) and 7(F). *See* Answer, ¶¶ 24-25, 28; Callender Decl. ¶ 11.

6. DHS redacted from the OIG Report the total cost of the trip on the highlights page and page 2; the total number of Secret Service personnel on the trip on the highlights page and pages 2, 3, and 7; the total cost of the meals and incidental expenses on the highlights page and pages 2 and 5; the description of two expenditures for supportive protective equipment on page 2, footnote 1 and page 5, Table 5; and the single and double occupancy room rates charged to the government by the Trump Turnberry Resort on page 4. *See* Declaration of Ronald L. Rowe, Jr. ("Rowe Decl.") ¶ 5.

7. The number of Secret Service personnel on the trip and the description of the equipment they obtain during the trip are part of the operational security plan for protecting the President and others on this particular trip. *See* Rowe Decl. ¶¶ 6-8.

8. Information about the costs of lodging and meals indirectly reveal information about the strength of the detail assigned to protect the President on the trip to Scotland in July, 2018 because the rates for lodging and *per diem* meal and other expenses are set by government regulation. *See* Rowe Decl. ¶¶ 7, 10-11.

9. The Secret Service's operational security plans for protecting the President, including the number of personnel assigned and descriptions of the equipment used, are law

enforcement techniques or guidelines. *See* Rowe Decl. ¶¶ 1-4, 7-9.

10. Public disclosure of details of the Secret Service’s operational security plan for protecting the President and other individuals risks circumvention of the law against interfering with the Secret Service performance of its duties. *See* Rowe Decl. ¶¶ 7-9, 14.

11. Public disclosure of details of the Secret Service’s operational security plan for protecting the President and other individuals could reasonably be expected to endanger the life or physical safety of individuals both under the Secret Service’s protection as well as law enforcement personnel and members of the public in proximity to those under the Secret Service’s protection. *See* Rowe Decl. ¶¶ 1-4, 8-11, 13-14.

12. The Secret Service reviewed each redaction and found no additional, non-exempt information that could be segregated and released. *See* Rowe Decl. ¶¶ 6, 14; Def.’s Ex. 3.

13. The Secret Service released the maximum amount of information in the OIG Report and withheld only exempt material for which it perceived significant foreseeable harm from public disclosure. *See* Rowe Decl. ¶¶ 6, 8, 13-14.

Dated: August 12, 2020.

Respectfully submitted,

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