

June 15, 2020

BY EMAIL: FOIA@uss.dhs.gov

Kevin Tyrrell
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:

- 1) All documents and communications dating from May 25 to June 12, 2020 regarding the decision to erect additional security fencing and barricades around the White House complex, the Ellipse, and Lafayette Park during the week of June 1, 2020.
- 2) All documents and communications dating from May 25 to June 12, 2020 related to the removal of said fencing and barricades.
- 3) Copies of any contractual agreements and associated invoices or receipts related to the purchase, leasing, transportation, installation, or removal of said fencing and barricades.

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, as well as those who were 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). In the event 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 Department 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 Monday, June 1, 2020, shortly before federal police violently cleared protestors from the area around Lafayette Park in Washington, DC, President Trump announced that he would be “taking swift and decisive action to protect our great capital, Washington, D.C.”¹ By the following day, Washington’s downtown core was playing host to an even more substantial, heavily-militarized federal police presence² and reinforced, eight-foot fencing began to surround the White House complex, Ellipse and Lafayette Park from Constitution Avenue, N.W. to H Street, N.W., and from 15th to 17th Streets N.W.³ Journalists have estimated the total length of the fence at approximately 1.4 miles (950 feet in front of Lafayette and 1.23 miles around the rest).⁴

The reasoning and decision-making behind the vastly expanded security perimeter remains unclear. When asked, White House spokesperson Judd Deere simply stated that “the White House does not comment on security protocols and decisions.”⁵ For its part, the Secret Service stated that “the closures are in an effort to maintain the necessary security measures surrounding the White House complex,”⁶ but given the enormous existing police presence and that the protests in Washington featured no notable violence after June 1, there remain open

¹ Ashley Parker, Josh Dawsey, and Rebecca Tan, “Inside the push to tear gas protestors ahead of a Trump photo op,” *Washington Post*, June 1, 2020, available at https://www.washingtonpost.com/politics/inside-the-push-to-tear-gas-protesters-ahead-of-a-trump-photo-op/2020/06/01/4b0f7b50-a46c-11ea-bb20-ebf0921f3bbd_story.html.

²

<https://thehill.com/homenews/administration/500964-un-identified-military-personnel-extend-perimeter-around-the-white>

³ Michael S. Rosenwald, Rachel Chason, Marissa J. Lang, and Perry Stein, “Thousands descend on D.C. protests to push back against Trump’s show of federal force,” *Washington Post*, June 3, 2020, available at https://www.washingtonpost.com/local/new-fencing-encircles-white-house-continued-federal-forces-on-day-5-of-dc-protests/2020/06/02/d323e112-a4e8-11ea-b473-04905b1af82b_story.html.

⁴ *See* <https://twitter.com/JakeGodin/status/1269344239068106752/photo/1>.

⁵ Lauren Egan, “White House adds fencing around perimeter,” *NBC News*, June 4, 2020, available at <https://www.nbcnews.com/politics/white-house/white-house-adds-new-fencing-around-perimeter-n1225296>.

⁶ *Id.*

⁷ Peter Jamison, Marissa J. Lang, and Fenit Nirappil, “For 48 hours, the nation’s capital was gripped by chaos. Then everything changed,” *Washington Post*, June 9, 2020, available at https://www.washingtonpost.com/local/for-48-hours-the-nations-capital-was-gripped-by-chaos-then-everything-changed/2020/06/08/48bc53fe-a98b-11ea-868b-93d63cd833b2_story.html?hpid=hp_hp-top-table-main-chaos%3A3.

questions as to the necessity of the enhanced perimeter. Additionally, Washington, D.C. Mayor Muriel Bowser expressed early alarm about the potential permanence of these security measures and any resultant precedent.⁸ While the National Park Service announced on June 9 that it would begin removing the fencing the following day, it soon walked back that announcement, stating that it remains in “continuing discussions” with Secret Service about the ‘temporary’ fencing. As of June 10, large portions of the fence remain up around the complex.

The requested records will help clarify the chain of events, reasoning, and involved parties associated with the ‘temporary’ fortification of the White House complex against an unspecified threat that has not materialized. As Mayor Bowser said on June 4, “it’s a sad commentary that the house and its inhabitants have to be walled off” at the center of a city uniquely capable of hosting and managing peaceful, constitutionally protected protest.¹⁰ The records will also shed light on the scale of the expense of constructing and dismantling 1.4 miles of fencing within a 10-day period and whether that was a cost that can be reasonably justified to both the residents of Washington and the American public more broadly.

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 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 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

⁸ Justin Wise, “DC mayor criticizes fencing around White House: ‘That’s the people’s house,’” *The Hill*, June 4, 2020, available at <https://thehill.com/homenews/administration/501165-dc-mayor-criticizes-fencing-around-white-house-thats-the-people>.

⁹ “Trump administration backs away from commitment to remove temporary fencing around White House,” *Associated Press*, June 10, 2020, available at <https://www.marketwatch.com/story/trump-administration-backs-away-from-commitment-to-remove-temporary-fencing-around-white-house-2020-06-09>.

¹⁰ *See supra* Justin Wise.

educate the public about these issues. In addition, CREW posts documents it receives under the FOIA on 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 lhonl-stuenkel@citizensforethics.org. Also, if CREW's request for expedition and/or 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 lhonl-stuenkel@citizensforethics.org or Linnaea Honl-Stuenkel, Citizens for Responsibility and Ethics in Washington, 1101 K Street, N.W., Suite 201, Washington, D.C. 20005. Thank you for your assistance in this matter.

Sincerely,

Linnaea Honl-Stuenkel
Digital Strategist, CREW