



July 18, 2024

Via Web Portal Only

Chief Privacy Officer/Chief FOIA Officer
U.S. Department of Homeland Security (DHS)
2707 Martin Luther King Jr. AVE SE
Washington, DC 20528-065

Via Email Only

U.S. Secret Service FOIA Office
245 Murray Lane Building T-5
Washington, D.C. 20223
FOIA@uss.s.dhs.gov

RE: FOIA Request regarding the Secret Service and the July 13, 2024, Assassination Attempt on Former President Donald Trump

Dear FOIA Officer:

This letter is a request (“Request”) in accordance with the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*, and the corresponding department/agency implementing regulations. The Request is made by the American Center for Law and Justice (“ACLJ”).¹

Background

Pursuant to DHS FOIA regulation 6 C.F.R. §5.21 (c), this Background addresses the date, title or name, author, recipient, subject matter of the records requested, to the extent known, and therefore “describe[s] the records sought in sufficient detail to enable Department personnel to locate the system of records covering them with a reasonable amount of effort.”

¹The ACLJ is a not-for-profit 501(c)(3) organization dedicated to the defense of constitutional liberties secured by law. The ACLJ regularly monitors governmental activity and works to inform the public of such affairs. The ACLJ and its global affiliated organizations are committed to ensuring governmental accountability and the ongoing viability of freedom and liberty in the United States and around the world.

On July 13, 2024, President Donald Trump was shot and injured at a rally in Butler, Pennsylvania. One attendee was killed and two others were critically injured in the assassination attempt. Video footage reveals that some attendees had noticed the shooter, Thomas Matthew Crooks, climbing up to the roof of a nearby building at least one minute and 57 seconds before he fired any shots.² It has been reported that when attendees pointed out Crook to local law enforcement, one officer climbed up to the roof, saw Crook armed with a rifle, yet retreated.³ Crook was able to fire multiple shots at Trump, one of which hit Trump's ear, before Secret Service snipers took him out.⁴ The building on which Crooks positioned himself was only about 150 yards away from Trump's podium.⁵ Homeland Security Secretary Alejandro Mayorkas, who oversees the U.S. Secret Service, has said that Crook should have never been able to get a "direct line of sight" to Trump.⁶ Further, Robert F. Kennedy, Jr. asked for and was denied Secret Service protection in July of 2023.⁷ The arrest by local law enforcement of an armed man posing as a U.S. Marshal in September of 2023 did not change that decision.⁸ Only now, in light of the recent events, is the Secret Service providing protection to him.⁹

Incredibly, Director Cheatle told ABC News the following about the building used in presidential assassination attempt: "'That building in particular has a sloped roof, at its highest point. And so, there's a safety factor that would be considered there that we wouldn't want to put somebody up on a sloped roof. And so, the decision was made to secure the building, from inside,' she said."¹⁰

Records Requested

For purposes of this Request, the term "record" is "any information" that qualifies under 5 U.S.C. § 552(f). The term "record" also includes, but is not limited to, all relevant information created, stored, received or delivered in any electronic or digital format, e.g., electronic mail, instant messaging or Facebook Messenger, iMessage, text messages or any other means of communication, and any information generated, sent, received, reviewed, stored or located on a government *or private* account or server, consistent with the holdings of *Competitive Enter. Inst.*

² Renée Rigdon et al., *Minute-by-Minute: Visual Timeline of the Trump Assassination Attempt*, CNN (July 16, 2024) <https://www.cnn.com/2024/07/14/politics/timeline-trump-rally-shooting-dg/index.html>.

³ Julie Carr Smyth et al., *Trump Heads to Convention as Authorities Investigate Motive, Security in Assassination Attempt*, AP (July 15, 2024), <https://apnews.com/article/trump-rally-assassination-attempt-db24c5bfbbe7d09fa2437c3c836bb434>.

⁴ Jake Gibson et al., *Building Trump Shooter Used to Fire Shots at President Was Responsibility of Local Police: Source*, FOX NEWS (July 15, 2024), <https://www.foxnews.com/politics/building-trump-shooter-used-fire-shots-president-responsibility-local-police-source>.

⁵ George Petras et al., *Trump Assassination Attempt: Graphics, Maps Show You What Happened*, USA TODAY (July 14, 2024) <https://www.usatoday.com/story/graphics/2024/07/14/trump-shooting-what-happened/74399097007/>.

⁶ Kevin Shalvey, *DHS Secretary Says Direct Line of Sight "Should Not Occur" in Wake of Trump Assassination Attempt*, ABC NEWS (July 15, 2024), <https://abcnews.go.com/US/homeland-security-alejandro-mayorkas-secret-service-trump-assassination-attempt-gma/story?id=111944809>.

⁷ Julia Mueller, *RFK Jr. Says DHS Denied Request for Secret Service Protection*, THE HILL (July 28, 2023), <https://thehill.com/homenews/campaign/4124728-rfk-jr-says-biden-admin-denied-request-for-secret-service-protection/>.

⁸ Olivia Alafriz, *Armed Man Arrested at RFK Jr. Campaign Event in Los Angeles*, POLITICO (Sept. 16, 2023), <https://www.politico.com/news/2023/09/16/armed-man-arrested-rfk-jr-campaign-event-los-angeles-00116395>.

⁹ <https://thehill.com/homenews/administration/4773391-secret-service-protection-kennedy/>

¹⁰ <https://abcnews.go.com/US/trump-rally-shooting-unacceptable-secret-service-director-abc-exclusive/story?id=111962314>.

v. Office of Sci. & Tech. Policy, 827 F.3d 145 (D.C. Cir. 2016) (rejecting agency argument that emails on private email account were not under agency control, and holding, “If a department head can deprive the citizens of their right to know what his department is up to by the simple expedient of maintaining his departmental emails on an account in another domain, that purpose is hardly served.”).

For purposes of this request, the term “executive assistant” (including a secretary or administrative assistant or however described) means that position existing for the purpose of increasing the effectiveness of others by performing as many office support duties as possible, including serving as the principal clerical and administrative support position in the immediate organizational unit in or for which the persons assisted have responsibility, by carrying out and coordinating all the clerical and day-to-day administrative support activities typically required to accomplish the work of the organization.

When this Request names a person or an office, it includes any alias or pseudonym name and any electronic communication account any such official might use.

For purposes of this Request, and unless otherwise indicated, the timeframe of records requested herein is January 1, 2024, to the date this request is processed.

Pursuant to FOIA, 5 U.S.C. § 552 *et seq.*, the ACLJ hereby requests that the Secret Service produce the following:

1. Records of communications between Secretary Alejandro Mayorkas and Director Kimberly Cheatle or their administrative assistants about requests for increased protection or resources and containing the word: “Trump” or any alias, codename, or pseudonym used to refer to former President Donald Trump.
2. Records of communications between Secretary Alejandro Mayorkas or his administrative assistant containing the words: “Trump” (or any alias, codename, or pseudonym used to refer to former President Donald Trump) “diversion of resources,” or “requests for resources,” and “Secret Service” or “protection.”
3. Records of policies and procedures for determining the security perimeter of a presidential candidate’s rally or other appearance regardless of whether the candidate is a former United States President, including records regarding the security perimeter at the rally in Butler, Pennsylvania.
4. Records of standards for pre-advance and advance security assessments and surveys, including any Special Agent (SA) training manuals.
5. Records of any Technical Law Enforcement (TLE) and Uniformed Division (US) training manuals.
6. Records of Diversity, Equity and Inclusion policies, including but not limited to all records of Director Cheatle’s orders, communications or directions regarding same.

7. Records of communications between the Secret Service, the Butler City Police Department and/or the Butler County Sheriff's Department.
8. Records regarding requests about providing Secret Service protection to Robert F. Kennedy Jr. since September 1, 2023.
9. Records of the policies and procedures for determining the level of protection a former president is to receive.
10. Records of communications between the Secret Service, the Butler City Police Department and/or the Butler County Sheriff's Department and the rally attendees on the date of July 13, 2024.
11. Records of the communications between Congress and Director Kimberly Cheatle or her executive assistants.
12. Records of the communications between Director Kimberly Cheatle or her executive assistants and the DHS or Secret Service public affairs office since July 12, 2024.
13. Records of Secret Service or DHS communications regarding the rally of July 13, 2024.
14. Records of the rules of engagement or weapons free authorizations in effect at the rally in Butler, Pennsylvania on July 13, 2024.
15. All records regarding procedures, practices, and safety concerns regarding counter sniper teams on sloped roofs.

CONCLUSION

If this Request is denied in whole or in part, the ACLJ requests that, within the time requirements imposed by FOIA, you support all denials by reference to specific FOIA exemptions and provide any judicially required explanatory information, including but not limited to, a *Vaughn* Index.

Thank you for your prompt consideration of this Request. Please furnish all applicable records and direct any responses to:

Jordan Sekulow, Executive Director
John A. Monaghan, Senior Litigation Counsel
American Center for Law and Justice

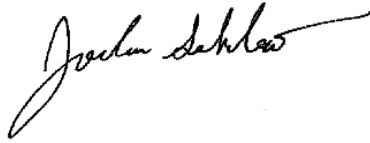
[REDACTED]

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I affirm that the foregoing request and attached documentation are true and correct to the best of

my knowledge and belief.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jordan Sekulow". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jordan Sekulow
Executive Director

A handwritten signature in blue ink, appearing to read "John A. Monaghan". The signature is cursive and includes a large, stylized initial "J".

John A Monaghan
Senior Litigation Counsel