



**Homeland  
Security**

*Privacy Office, Mail Stop 0655*

April 8, 2021

**SENT VIA E-MAIL TO: foia@americanoversight.org**

Austin Evers  
American Oversight  
1030 15th Street, NW, Suite B255  
Washington, DC 20005

**Re: 2020-HQFO-01464**

Dear Mr. Evers:

This is the final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated July 17, 2020, and received by this office on July 20, 2020.

You are seeking all communications between (a) the agency officials listed below and (b) any employee of the White House Executive Office of the President, including any person communicating from an email address ending in who.eop.gov, and (c) containing any of the specified key words.

(a) Specified agency officials for DHS:

- i. Acting Secretary Chad Wolf, or any person communicating on his behalf, such as an assistant or scheduler
- ii. Ken Cuccinelli, Senior Official Performing the Duties of the Deputy Secretary, or any person communicating on his behalf, such as an assistant or scheduler
- iv. Acting Chief of Staff John Gountanis
- v. Executive Secretary Clark Barrow
- vi. Chad Mizelle, Senior Official Performing the Duties of the General Counsel
- vii. Acting Assistant Secretary for Public Affairs Heather Swift

(b) any employee of the White House Executive Office of the President, including any person communicating from an email address ending in who.eop.gov,

(c) Specified key terms:

- i. Portland
- ii. Oregon
- iii. Multnomah
- iv. Wheeler
- v. "Kate Brown"
- vi. PPB

- vii. Anarchists
- viii. Antifa
- ix. “Night of Rage”
- x. Graffiti
- xi. Graffitied
- xii. Mob
- xiii. Gas
- xiv. Spray
- xv. Riot
- xvi. Riots
- xvii. Rioting

A search of the Department of Homeland Security’s, Office of the Chief Information Officer (OCIO), for documents responsive to your request produced a total of nine (9) pages. Of those pages, I have determined that nine (9) pages of the records are partially releasable, pursuant to Title 5 U.S.C. § 552 (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E), FOIA Exemptions 5, 6, b7(C) and b7(E).

Enclosed are nine (9) pages with certain information withheld as described below:

**FOIA Exemption 5** protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, I determined that portions of the responsive documents qualify for protection under the:

- **Deliberative Process Privilege**

The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel.

**FOIA Exemption 6** exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public’s right to disclosure against the individual’s right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

**FOIA Exemption 7(C)** protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interest in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate. As such, I have determined that the privacy interest in

the identities of individuals in the records you have requested clearly outweigh any minimal public interest in disclosure of the information. Please note that any private interest you may have in that information does not factor into this determination.

**Exemption 7(E)** protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. I determined that disclosure of this information could reasonably be expected to risk circumvention of the law. Additionally, the techniques and procedures at issue are not well known to the public.

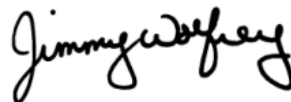
You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter, to: Privacy Office, Attn: FOIA Appeals, U.S. Department of Homeland Security, 2707 Martin Luther King Jr. Avenue, SE, Mail Stop 0655, Washington, D.C. 20528-0655, following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. Part 5 § 5.5(e)(2). Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS FOIA regulations are available at [www.dhs.gov/foia](http://www.dhs.gov/foia).

Provisions of FOIA allow DHS to charge for processing fees, up to \$25, unless you seek a waiver of fees. In this instance, because the cost is below the \$25 minimum, there is no charge.

You may contact the DHS FOIA Public Liaison at 202-343-1743 for any further assistance and to discuss any aspect of your request. You may also contact 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, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you need to contact our office again about this matter, please refer to 2020-HQFO-01464. This office can be reached at [FOIA@HQ.DHS.GOV](mailto:FOIA@HQ.DHS.GOV) or call 202-343-1743 or toll free 1-866-431-0486.

Sincerely,



Jimmy Wolfrey  
Senior Director, FOIA Operations and Management  
(Acting)

Enclosure(s): Responsive Documents, 9 pages

|                  |                                               |
|------------------|-----------------------------------------------|
| <b>From:</b>     | AS1CFW (b)(6)                                 |
| <b>To:</b>       | Meadows, Mark R. EOP/WHO (b)(6) @who.eop.gov> |
| <b>CC:</b>       | AS1CFW (b)(6)                                 |
| <b>Subject:</b>  | Footage of Portland                           |
| <b>Date:</b>     | 2020/07/20 16:05:05                           |
| <b>Priority:</b> | Normal                                        |
| <b>Type:</b>     | Note                                          |

Chief,

Below are several links showing video of what is happening in Portland. These are videos from 3<sup>rd</sup> party individuals in the crowd of anarchists, etc.

Separately, we have been told that the US Attorney in Portland is prohibiting the US Marshal Service from distributing video from their courthouse cameras because that video may be considered evidence of a crime. (b)(5)

(b)(5); (b)(7)(E)

<https://twitter.com/ShelbyTalcott/status/1284750609640329217?s=20>

[https://www.youtube.com/watch?v=W-cW3mdkG60&feature=emb\\_logo](https://www.youtube.com/watch?v=W-cW3mdkG60&feature=emb_logo)

<https://twitter.com/MrAndyNgo/status/1285136918972370945?s=20>

<https://twitter.com/MrAndyNgo/status/1285126258095947776?s=20>

Chad F. Wolf  
Acting Secretary  
Dept of Homeland Security

|                        |                                 |
|------------------------|---------------------------------|
| <b>Sender:</b>         | AS1CFW (b)(6)                   |
| <b>Recipient:</b>      | Meadows, Mark R. EOP/WHO (b)(6) |
| <b>Sent Date:</b>      | 2020/07/20 16:05:04             |
| <b>Delivered Date:</b> | 2020/07/20 16:05:05             |
| <b>Message Flags:</b>  | Unread                          |

|                  |                                                                                                   |
|------------------|---------------------------------------------------------------------------------------------------|
| <b>From:</b>     | AS1CFW (b)(6)<br>(b)(6)                                                                           |
| <b>To:</b>       | Meadows, Mark R. EOP/WHO (b)(6) @who.eop.gov>;<br>Cipollone, Pat A. EOP/WHO <(b)(6) @who.eop.gov> |
| <b>Subject:</b>  | Fwd: Summary of Meeting w/ Oregon Governor Brown                                                  |
| <b>Date:</b>     | 2020/07/27 23:00:46                                                                               |
| <b>Priority:</b> | Normal                                                                                            |
| <b>Type:</b>     | Note                                                                                              |

Chief,  
Summary of meeting with Gov Brown below.  
We are already working with (b)(6) on messaging.  
Recommend we circle up tomorrow.

Thank you.

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**From:** Alles, Randolph (b)(6)  
**Sent:** Monday, July 27, 2020 10:47 PM  
**To:** AS1CFW  
**Subject:** Summary of Meeting w/ Oregon Governor Brown

Met with Gov Kate Brown in Portland at 4pm with FPS RD (b)(6); (b)(7)(C) FBI DD (b)(6); (b)(7)(C)  
(b)(6); (b)(7)(C), FBI SAC (b)(6); (b)(7)(C) Oregon State Police Superintendent Hampton, Oregon  
State National Guard Commander (b)(6) Governor's COS.

Key points:

(b)(7)(E); (b)(5)

(b)(5); (b)(7)(E)

R D "Tex" Alles

(b)(6)

|                 |                                                                                                  |  |
|-----------------|--------------------------------------------------------------------------------------------------|--|
| Sender:         | AS1CFW (b)(6)                                                                                    |  |
|                 | (b)(6)                                                                                           |  |
| Recipient:      | Meadows, Mark R. EOP/WHO (b)(6) @who.eop.gov;<br>Cipollone, Pat A. EOP/WHO <(b)(6) @who.eop.gov> |  |
| Sent Date:      | 2020/07/27 23:00:43                                                                              |  |
| Delivered Date: | 2020/07/27 23:00:46                                                                              |  |
| Message Flags:  | Unread                                                                                           |  |

|                  |                                              |
|------------------|----------------------------------------------|
| <b>From:</b>     | Mizelle, Chad (b)(6)                         |
|                  | (b)(6)                                       |
| <b>To:</b>       | Miller, Stephen EOP/WHO (b)(6) @who.eop.gov> |
| <b>Subject:</b>  | Fwd: Overnight Portland Developments         |
| <b>Date:</b>     | 2020/07/24 08:03:54                          |
| <b>Priority:</b> | Normal                                       |
| <b>Type:</b>     | Note                                         |

Chad Mizelle

(b)(6)

---

**From:** Tomney, Christopher (b)(6)

**Sent:** Friday, July 24, 2020 8:02:39 AM

**To:** AS1CFW (b)(6) AS2KTC (b)(6) MORGAN, MARK A

(b)(6) Albence, Matthew (b)(6) Alles,

Randolph (b)(6) Patterson, Leonard E

(b)(6) Cline, Richard K (b)(6)

Mizelle, Chad (b)(6)

**Cc:** Gountanis, John (b)(6) (b)(6)

(b)(6) HOULTON, TYLER (b)(6) (b)(6)

(b)(6) PEREZ, ROBERT

E (b)(6) FERRARA, WILLIAM

(b)(6) Benner, Derek N (b)(6)

(b)(6) VANDE BEEK, DIRK

(b)(6) WOLTORNIST, ALEXEI (b)(6)

(b)(6)

**Subject:** Overnight Portland Developments

Sirs: Interim update for this morning. LE operations are still actively underway against violent opportunists. (b)(7)(E)

(b)(7)(E)

(b)(7)(E)

**Christopher Tomney**

Director, DHS Office of Operations Coordination (OPS)

(b)(6)

|                        |                                              |
|------------------------|----------------------------------------------|
| <b>Sender:</b>         | Mizelle, Chad (b)(6)                         |
|                        | (b)(6)                                       |
| <b>Recipient:</b>      | Miller, Stephen EOP/WHO (b)(6) @who.eop.gov> |
| <b>Sent Date:</b>      | 2020/07/24 08:03:53                          |
| <b>Delivered Date:</b> | 2020/07/24 08:03:54                          |



24 July 2020

## Civil Disturbances – Portland, OR

### Situational Overview

Significant Activity through 0530 EDT (0230 PDT): (b)(7)(E)

(b)(7)(E)

(b)(7)(E) Large crowds and violent actions continued in Portland, OR. Late Thursday, 23 Jul, a federal judge issued a temporary restraining order against the federal agents in Portland, prohibiting them from threatening to arrest, arresting, dispersing or using force against journalists and legal observers who are at the protests.

- The fence surrounding the courthouse held until 0400 EDT when it was breached by approximately 15 protestors.
  - (b)(7)(E)
  - Violent opportunists attempted throughout the night to push over and dismantle the fence with power tools.
  - Garbage bags were thrown over the fence and lit on fire and fireworks were directed at the door of the courthouse on multiple occasions.
- (b)(7)(E)
- Portland Police Bureau declared an Unlawful Assembly at 0346 EDT.
- Violent opportunists threw hard objects, to include knives, commercial grade fireworks, water bottles and glass bottles and used lasers repeatedly against officers. A machete was recovered from an individual who breached the fence.
- (b)(7)(E)
- No known injuries or Federal personnel or civilians as of 0530
- Protest crowd peaked at over 2,000.

### Pertinent Numbers

Since 4 July 2020 and as of 0530 EDT 24 July:

- **33 (+1)** incidents of damage to federal facilities in Portland, OR, to include graffiti, vandalism, destruction of security cameras, setting fires, etc.
- **67 (+7)** arrests have been made by Federal law enforcement officers;  
Two arrests for failure to comply with law enforcement orders
- **11 (+1)** occasions the Portland Police have declared an activity a "riot"
- (b)(7)(E)
- **16 (n/c)** federal law enforcement officers have been injured.
- **4 (n/c)** civilians have been injured by federal law enforcement officers (verification on one injury is pending).



24 July 2020

### Activities for Past 24 hours (all times approximate)

- At 2122 EDT, protesters at the Hatfield Courthouse attempted to disrupt contractors working on the fence. (b)(7)(E) (FPS VEOC 2122 EDT 22 Jul)
- At 2245 EDT, FPS reported the planned NAACP event was on the steps of the Justice Center with a crowd of approximately 500. (FPS SitRep 201 2300 EDT 23 Jul)
- At 0006 EDT, FPS reported the crowd at the Justice Center has grown to approximately 1,000. (b)(7)(E)
- The NAACP event continued, the crowd grew to approximately 1,500 at the Justice Center by 0013 EDT. Trash bags were tossed over the fence and lit on fire at the Hatfield Courthouse. (FPS VEOC 0013 EDT 23 Jul) (FPS SitRep 203 0100 EDT 24 Jul).
- At 0151 EDT, FPS reported green lasers were being shined in the eyes of law enforcement, and a mortar had been thrown at the Hatfield Courthouse. The crowd is approximately 1,500 with much of the crowd at the Justice Center and about 250 in front of the courthouse. (FPS VEOC 0151 EDT 24 Jul) (FPS Denver MegaCenter 0157 EDT 24 Jul).
- At 0206 EDT, water bottles were being thrown at Hatfield Courthouse. (FPS VEOC 0206 EDT 24 Jul).
- At 0214 EDT, the first admonishment was given at Hatfield Courthouse warning to stay off the fence. Protesters pushed on the fence and one subject tried to climb the fence in front of the courthouse and failed. (FPS VEOC 0214 24 Jul).
- At 0234 EDT, FPS reported protesters threw full bags of garbage over the fence. There are approximately 2,000 protesters. Commercial grade firework and glass bottles were thrown at the Hatfield Courthouse. An admonishment was given at Hatfield Courthouse. A fire was started inside the fence. A drone was spotted near the courthouse. (FPS VEOC 0259 EDT 24 Jul) (FPS SitRep 205 0300 EDT 24 Jul).
- At 0310 EDT, (b)(7)(E) (b)(7)(E) Protesters have continued to push on the fence at the Hatfield Courthouse, while several commercial grade fireworks were thrown over the fence and Roman candles were being fired into the front door of the courthouse. (FPS SitRep 0310 EDT 24 Jul).
- At 0325 EDT, an admonishment was given at the Hatfield Courthouse. (b)(7)(E) (b)(7)(E) there was a fire observed inside the fence. Multiple projectiles were being thrown at the front door. (b)(7)(E) a protester tying a rope to the fence. (b)(7)(E) (FPS VEOC 0325 EDT 24 Jul).
- At 0350 EDT, FPS reported protesters were observed with a Halligan tool and bolt cutters at the fence. An admonishment was given with a two-minute warning. Numerous projectiles, commercial grade fireworks and lasers being directed at officers. Another admonishment was given, and more commercial grade fireworks deployed against officers. A large amount of white smoke engulfing the front of the Hatfield Courthouse. The protest was declared an unlawful



24 July 2020

assembly and protesters were given a warning to depart the area. (FPS VEOC 0350 EDT 24 Jul) (FPS Denver MegaCenter 0350 EDT 24 Jul).

- At 0357 EDT, FPS reported the protesters were throwing knives at officers. A light-colored Prius pulled up to the fence at the intersection of southwest 3<sup>rd</sup> and Salmon where the rope was tied to the fence. (b)(7)(E)
- (b)(7)(E) A large crowd pushed on fence. There are approximately 1,000 protesters in the vicinity. The fence was breached at 0406 EDT, there were 15 protesters inside the perimeter. (FPS VEOC 0357 24 Jul) (FPS Denver MegaCenter 0402 EDT 24 Jul).
- At 0407 EDT, an unknown subject on the roof of a commercial building that is not on federal property. (b)(7)(E) the subject may have had body armor on, there were no visible signs of weapons. (b)(7)(E) Teams (b)(7)(E) and officers are being struck with hard projectiles, and commercial grade fireworks were thrown. The officers were being assaulted with lasers. (FPS VEOC 0407 EDT 24 Jul).
- At 0415 EDT, another admonishment was given. Teams went back inside the courthouse. A U.S. Marshall Service Deputy arrested one person for failure to comply with law enforcement order, pending prosecution decision. Teams deployed at 0426 EDT, taking a barrage of commercial grade fireworks. Lots of white smoke observed in front of Hatfield Courthouse. The crowd was pushed away from Hatfield Courthouse. A protester was observed inside of a silver Chevy Astro Van on the north side of the Hatfield Courthouse making Molotov Cocktails but the active search for the van was unsuccessful. (FPS VEOC 0415 EDT 24 Jul) (FPS SitRep 209 0400 EDT 24 Jul).
- Teams moved the crowds out of the parks and are being hit with rocks and bottles. The Portland Police did not locate the silver Chevy Astro Van. Officers were constantly under a barrage of commercial fireworks. Officers were being hit with bottles, hard objects and assaulted with green lasers. There is one person in custody. (b)(7)(E)
- (b)(7)(E) (FPS VEOC 0435 EDT 24 Jul).
- At 0515 EDT, two fence panels were breached on the northwest side of Hatfield Courthouse. There are two people in custody for Failure to Comply and Resisting Arrest. There was a protester inside the perimeter, with a machete in his backpack. An additional two people are in custody. At 0524 EDT, (b)(7)(E) Green laser was seen in front of the Hatfield Courthouse. (FPS VEOC 0512 EDT 24 Jul).
- At 0550 EDT the fence was breached again at the previous breach location and (b)(7)(E)
- (b)(7)(E) (FPS VEOC 638 EDT 24 Jul)
- At 0620 EDT, FPS had four additional suspects in custody at Hatfield (one charged with assault and three with CFR violations) and HSI has one in custody and is transporting the suspect to Hatfield. (FPS VEOC 638 EDT 24 Jul)

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(b)(7)(E)

Pioneer Courthouse  
(Federal Building)

Lownsdale Square

Gus J. Solomon Courthouse  
(Federal Building)

General Area  
of Protests

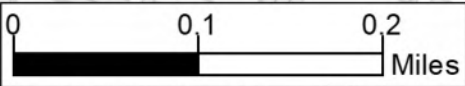
Mark O. Hatfield Courthouse  
(Federal Building)

Multnomah County  
Justice Center

Edith Green-  
Wendell Wyatt  
(Federal Building)

Chapman Square

Terry Schrunk Plaza  
(Federal Property)



Legend

☆

Fencing Breached

▲

Incident Locations

Planned/Partially Installed Fencing

Protests

MULTI-DHS-20-1778-A-000009

| Civil Disturbance Incidents (past 7 days) |        |        |        |        |        |        |        |             |                    |
|-------------------------------------------|--------|--------|--------|--------|--------|--------|--------|-------------|--------------------|
|                                           | 18-Jul | 19-Jul | 20-Jul | 21-Jul | 22-Jul | 23-Jul | 24-Jul | 7 Day Total | Total Since 04 Jul |
| Federal Arrests                           | 0      | 0      | 1      | 7      | 8      | 9      | 7      | 32          | 67                 |
| Federal Facility Damage                   | 3      | 2      | 4      | 2      | 3      | 2      | 1      | 17          | 33                 |
| Federal Non-Lethal Deployment             | 2      | 0      | 2      | 2      | 5      | 3      | 2      | 16          | 42                 |
| Injuries to Federal Law Enforcement       | 0      | 0      | 1      | 1      | 1      | 0      | 0      | 3           | 16                 |
| Injured Civilians                         | 0      | 0      | 0      | 0      | 2      | 0      | 0      | 2           | 4                  |
| Riot/Unlawful Assembly Declared           | 1      | 1      | 0      | 0      | 0      | 1      | 1      | 4           | 11                 |