

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICA FIRST LEGAL
FOUNDATION,
611 Pennsylvania Ave SE #231
Washington, DC 20003

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
STATE,
2201 C St NW
Washington, DC 20451

Civil Action No. 24-2883

UNITED STATES DEPARTMENT OF
DEFENSE,
1155 Defense Pentagon
Washington, DC 20301-1155

UNITED STATES DEPARTMENT OF
JUSTICE,
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

and

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY,
2707 Martin Luther King Jr. Ave, SE
Washington, DC 20528

Defendants.

COMPLAINT

1. Plaintiff America First Legal Foundation (“AFL”) brings this action against the United States Department of State, United States Department of Defense, United States Department of Justice, and Department of Homeland

Security to compel compliance with the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

2. On September 15, 2024, President Donald J. Trump faced an attempted assassination in West Palm Beach, Florida, mere months after surviving an assassination attempt in Butler, Pennsylvania.

3. The American people have questioned how another would-be assassin was able to come so close to assassinating President Trump.

4. In the aftermath of the Butler, Pennsylvania attack, AFL opened an investigation into the federal agencies tasked with ensuring President Trump’s safety to identify any shortcomings in their operations, management, and procedures.

5. After the second assassination attempt, AFL opened another investigation.

JURISDICTION AND VENUE

6. The Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331. Additionally, it may grant declaratory relief pursuant to 28 U.S.C. § 2201, *et seq.*

7. Venue is proper in this District pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

PARTIES

8. Plaintiff AFL is a nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, ensure due process and equal protection for all Americans, and encourage public knowledge and understanding of

the law and individual rights guaranteed under the United States Constitution and the laws of the United States. AFL's mission includes promoting government transparency and accountability by gathering official information, analyzing it, and disseminating it through reports, press releases, and/or other media, including social media platforms, all to educate the public.

9. Defendant United States Department of State is an "agency" within the meaning of 5 U.S.C. § 552(f), with its offices located at 2201 C St NW, Washington, DC 20451. The Department of State has possession and control of the records AFL seeks.

10. Defendant United States Department of Defense ("DOD") is an "agency" within the meaning of 5 U.S.C. § 552(f), with its offices located at 1000 Defense Pentagon, Washington, DC 20301. DOD has possession and control of the records AFL seeks.

11. Defendant, the United States Department of Justice ("DOJ"), is an "agency" within the meaning of 5 U.S.C. § 552(f), with its offices located at 950 Pennsylvania Avenue, NW Washington, DC 20530. DOJ has possession and control of the records AFL seeks.

12. Defendant Department of Homeland Security ("DHS"), is an "agency" within the meaning of 5 U.S.C. § 552(f), with its offices located at 2707 Martin Luther King Jr. Ave, SE Washington, DC 20528. DHS has possession and control of the records AFL seeks.

FACTS

Department of State Request

13. On September 16, 2024, AFL submitted a FOIA request to the United States Department of State seeking records related to the attempted assassination of President Donald Trump, specifically requesting all records related to the attempted assassin, Ryan Wesley Routh. *See Ex. 1.*

14. AFL requested expedited processing of the request under 22 C.F.R. § 171.12(d)(1)(i), (ii), and (iv), stating that “expedited treatment is necessary to ensure the safety of the former President and other innocent bystanders,” and because “America First Legal is a qualifying news media distributor, and ... [t]his manifest attack on our political process is of paramount and urgent interest to the media and all Americans.” *Id.* at 3–4.

15. On September 16, 2024, the Department of State confirmed receipt of the FOIA request and assigned it the tracking number F-2024-21154. *See Ex. 2.*

16. In the September 16, 2024, letter, the Department of State did not make a determination on AFL’s request for expedited processing. *See id.*

17. On October 1, 2024, the AFL emailed the Department of State requesting confirmation that its request for expedited processing was received. *See Ex. 3.*

18. As of the date of filing, AFL has received no further communications from the Department of State concerning this FOIA request.

Department of Defense Request

19. On September 16, 2024, AFL submitted a FOIA request to DOD seeking records related to the attempted assassination of President Donald Trump, specifically requesting all records related to the attempted assassin, Ryan Wesley Routh. *See Ex. 4.*

20. AFL requested expedited processing of the request under 32 C.F.R. § 286.8(e), stating that “expedited treatment is necessary to ensure the safety of the former President and other innocent bystanders,” and because “America First Legal is a qualifying news media distributor, and ... [t]his manifest attack on our political process is of paramount and urgent interest to the media and all Americans.” *Id.* at 3.

21. On September 16, 2024, DOD confirmed receipt of the FOIA request and assigned it the tracking number 24-F-3088. *See Exs. 5, 6.*

22. On September 26, 2024, DOD denied AFL’s request for expedited processing of the request. *Ex. 7* at 1.

23. As of the date of filing, AFL has received no further communications from DOD concerning this FOIA.

Department of Justice Request

24. On September 16, 2024, AFL submitted a FOIA request to DOJ seeking records related to the attempted assassination of President Donald Trump, specifically requesting all records related to the attempted assassination of President Donald Trump, specifically requesting all records related to the attempted assassin, Ryan Wesley Routh. *See Ex 8.*

25. AFL requested expedited processing of the request under 28 C.F.R. § 16.5(e)(1)(ii) and (iv), stating that “expedited treatment is necessary to ensure the safety of the former President and other innocent bystanders,” and because “America First Legal is a qualifying news media distributor, and ... [t]his manifest attack on our political process is of paramount and urgent interest to the media and all Americans.” *Id.* at 3.

26. On September 26, 2024, DOJ confirmed receipt of the FOIA request and assigned it the tracking number FOIA-2024-03625. *See Ex. 9.*

27. In the September 26, 2024, letter, DOJ denied AFL’s request for expedited processing of the request under 28 C.F.R. § 16.5(e)(1)(ii) and referred the AFL’s request for expedited processing under 28 C.F.R. § 16.5(e)(1)(iv) to the Director of Public Affairs. *Id.* at 1.

28. As of the date of filing, AFL has received no further communications from DOJ concerning this FOIA.

Department of Homeland Security Request

29. On September 16, 2024, AFL submitted a FOIA request to DHS seeking records related to the attempted assassination of President Donald Trump, specifically requesting all records related to the attempted assassination of President Donald Trump, specifically requesting all records related to the attempted assassin, Ryan Wesley Routh. *See Ex 10.*

30. The request specified records custodians located at both Headquarters and the Office of Intelligence and Analysis. *Id.* at 2.

31. AFL requested expedited processing of the request under 6 C.F.R. § 5.5(e)(1)(i), (ii), and (iii), arguing that “expedited treatment is necessary to ensure the safety of the former President and other innocent bystanders,” and because “America First Legal is a qualifying news media distributor, and ... [t]his manifest attack on our political process is of paramount and urgent interest to the media and all Americans.” *Id.* at 3.

32. On September 17, 2024, DHS’s Office of Intelligence and Analysis confirmed receipt of the FOIA request and assigned it the tracking number 2024-IAFO-00463. *See Ex 11.*

33. In the September 17, 2024, letter, the Office of Intelligence and Analysis did not make a determination on AFL’s request for expedited processing. *See id.*

34. As of the date of filing, AFL has received no further communications from DHS concerning this FOIA.

Transportation Security Administration Request

35. On September 16, 2024, AFL submitted a FOIA request to the TSA, a DHS component, *see* 6 C.F.R. Appendix A to Part 5 II, seeking records related to the attempted assassination of President Donald Trump, specifically requesting all records related to the attempted assassin, Ryan Wesley Routh. *See Ex. 12.*

36. AFL requested expedited processing of the request under 6 C.F.R. § 5.5(e)(1)(i), (ii) and (iv), arguing that “expedited treatment is necessary to ensure the safety of the former President and other innocent bystanders,” and because “America First Legal is a qualifying news media distributor, and ... [t]his manifest

attack to our political process is of paramount and urgent interest to the media and all Americans.” *Id.* at 3.

37. On September 16, 2024, TSA confirmed receipt of the FOIA request and assigned it the tracking number 2024-TSFO-02558. *See Ex. 13.*

38. In the September 16, 2024, letter, TSA did not make a determination regarding AFL’s request for expedited processing. *See id.*

39. As of the date of filing, AFL has received no further communications from TSA concerning this FOIA.

CLAIM FOR RELIEF

Violation of FOIA, 5 U.S.C. § 552

40. AFL repeats paragraphs 1–39.

41. AFL properly requested records within the possession, custody, and control of the Defendants.

42. The Defendants have failed to produce the requested records within the statutory time limit.

43. Accordingly, AFL has exhausted its administrative remedies. *See* 5 U.S.C. § 552(a)(6)(c)(i).

44. Additionally, in each instance, AFL sufficiently showed that expedited processing was appropriate by citing facts demonstrating widespread media interest in these issues.

45. Moreover, as an entity “primarily engaged in disseminating information,” AFL has sufficiently demonstrated the “urgency to inform the public

concerning actual or alleged Federal Government activity.” 5 U.S.C. § 552(a)(6)(E)(v)(II).

46. Nevertheless, the Defendants failed to comply with FOIA and their own regulations by denying AFL’s requests for expedited processing.

47. Accordingly, the Defendants have violated FOIA.

RELIEF REQUESTED

WHEREFORE, AFL respectfully requests this Court:

i. Declare that the records sought by these requests, as described in the foregoing, must be disclosed pursuant to 5 U.S.C. § 552;

ii. Order the Defendants to conduct searches immediately for all records responsive to AFL’s FOIA requests and demonstrate that they employed search methods reasonably likely to lead to the discovery of responsive records;

iii. Order the Defendants to produce by a date certain all non-exempt records responsive to AFL’s FOIA requests;

iv. Award AFL attorney’s fees and costs pursuant to 5 U.S.C. § 552(a)(4)(E);
and

v. Grant AFL such other and further relief as this court deems proper
October 10, 2024.

Respectfully submitted,

/s/ William Scolinos
William Scolinos (DC Bar No. 90023488)
Michael Ding (DC Bar No. 1027252)
(301) 965-0179
AMERICA FIRST LEGAL FOUNDATION

611 Pennsylvania Avenue SE #231
Washington, DC 20003
William.Scolinos@aflegal.org

Counsel for America First Legal Foundation



September 16, 2024

Via FOIA Portal

Office of Information Programs and Services (A/GIS/IPS)
Room B-266
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Freedom of Information Act Request: Ryan Wesley Routh

Dear FOIA Officer:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act (FOIA) requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL has over 271,000 followers on X, and our Founder and President has over 729,000 followers on X.

I. Records Request

On Sunday, September 15, 2024, former President Donald J. Trump faced yet another apparent “attempted assassination,”¹ this time, while he was golfing at the Trump International Golf Course in West Palm Beach.² Reportedly, his Secret Service detail spotted Ryan Wesley Routh pointing a high-powered rifle from approximately 300 to

¹ Press Release, FBI Statement on Incident in West Palm Beach, Florida (Sept. 15, 2024), <https://perma.cc/K73Z-WG6W> (“The FBI has responded to West Palm Beach, Florida, and is investigating what appears to be an attempted assassination of former President Donald Trump.”).

² Kerry Breen & Anna Schecter, *What’s Known About Ryan Wesley Routh, Suspect in Possible Trump Assassination Attempt on Florida Golf Course*, CBS NEWS (Sept. 16, 2024), <https://perma.cc/5NB3-UAAT>.

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Monroe, Georgia 30655

500 yards away.³ Routh had a decades-long criminal history, publicly offered to facilitate deploying foreign fighters to Ukraine, and vocally criticized President Trump online—even immediately after the first assassination attempt.⁴ Because it is unclear to what extent Federal authorities had previously identified Routh as a potential threat to President Trump, pursuant to 5 U.S.C. § 552, we request all records regarding **Ryan Wesley Routh**. The relevant time period for this request is from January 21, 2021, to the present.

II. Custodians

- A. All custodians in the Office of the Secretary of State at the GS-14 pay scale and above or equivalent.
- B. All custodians in the Office of the Deputy Secretary at the GS-14 pay scale and above or equivalent.
- C. All custodians in the Office of Arms Control and International Security at the GS-14 pay scale and above or equivalent.
- D. All custodians in the Civilian Security, Democracy, and Human Rights at the GS-14 pay scale and above or equivalent.
- E. All custodians in the Office of Economic Growth, Energy, and Environment at the GS-14 pay scale and above or equivalent.
- F. All custodians in the Office of Management at the GS-14 pay scale and above or equivalent.
- G. All custodians in the Office of Political Affairs at the GS-14 pay scale and above or equivalent.
- H. All custodians in the Office of Public Diplomacy and Public Affairs at the GS-14 pay scale and above or equivalent.
- I. All custodians in the Office of the Under Secretary for Political Affairs at the GS-14 pay scale and above or equivalent.

³ *Id.*

⁴ *Id.*; see also Curt Devine et al., *Man Detained in Apparent Assassination Attempt on Trump Criticized Former President on Social Media*, CNN (Sept. 15, 2024), <https://perma.cc/U4HJ-B7PP>.

- J. All custodians in the Office of the Intelligence and Resources at the GS-14 pay scale and above or equivalent.
- K. All custodians in the Office of the Office of the Under Secretary for Arms Control and International Security at the GS-14 pay scale and above or equivalent.
- L. All custodians in the Bureau of Diplomatic Security at the GS-14 pay scale and above or equivalent.
- M. All custodians in the U.S. Embassy in Ukraine at the GS-14 pay scale and above or equivalent.

III. Fee Waiver Request

Per 5 U.S.C. § 552(4)(A)(iii), AFL requests a waiver of all search and duplication fees associated with this request. Furthermore, AFL has a demonstrated ability and intention to effectively convey the information broadly to the public. AFL's status as a representative of the news media has been recognized by other agencies for granting fee waivers by the Departments of Defense, Education, Energy, Health and Human Services, Justice, Interior, and Homeland Security. Finally, as a non-profit organization, AFL has no commercial interest, and the request is made entirely to serve the public interest. We are, of course, available to provide additional information in writing or offline in support of this request. If AFL's request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

IV. Request for Expedited Processing

AFL hereby requests expedited processing pursuant to 22 C.F.R. § 171.12(d)(1)(i),(ii) and (iv). "Failure to obtain requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of [the former President of the United States and leading presidential candidate]." § 171.12(d)(1)(i). Furthermore, AFL is a requester "primarily engaged in disseminating information," and "there exists an urgency to inform the public concerning actual or alleged Federal Government activity." § 171.12(d)(1)(ii). Lastly, this most recent assassination attempt is "[a] matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence." § 171.12(d)(1)(iv).

There is a *compelling need* for expedited processing under *each* of these criteria. Multiple attempts have been made to assassinate the former President of the United States and the frontrunner in the upcoming presidential election—one of which resulted in the death of an innocent bystander—and expedited treatment is necessary

to ensure the safety of the former President and other innocent bystanders. Now, more than ever, the public deserves to know what the Department of State knew about this attempted assassin. As discussed above, America First Legal is a qualifying news media distributor, and has been recognized as such by many agencies. This manifest attack on our political process is of paramount and urgent interest to the media and all Americans.

V. Conclusion

If you have any questions about how to construe this request for records or believe further discussions regarding search and processing would facilitate a more efficient production of records of interest to AFL, please do not hesitate to contact me at FOIA@aflegal.org. Finally, if AFL's request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

Sincerely,

/s/ Will Scolinos
America First Legal Foundation



AFL FOIA <foia@aflegal.org>

Status Update for Request #F-2024-21154 with DOS

foiastatus@state.gov <foiastatus@state.gov>
To: foia@aflegal.org

Mon, Sep 16, 2024 at 5:32 PM

Dear Reed Rubinstein,

The status of your FOIA request #F-2024-21154 has been updated to the following status 'Received'. To learn more, please log into the DoS FOIA Portal via the Application URL below.

<https://pal.foia.state.gov>

Regards,
DOS



AFL FOIA <foia@aflegal.org>

Status Update for Request #F-2024-21154 with DOS

AFL FOIA <foia@aflegal.org>
To: FOIArequest <FOIARequest@state.gov>

Tue, Oct 1, 2024 at 1:40 PM

Good afternoon,

Did the Department of State receive AFL's requests for a fee waiver and for expedited processing for request #F-2024-21154? These were included in the PDF attachment of the request, but the FOIA portal does not indicate that either was requested. Please confirm.

Thank you,
America First Legal Foundation

----- Forwarded message -----

From: <foiastatus@state.gov>
Date: Mon, Sep 16, 2024 at 5:32 PM
Subject: Status Update for Request #F-2024-21154 with DOS
To: <foia@aflegal.org>

Dear Reed Rubinstein,

The status of your FOIA request #F-2024-21154 has been updated to the following status 'Received'. To learn more, please log into the DoS FOIA Portal via the Application URL below.

<https://pal.foia.state.gov>

Regards,
DOS



September 16, 2024

Via OSD/JS Public Access Link (PAL)

OSD/JS FOIA Requester Service Center
Office of Freedom of Information
1155 Defense Pentagon
Washington, DC 20301-1155

Freedom of Information Act Request: Ryan Wesley Routh

Dear FOIA Officer:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL's X page has 271,000 followers X, and the X page of our Founder and President has over 729,000 followers.

I. Records Request

On Sunday, September 15, 2024, former President Donald J. Trump faced yet another apparent "attempted assassination,"¹ this time, while he was golfing at the Trump International Golf Course in West Palm Beach.² Reportedly, his Secret Service detail spotted Ryan Wesley Routh pointing a high-powered rifle from approximately 300 to 500 yards away.³ Routh had a decades-long criminal history, publicly offered to

¹ Press Release, FBI Statement on Incident in West Palm Beach, Florida (Sept. 15, 2024), <https://perma.cc/K73Z-WG6W> ("The FBI has responded to West Palm Beach, Florida, and is investigating what appears to be an attempted assassination of former President Donald Trump.").

² Kerry Breen & Anna Schecter, *What's Known About Ryan Wesley Routh, Suspect in Possible Trump Assassination Attempt on Florida Golf Course*, CBS NEWS (Sept. 16, 2024), <https://perma.cc/5NB3-UAAT>.

³ *Id.*

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facilitate deploying foreign fighters to Ukraine, and vocally criticized President Trump online—even immediately after the first assassination attempt.⁴ Because it is unclear to what extent Federal authorities had previously identified Routh as a potential threat to President Trump, pursuant to 5 U.S.C. § 552, we request all records regarding **Ryan Wesley Routh**. The relevant time period for this request is from January 21, 2021, to the present.

II. Custodians

Office of the Secretary of Defense (OSD)

1. Lloyd J. Austin III, Secretary of Defense
2. Derek Chollet, Chief of Staff
3. Kelly E. Magsamen, former Chief of Staff
4. Kathleen Hicks, Deputy Secretary of Defense
5. Christopher Maier, ASD for Special Operations & Low Intensity Conflict
6. Mary Beth Morgan, Deputy Assistant Secretary of Defense for Homeland Defense Integration and Defense Support of Civil Authorities
7. Heather King, former Deputy Assistant Secretary of Defense for Homeland Defense Integration and Defense Support of Civil Authorities

Joint Chiefs of Staff

1. Gen. Charles Q. Brown, Jr., Chairman
2. Adm. Christopher W. Grady, Vice Chairman
3. Lt. Gen. Douglas A. Sims II, Director for the Joint Staff
4. Lt. Gen. Dimitri Henry, Director for Intelligence, J2
5. David Kostelancik, Foreign Policy Advisor to the Chairman

⁴ *Id.*; see also Curt Devine et al., *Man Detained in Apparent Assassination Attempt on Trump Criticized Former President on Social Media*, CNN (Sept. 15, 2024), <https://perma.cc/U4HJ-B7PP>.

III. Fee Waiver

AFL requests a waiver of all search and duplication fees associated with this request under 5 U.S.C. § 552(a)(4)(A)(iii) and 32 C.F.R. § 286.12(l). First, AFL is a qualified non-commercial public education and news media requester. Our officials routinely appear on national television and use social media platforms to disseminate the information it has obtained about federal government activities. In this case, AFL will make your records and your responses publicly available for the benefit of citizens, scholars, and others, and the public's understanding of your policies and practices will be enhanced through AFL's analysis and publication of the requested records. As a nonprofit organization, AFL does not have a commercial purpose, and releasing the requested information is not in AFL's financial interest. We note that the Department of Defense has granted us fee waivers in the past.

IV. Expedited Processing

Department of Defense regulations require the grant of expedited processing for a FOIA request "when the requester demonstrates a compelling need for the information," *i.e.*, when "(A) [t]he failure to obtain requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual, or (B) [t]he information is urgently needed by an individual primarily engaged in disseminating information in order to inform the public concerning an actual or alleged government activity." 32 C.F.R. § 286.8(e).

There is a compelling need for expedited processing under *both* criteria. Multiple attempts have been made to assassinate the former President of the United States and the frontrunner in the upcoming presidential election—one of which resulted in the death of an innocent bystander—and expedited treatment is necessary to ensure the safety of the former President and other innocent bystanders. Now, more than ever, the public deserves to know what the Department of Defense knew about this attempted assassin, who was reportedly facilitating the deployment of foreign fighters to an active war zone.⁵ As discussed above, America First Legal is a qualifying news media distributor, and has been recognized as such by many agencies. This manifest attack on our political process is of paramount and urgent interest to the media and all Americans.

V. Conclusion

If you have any questions about how to construe this request for records or believe further discussions regarding search and processing would facilitate more efficient production of records of interest to AFL, please do not hesitate to contact me at

⁵ See, *e.g.*, Curt Devine et al., *Man Detained in Apparent Assassination Attempt on Trump Criticized Former President on Social Media*, CNN (Sept. 15, 2024), <https://perma.cc/U4HJ-B7PP>.

FOIA@aflegal.org. Finally, if AFL's request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

Sincerely,

/s/ Julia Z. Haller
America First Legal Foundation



AFL FOIA <foia@aflegal.org>

PAL Acknowledgement by FOIA Office

donotreply@mail.mil <donotreply@mail.mil>
To: foia@aflegal.org

Mon, Sep 16, 2024 at 8:10 PM

Dear Reed Rubinstein,

Case Number 24-F-3088 has been assigned to the request you submitted. In all future correspondence regarding this request please reference case number 24-F-3088.

Regards,
OSD/JS or DLA FOIA Requester Service Center



AFL FOIA <foia@aflegal.org>

Status Update for Request #24-F-3088

donotreply@mail.mil <donotreply@mail.mil>
To: foia@aflegal.org

Mon, Sep 16, 2024 at 8:10 PM

Dear Reed Rubinstein,

The status of your FOIA request #24-F-3088 has been updated to the following status 'Received'. To log into the PAL Application click on the Application URL below.

<https://pal.whs.mil>

Sincerely,
OSD/JS or DLA FOIA Requester Service Center



**DEPARTMENT OF DEFENSE
FREEDOM OF INFORMATION DIVISION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

Ref: 24-F-3088
September 26, 2024

Mr. Reed Rubinstein
America First Legal
611 Pennsylvania Avenue SE #231
Washington, DC 20003

Dear Mr. Rubinstein:

This is an interim response to your September 16, 2024 Freedom of Information Act (FOIA) request, a copy of which is enclosed for your convenience. The Office of the Secretary of Defense/Joint Staff (OSD/JS) FOIA office received your request on September 17, 2024, and assigned it FOIA case number 24-F-3088. We ask that you use this number when referring to your request.

Although we have already begun processing your request, we will not be able to respond within the FOIA's 20-day statutory time period as there are unusual circumstances which impact our ability to quickly process your request. The FOIA defines unusual circumstances as (a) the need to search for and collect records from a facility geographically separated from this office; (b) the potential volume of records responsive to your request; and (c) the need for consultation with one or more other agencies or DoD components having a substantial interest in either the determination or the subject matter of the records. At least one, if not more of these scenarios applies or would likely apply to your request. While this office handles FOIA requests for the Office of the Secretary of Defense (OSD), the Joint Staff (JS) and other component offices, we do not actually hold their records and our office is not geographically located with these organizations. As we do not hold the records, until the required record searches are complete, we are unable to estimate the potential volume of records or the number of consultations that will be required to make a release determination.

Expedited processing may be granted when the requester demonstrates a compelling need for the information and shows that the information has a particular value that would be lost if not processed on an expedited basis. A key word here is "demonstrates." Therefore, it is incumbent upon you to demonstrate that the requested records will serve an urgency purpose and that they will also be meaningful in the sense that they will provide a greater understanding of actual or alleged federal government activity on the part of the public-at-large than that which existed before such information was disseminated. Consequently, it must be clearly demonstrated that such information has a particular value that will be lost if not disseminated quickly. After carefully considering your request, this Office finds that you have not clearly demonstrated how the information will lose its value if not processed on an expedited basis. For this reason, your request for expedited processing is denied.

Your request has been placed in our complex processing queue and is being worked based on the order in which the request was received. Our current administrative workload is approximately 3,494 open requests.

If you have requested a fee waiver, please note that decisions to waive or reduce fees are made on a case-by-case basis, and we will make a determination concerning your fee waiver request at the conclusion of the search and assessment of responsive records, should they exist. However, this office will only assess fees if we provide the final response to your FOIA request within the statutory time allotted by the FOIA or if the responsive records total more than 5,000 pages, even after a good faith effort on our part to limit the scope of your request.

In some instances, we have found that requesters who narrow the scope of their requests experience a reduction in the time needed to process their requests. If you wish to narrow the scope of your request or have questions about the foregoing, please do not hesitate to contact your Action Officer, Nolan Dougherty, at nolan.p.dougherty.ctr@mail.mil or 571-372-0410. Additionally, if you have concerns about service received by our office, please contact a member of our Leadership Team at 571-372-0498 or Toll Free at 866-574-4970.

Should you wish to inquire about mediation services, you may contact the OSD/JS FOIA Public Liaison, Toni Fuentes, at 571-372-0462 or by email at OSD.FOIALiaison@mail.mil. You may also contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration. The contact information for OGIS is as follows:

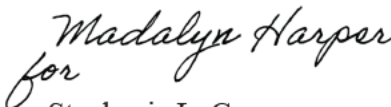
Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740
E-mail: ogis@nara.gov
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

You have the right to appeal to the appellate authority, Ms. Joo Chung, Assistant to the Secretary of Defense for Privacy Civil Liberties, and Transparency (PCLT), Office of the Secretary of Defense, at: 4800 Mark Center Drive, ATTN: PCLFD, FOIA Appeals, Mailbox #24, Alexandria, VA 22350-1700.

Your appeal must be postmarked within 90 calendar days of the date of this response. Alternatively, you may email your appeal to osd.foia-appeal@mail.mil. If you use email, please include the words "FOIA Appeal" in the subject of the email. Please also reference FOIA case number 24-F-3088 in any appeal correspondence.

We regret the delay in responding to your request and appreciate your patience. As previously stated, please contact the Action Officer assigned to your request, Nolan Dougherty, and reference FOIA case number 24-F-3088, if you have any questions or concerns.

Sincerely,


for
Stephanie L. Carr
Chief

Enclosure:
As stated



September 16, 2024

Via Online Request Form

Douglas Hibbard
Chief, Initial Request Staff
Office of Information Policy
Department of Justice
6th Floor
441 G St, NW
Washington, DC 20530-0001

Freedom of Information Act Request: Ryan Wesley Routh

Dear FOIA Officer:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL's X page has over 271,000 followers and the X page of our Founder and President has over 729,000 followers.

I. Records Request

On Sunday, September 15, 2024, former President Donald J. Trump faced yet another apparent "attempted assassination,"¹ this time, while he was golfing at the Trump

¹ Press Release, FBI Statement on Incident in West Palm Beach, Florida (Sept. 15, 2024), <https://perma.cc/K73Z-WG6W> ("The FBI has responded to West Palm Beach, Florida, and is investigating what appears to be an attempted assassination of former President Donald Trump.").

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Washington, DC 20003

320 South Madison Avenue
Monroe, Georgia 30655

International Golf Course in West Palm Beach.² Reportedly, his Secret Service detail spotted Ryan Wesley Routh pointing a high-powered rifle from approximately 300 to 500 yards away.³ Routh had a decades-long criminal history, publicly offered to facilitate deploying foreign fighters to Ukraine, and vocally criticized President Trump online—even immediately after the first assassination attempt.⁴ Because it is unclear to what extent Federal authorities had previously identified Routh as a potential threat to President Trump, pursuant to 5 U.S.C. § 552, we request all records regarding **Ryan Wesley Routh**. The relevant time period for this request is from January 21, 2021, to the present.

II. Custodians

Office of the Attorney General

- A. Merrick B. Garland, Attorney General
- B. Matt Klapper, Chief of Staff

Office of the Deputy Attorney General

- C. Lisa Monaco, Deputy Attorney General

National Security Division

- D. Matthew G. Olsen, Assistant Attorney General
- E. David Newman, Principal Deputy Assistant Attorney General
- F. Eun Young Choi, Deputy Assistant Attorney General
- G. Melissa MacTough, Deputy Assistant Attorney General
- H. George Toscas, Deputy Assistant Attorney General
- I. Brad Wiegmann, Deputy Assistant Attorney General
- J. Brett Freedman, Chief of Staff and Senior Counsel

² Kerry Breen & Anna Schecter, *What's Known About Ryan Wesley Routh, Suspect in Possible Trump Assassination Attempt on Florida Golf Course*, CBS NEWS (Sept. 16, 2024), <https://perma.cc/5NB3-UAAT>.

³ *Id.*

⁴ *Id.*; see also Curt Devine et al., *Man Detained in Apparent Assassination Attempt on Trump Criticized Former President on Social Media*, CNN (Sept. 15, 2024), <https://perma.cc/U4HJ-B7PP>.

III. Fee Waiver

AFL requests a waiver of all search and duplication fees associated with this request under 5 U.S.C. § 552(a)(4)(A)(iii) and 28 CFR § 16.10. First, AFL is a qualified non-commercial public education and news media requester. Our officials routinely appear on national television and use social media platforms to disseminate the information it has obtained about federal government activities. In this case, AFL will make your records and your responses publicly available for the benefit of citizens, scholars, and others, and the public's understanding of your policies and practices will be enhanced through AFL's analysis and publication of the requested records. As a nonprofit organization, AFL does not have a commercial purpose, and releasing the requested information is not in AFL's financial interest.

IV. Expedited Processing

Also, AFL requests expedited processing of this request. In support thereof, AFL certifies its compelling need for expedited processing under 5 U.S.C. § 552(a)(6) (E) and 28 C.F.R. § 16.5(e)(1)(ii) & (iv). This is a critical moment for our nation and the world. This request patently qualifies for expedited processing under § 16.5(e)(1) (ii) & (iv).

There is a *compelling need* for expedited processing under *both* criteria. Multiple attempts have been made to assassinate the former President of the United States and the frontrunner in the upcoming presidential election—one of which resulted in the death of an innocent bystander—and expedited treatment is necessary to ensure the safety of the former President and other innocent bystanders. Now, more than ever, the public deserves to know what the Department of Justice knew about this attempted assassin.

As discussed above, America First Legal is a qualifying news media distributor, and has been recognized as such by many agencies. This manifest attack on our political process is of paramount and urgent interest to the media and all Americans.

As discussed above, America First Legal is a qualifying news media distributor, which has been recognized by the Department of Justice in the past. This manifest attack on our political process is of paramount and urgent interest to the media and all Americans.

V. Conclusion

If you have any questions about how to construe this request for records or believe further discussions regarding search and processing would facilitate a more efficient production of records of interest to AFL, please do not hesitate to contact me at

FOIA@aflegal.org. Finally, if AFL's request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

Sincerely,

/s/ Will Scolinos
America First Legal Foundation



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

September 26, 2024

Reed Rubinstein
foia@aflegal.org

Re: FOIA-2024-03625
DRH:ERH:GMG

Dear Reed Rubinstein:

This is to acknowledge receipt of your Freedom of Information Act (FOIA) request dated and received in this Office on September 16, 2024, in which you requested records concerning Ryan Wesley Routh since January 21, 2021.

You have requested expedited processing of your request pursuant to the Department's standard permitting expedition for requests based on circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual. See 28 C.F.R. § 16.5(e)(1)(i) (2018). Based on the information you have provided, I have determined that your request for expedited processing under this standard should be denied. Your letter fails to explain how access to the requested records would alleviate a specific threat to the life or physical safety of an individual.

You have requested expedited processing of your request pursuant to the Department's standard permitting expedition for requests involving "[a]n urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information." See 28 C.F.R. § 16.5(e)(1)(ii) (2018). Based on the information you have provided, I have determined that your request for expedited processing under this standard should be denied. This Office cannot identify a particular urgency to inform the public about an actual or alleged federal government activity beyond the public's right to know about government activities generally. Please be advised that, although your request for expedited processing has been denied, it has been assigned to an analyst in this Office and our processing of it has been initiated.

You have also requested expedited processing of your request pursuant to the Department's standard involving "[a] matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence." See 28 C.F.R. § 16.5(e)(1)(iv) (2018). Pursuant to Department policy, we directed your request to the Director of Public Affairs, who makes the decision whether to grant or deny expedited processing under this standard. See id. § 16.5(e)(2). Please be advised that as of the date of this letter, a decision on your expedition request is still pending. Once a determination has been made, we will promptly notify you. Nevertheless, please be advised that your request has been assigned to an analyst in this Office and our processing of it has been initiated.

-2-

To the extent that your request requires a search in another Office, consultations with other Department components or another agency, and/or involves a voluminous amount of material, your request falls within “unusual circumstances.” See 5 U.S.C. § 552 (a)(6)(B)(i)-(iii) (2018). Accordingly, we will need to extend the time limit to respond to your request beyond the ten additional days provided by the statute. For your information, we use multiple tracks to process requests, but within those tracks we work in an agile manner, and the time needed to complete our work on your request will necessarily depend on a variety of factors, including the complexity of our records search, the volume and complexity of any material located, and the order of receipt of your request. At this time, we have assigned your request to the complex track. In an effort to speed up our process, you may wish to narrow the scope of your request to limit the number of potentially responsive records so that it can be placed in a different processing track. You can also agree to an alternative time frame for processing, should records be located, or you may wish to await the completion of our records search to discuss either of these options. Any decision with regard to the application of fees will be made only after we determine whether fees will be implicated for this request.

If you have any questions, wish to discuss reformulation or an alternative time frame for the processing of your request, or if you require further assistance regarding any aspect of your request, you may contact our FOIA Public Liaison, Valeree Villanueva, at: Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001; telephone at 202-514-3642, or by e-mail at: doj.oip.foia@usdoj.gov.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, MD 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request for expedited processing, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP’s FOIA STAR portal by creating an account following the instructions on OIP’s website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically submitted within ninety days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked “Freedom of Information Act Appeal.”

Sincerely,



Douglas R. Hibbard
Chief, Initial Request Staff



September 16, 2024

Via Secure Release Portal

Privacy Office, Mail Stop 0655
Department of Homeland Security
2707 Martin Luther King Jr. Ave. SE
Washington, DC 20528

Freedom of Information Act Request: Ryan Wesley Routh

Dear FOIA Officer:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL's X page has over 271,000 followers and the X page of our Founder and President has over 729,000 followers.

I. Records Request

On Sunday, September 15, 2024, former President Donald J. Trump faced yet another apparent "attempted assassination,"¹ this time, while he was golfing at the Trump International Golf Course in West Palm Beach.² Reportedly, his Secret Service detail spotted Ryan Wesley Routh pointing a high-powered rifle from approximately 300 to

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² Kerry Breen & Anna Schecter, *What's Known About Ryan Wesley Routh, Suspect in Possible Trump Assassination Attempt on Florida Golf Course*, CBS NEWS (Sept. 16, 2024), <https://perma.cc/5NB3-UAAT>.

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500 yards away.³ Routh had a decades-long criminal history, publicly offered to facilitate deploying foreign fighters to Ukraine, and vocally criticized President Trump online—even immediately after the first assassination attempt.⁴ Because it is unclear to what extent Federal authorities had previously identified Routh as a potential threat to President Trump, pursuant to 5 U.S.C. § 552, we request all records regarding **Ryan Wesley Routh**. The relevant time period for this request is from January 21, 2021, to the present.

II. Custodians

DHS Headquarters (HQ)

- A. Center for Prevention Programs and Partnerships (CP3)
- B. Privacy Office (PRIV)

Office of Intelligence & Analysis (I&A)

- C. Counterterrorism Center (CTC)
- D. Current and Emerging Threats Center (CETC)
- E. Office of Regional Intelligence (ORI)
- F. Homeland Identities, Targeting and Exploitation Center (HITEC)

III. Fee Waiver

AFL requests a waiver of all search and duplication fees associated with this request under 5 U.S.C. § 552(a)(4)(A)(iii) and 6 C.F.R. §5.11. First, AFL is a qualified non-commercial public education and news media requester. Our officials routinely appear on national television and use social media platforms to disseminate the information it has obtained about federal government activities. In this case, AFL will make your records and your responses publicly available for the benefit of citizens, scholars, and others, and the public's understanding of your policies and practices will be enhanced through AFL's analysis and publication of the requested records. As a nonprofit organization, AFL does not have a commercial purpose, and releasing the requested information is not in AFL's financial interest. We note that DHS has granted us fee waivers in the past.

³ *Id.*

⁴ *Id.*; see also Curt Devine et al., *Man Detained in Apparent Assassination Attempt on Trump Criticized Former President on Social Media*, CNN (Sept. 15, 2024), <https://perma.cc/U4HJ-B7PP>.

IV. Expedited Processing

DHS regulations require the grant of expedited processing for a FOIA request “whenever the component determines that they involve: (i) Circumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; (ii) An urgency to inform the public about an actual or alleged federal government activity, if made by a person who is primarily engaged in disseminating information; ... (iv) A matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity which affect public confidence.” 6 C.F.R. § 5.5(e)(1)(i), (ii), and (iii).

This is a critical moment for our nation and the world. This request patently qualifies for expedited processing under § 5.5(e)(1)(i), (ii) and (iv). There is a *compelling need* for expedited processing under *each* of these criteria. Multiple attempts have been made to assassinate the former President of the United States and the frontrunner in the upcoming presidential election—one of which resulted in the death of an innocent bystander—and expedited treatment is necessary to ensure the safety of the former President and other innocent bystanders. Now, more than ever, the public deserves to know what the Department of Homeland Security knew about this attempted assassin. As discussed above, America First Legal is a qualifying news media distributor, and has been recognized as such by many agencies. This manifest attack on our political process is of paramount and urgent interest to the media and all Americans.

V. Conclusion

If you have any questions about how to construe this request for records or believe further discussions regarding search and processing would facilitate a more efficient production of records of interest to AFL, please do not hesitate to contact me at FOIA@aflegal.org. Finally, if AFL’s request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

Sincerely,

/s/ Rachel L. Jag
America First Legal Foundation



Homeland
Security

September 17, 2024

SENT VIA E-MAIL TO: info@aflegal.org

Reed Rubinstein
611 Pennsylvania Ave. SE #231
Washington, DC 20003

Re: **2024-IAFO-00463**

Dear Requester Rubinstein:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), Office of Intelligence and Analysis (I&A), dated September 16, 2024, and received in our office on September 17, 2024. You requested:

“All records regarding Ryan Wesley Routh.”

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Consistent with 6 C.F.R. Part 5 § 5.5(a) of the DHS FOIA regulations, the Department processes FOIA requests according to their order of receipt. Although DHS’ goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances under 6 C.F.R. Part 5 § 5.5(c). As your request seeks a voluminous amount of separate and distinct records, DHS will invoke a 10-day extension for your request pursuant to 6 C.F.R. Part 5 § 5.5(c). If you would like to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.

We are presently processing your request. If any responsive records are located, they will be reviewed for determination of whether any can be released. Please be assured that one of the analysts in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned request number **2024-IAFO-00463**. Please refer to this identifier in any future correspondence. The status of your FOIA request is now available online and can be accessed at: <https://www.dhs.gov/foia-status>, by using this FOIA request number. Status information is updated daily.

If you have any questions, or would like to discuss this matter, please feel free to contact this office at I&AFOIA@HQ.DHS.GOV.

Sincerely,

M. Adams

M. Adams
Assistant FOIA Officer



September 16, 2024

Via Secure Release Portal

Department of Homeland Security
Transportation Security Administration
6595 Springfield Center Drive
Springfield, VA 20598 – 6020

Freedom of Information Act Request: Ryan Wesley Routh

Dear FOIA Officer:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL's X page has over 271,000 followers X and the X page of our Founder and President has over 729,000 followers.

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500 yards away.³ Routh had a decades-long criminal history, publicly offered to facilitate deploying foreign fighters to Ukraine, and vocally criticized President Trump online—even immediately after the first assassination attempt.⁴ Because it is unclear to what extent Federal authorities had previously identified Routh as a potential threat to President Trump, pursuant to 5 U.S.C. § 552, we request all records regarding **Ryan Wesley Routh**. The relevant time period for this request is from January 21, 2021, to the present.

II. Custodians

Responsive records may be found in the following offices within the Transportation Security Administration:

- A. All custodians in the Office of the Administrator at the GS-14 pay scale and above.
- B. All custodians in the Office of Enrollment Services and Vetting Programs (ESVP) at the GS-14 pay scale and above.
- C. All custodians in the Office of Intelligence and Analysis (I&A) at the GS-14 pay scale and above.
- D. All custodians in the Office of Inspection at the GS-14 pay scale and above.
- E. All custodians in the Office of International Operations at the GS-14 pay scale and above.
- F. All custodians in the Office of the Law Enforcement/Federal Air Marshal Service (LE/FAMS) at the GS-14 pay scale and above.

III. Fee Waiver

AFL requests a waiver of all search and duplication fees associated with this request under 5 U.S.C. § 552(a)(4)(A)(iii) and 6 C.F.R. § 5.11. First, AFL is a qualified non-commercial public education and news media requester. Our officials routinely appear on national television and use social media platforms to disseminate the information it has obtained about federal government activities. In this case, AFL will make your records and your responses publicly available for the benefit of citizens, scholars, and others, and the public's understanding of your policies and practices will be enhanced through AFL's analysis and publication of the requested records. As a nonprofit organization, AFL does not have a commercial purpose, and

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⁴ *Id.*; see also Curt Devine et al., *Man Detained in Apparent Assassination Attempt on Trump Criticized Former President on Social Media*, CNN (Sept. 15, 2024), <https://perma.cc/U4HJ-B7PP>.

releasing the requested information is not in AFL's financial interest. We note that DHS has granted us fee waivers in the past.

IV. Expedited Processing

DHS regulations require the grant of expedited processing for a FOIA request “whenever the component determines that they involve: (i) Circumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; (ii) An urgency to inform the public about an actual or alleged federal government activity, if made by a person who is primarily engaged in disseminating information; ... (iv) A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence. 6 C.F.R. § 5.5(e)(1).

This is a critical moment for our nation and the world. This request patently qualifies for expedited processing under § 5.5(e)(1)(i), (ii), and (iv). Multiple attempts have been made to assassinate the former President of the United States and the frontrunner in the upcoming presidential election—one of which resulted in the death of an innocent bystander—and expedited treatment is necessary to ensure the safety of the former President and other innocent bystanders. Now, more than ever, the public deserves to know what TSA knew about this attempted assassin, who was reportedly facilitating the deployment of foreign fighters to an active war zone.⁵ As discussed above, America First Legal is a qualifying news media distributor, and has been recognized as such by many agencies. This manifest attack on our political process is of paramount and urgent interest to the media and all Americans.

V. Conclusion

If you have any questions about how to construe this request for records or believe further discussions regarding search and processing would facilitate more efficient production of records of interest to AFL, please do not hesitate to contact me at FOIA@aflegal.org. Finally, if AFL's request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

Sincerely,

/s/ Julia Z. Haller

America First Legal Foundation

⁵ See, e.g., Curt Devine et al., *Man Detained in Apparent Assassination Attempt on Trump Criticized Former President on Social Media*, CNN (Sept. 15, 2024), <https://perma.cc/U4HJ-B7PP>.



U.S. Department of Homeland Security
Transportation Security Administration
 6595 Springfield Center Drive
 Springfield, Virginia 20598-6020

Freedom of Information Act/Privacy Act Request Acknowledgement

Jacob Meckler
 foia@aflegal.org

Request Date: September 16, 2024
 Date Received: September 16, 2024
 Perfected Case Number: 2024-TSFO-02558
 Fee Waiver Requested: No Expedite Requested: No
 Category: Complex

Mr. Meckler:

Your request has been received in this office for processing. Please see below to learn if we need additional clarification and/or documentation in order to continue processing your request. If the first box is checked, nothing more is required from you. If other boxes are checked and we do require supplemental information, you have until **October 30, 2024** (working days) to respond. If you do not respond within this time frame, we will administratively close your case; however, you may resubmit your request at any time. If you have any questions, please contact this office at (571) 227-2300 or foia@tsa.dhs.gov. You may also check the status of your request at <https://www.dhs.gov/foia-status>.

Closed circuit video equipment and any recordings made on the equipment are the property of the local airport authority. The retention time of the recordings varies for each airport; generally, 7 to 30 days. You may contact the local airport authority for the videos and/or recordings you are seeking.

- No additional information is needed at this time. However, if any additional information is needed in order to complete our search for documents, we will contact you.**
- Because you have asked for copies of records about yourself, we must verify your identity to ensure that your personal information is released only to you. Enclosed is the appropriate form that can be used to satisfy this requirement.
- Because you have submitted a third-party request, we must receive a statement from the subject of the request verifying his/her identity and certifying his/her agreement that records concerning him/her may be released to you. Enclosed is the appropriate form that can be used to satisfy this requirement.
- Request did not reasonably describe the records sought or is too broad in scope. Requests are reasonably described when an agency employee is able to locate the records with a reasonable amount of effort. Please modify your request ensuring you specifically describe the records you seek. For example, what was the nature of your contact with TSA – did you apply for a job with TSA, did you encounter problems at an airport checkpoint (specify airport, date), current employee, etc.
- Your request for expedited processing is denied because you do not qualify under one of the two required categories: 1) Circumstances in which the lack of expedited treatment could pose an imminent threat to life or physical safety, or 2) You are person primarily engaged in disseminating information and there exists an urgency to inform the public concerning actual or alleged Federal Government activity.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. We will construe the submission of your request as an agreement to pay up to \$25.00. (6 CFR section 5.11) If the cost will exceed this amount, we will contact you to advise of the new cost and your agreement to pay or modify the scope of your request to lessen the cost.

You have requested a fee waiver. We are reviewing your request and will advise you of our determination shortly.

We have determined that your request meets the “Unusual Circumstances” criteria of the FOIA due to one or more of the following: There is a need to search for and collect records from separate offices; there is a need to search for, collect, and examine a voluminous amount of records; or there is a need for consultation with another agency or among two or more components within the same agency. Therefore, we will not be able to complete the processing of your request within 30 working days (20 working days plus 10 additional business days allowed for “unusual circumstances.”

If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, please contact the FOIA Branch and the analyst who is assigned to process your request will assist you. To do so, you may send an e-mail to foia@tsa.dhs.gov, call 571-227-2300 or toll free 1-866-364-2872, or you may contact our FOIA Public Liaison in the same manner. Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.