



**U.S. Department of Justice**

Office of Legal Counsel

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*Washington, D.C. 20530*

October 18, 2024

Heather Sawyer  
Executive Director  
American Oversight  
foia@americanoversight.org

**Re: FOIA Tracking No. FY21-069;  
Am. Oversight v. DOJ, D.D.C. No. 21-cv-624**

Dear Ms. Sawyer:

This letter completes our response to your January 11, 2021 Freedom of Information Act (“FOIA”) request to the Office of Legal Counsel (“OLC”), among others, in which you sought two categories of records “regarding events at the U.S. Capitol, U.S. National Mall, or surrounding grounds in Washington D.C. on January 6, 2021.” As you know, the request is a subject of the above-captioned litigation.

Since our last letter in this matter, we have processed the remaining 36 pages of responsive records. Of those pages, 30 are enclosed here, with some material redacted pursuant to FOIA Exemptions Five and Six, 5 U.S.C. § 552(b)(5), (b)(6). For your information, Exemption Five exempts material protected by the attorney-client, deliberative process, and presidential communications privileges, as well as the attorney work product doctrine and other privileges. Exemption Six exempts material the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. We have determined that none of the withheld material is appropriate for discretionary release. This response completes production of the responsive records, and the request is now closed.

Please be advised that we have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.

We have referred six pages to the Office of Information Policy (“OIP”) for processing and direct response to you. OIP may be reached as follows: Douglas Hibbard, Chief, Initial Request Staff, Office of Information Policy, Department of Justice, 6th Floor, 441 G Street, NW, Washington, DC 20530, Tel: (202) 514-FOIA.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

Your counsel may contact Lee Reeves of the Civil Division, at 202-616-0773 or at Lee.Reeves2@usdoj.gov, to discuss any aspect of your request.

Sincerely,



Jared Kaprove  
FOIA and Records Management Attorney

Enclosures

cc: Lee Reeves, Trial Attorney  
Civil Division, Federal Programs Branch

**Hart, Rosemary (OLC)**

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**From:** Hart, Rosemary (OLC)  
**Sent:** Sunday, January 10, 2021 4:46 PM  
**To:** Hamilton, Eric J. EOP/WHO  
**Subject:** RE: Proclamation on Honoring United States Capitol Police Officers

Yes, good move!

*Rosemary Hart*  
*Special Counsel*  
*Office of Legal Counsel*  
*U.S. Department of Justice*  
( [REDACTED] (b) (6) )  
(cel [REDACTED] (b) (6) )

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**From:** Hamilton, Eric J. EOP/WHO [REDACTED] (b) (6) >  
**Sent:** Sunday, January 10, 2021 4:32 PM  
**To:** Hart, Rosemary (OLC) [REDACTED] (b) (6)  
**Subject:** RE: Proclamation on Honoring United States Capitol Police Officers

Definitel [REDACTED] (b) (5) . I think that would be a great move.

**Eric J. Hamilton**  
Associate Counsel to the President  
Office of White House Counsel  
[REDACTED] (b) (6) | [REDACTED] (b) (6)

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**From:** Hart, Rosemary (OLC) [REDACTED] (b) (6)  
**Sent:** Sunday, January 10, 2021 4:31 PM  
**To:** Hamilton, Eric J. EOP/WHO [REDACTED] (b) (6) >  
**Subject:** RE: Proclamation on Honoring United States Capitol Police Officers

Thank you! I think this was the right way to go.

*Rosemary Hart*  
*Special Counsel*  
*Office of Legal Counsel*  
*U.S. Department of Justice*  
( [REDACTED] (b) (6) )  
(cel [REDACTED] (b) (6) )

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**From:** Hamilton, Eric J. EOP/WHO [REDACTED] (b) (6) >  
**Sent:** Sunday, January 10, 2021 4:29 PM  
**To:** Hart, Rosemary (OLC) [REDACTED] (b) (6)  
**Subject:** FW: Proclamation on Honoring United States Capitol Police Officers

**Eric J. Hamilton**  
Associate Counsel to the President  
Office of White House Counsel

(b) (6) | (b) (6)

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**From:** White House Press Office <[info@mail.whitehouse.gov](mailto:info@mail.whitehouse.gov)>  
**Sent:** Sunday, January 10, 2021 4:28 PM  
**To:** Hamilton, Eric J. EOP/WHO (b) (6) >  
**Subject:** Proclamation on Honoring United States Capitol Police Officers

| |  
Office of the Press Secretary

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FOR IMMEDIATE RELEASE  
January 10, 2021

HONORING UNITED STATES CAPITOL POLICE OFFICERS

- - - - -

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

As a sign of respect for the service and sacrifice of United States Capitol Police Officers Brian D. Sicknick and Howard Liebengood, and all Capitol Police Officers and law enforcement across this great Nation, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, January 13, 2021. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand  
this tenth day of January, in the year of our Lord  
two thousand twenty-one, and of the Independence of the  
United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

[Unsubscribe](#)

The White House · 1600 Pennsylvania Ave NW · Washington, DC 20500-0003 · USA · 202-456-1111

||

**Engel, Steven A. (OLC)**

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**From:** Engel, Steven A. (OLC)  
**Sent:** Monday, January 11, 2021 11:23 AM  
**To:** Mascott, Jennifer (OLC)  
**Subject:** RE:

Thanks!

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**From:** Mascott, Jennifer (OLC) [REDACTED] (b) (6) >  
**Sent:** Monday, January 11, 2021 11:14 AM  
**To:** Engel, Steven A. (OLC) [REDACTED] (b) (6)  
**Subject:**

[https://www.washingtonpost.com/politics/inside-capitol-siege/2021/01/09/e3ad3274-5283-11eb-bda4-615aaefd0555\\_story.html](https://www.washingtonpost.com/politics/inside-capitol-siege/2021/01/09/e3ad3274-5283-11eb-bda4-615aaefd0555_story.html)

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**From:** Palmer, Natalie (OLC)  
**Sent:** Monday, January 11, 2021 4:38 PM  
**To:** Golden, Melissa (OLC); Kaprove, Jared (OLC); Colborn, Paul P (OLC)  
**Subject:** New FOIA- due 1/21/21  
**Attachments:** Request 21-069.pdf



January 11, 2021

**VIA EMAIL**

Melissa Golden  
Lead Paralegal and FOIA Specialist  
Department of Justice  
950 Pennsylvania Avenue NW, Room 5511  
Washington, DC 20530-0001  
[usdoj-officeoflegalcounsel@usdoj.gov](mailto:usdoj-officeoflegalcounsel@usdoj.gov)

**Re: Expedited Freedom of Information Act Request**

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the implementing regulations of your agency, American Oversight makes the following request for records.

On January 6, 2021, President Trump incited a mob to attack Congress while members were certifying the election for President-elect Joe Biden.<sup>1</sup> The apparent insurrectionists attacked the Capitol Building, forced their way past reportedly understaffed Capitol Police, and ultimately delayed the Congressional session by forcing lawmakers and their staffs to flee.<sup>2</sup> Four people died during this assault and a fifth person, a Capitol Police officer, died the following day from injuries incurred while engaging with rioters.<sup>3</sup>

While militia members roamed the halls of Congress, Trump reportedly fought against deploying the D.C. National Guard,<sup>4</sup> and the Defense Department reportedly initially

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<sup>1</sup> Press Release, Office of Sen. Mitt Romney, Romney Condemns Insurrection at U.S. Capitol, Jan. 6, 2021, <https://www.romney.senate.gov/romney-condemns-insurrection-us-capitol>.

<sup>2</sup> Rebecca Tan, et al., *Trump Supporters Storm U.S. Capitol, With One Woman Killed and Tear Gas Fired*, Wash. Post (Jan. 7, 2021, 12:30 AM), [https://www.washingtonpost.com/local/trump-supporters-storm-capitol-dc/2021/01/06/58afc0b8-504b-11eb-83e3-322644d82356\\_story.html](https://www.washingtonpost.com/local/trump-supporters-storm-capitol-dc/2021/01/06/58afc0b8-504b-11eb-83e3-322644d82356_story.html).

<sup>3</sup> Eric Levenson, *What We Know About the 5 Deaths in the Pro-Trump Mob that Stormed the Capitol*, CNN (Jan. 8, 2021, 5:29 PM), <https://www.cnn.com/2021/01/07/us/capitol-mob-deaths/index.html>.

<sup>4</sup> Maggie Haberman (@maggieNYT), Twitter (Jan. 6, 2021, 8:18 PM), <https://twitter.com/maggieNYT/status/1346989618239926273> (“NEW: Trump initially rebuffed and resisted requests to mobilize the National Guard, according to a person with knowledge of the vents. [sic] It required intervention from White House officials to get it done, according to the person with knowledge of the events.”).



denied a deployment request, before later reversing that decision.<sup>5</sup> Congress was only able to certify the win for President-elect Biden later in the evening after law enforcement, including the Capitol Police, and potentially the Federal Bureau for Investigation (FBI), the National Guard, and D.C. Metropolitan Police Department (MPD), reclaimed the Capitol.

This mob of Trump followers, animated by the President, attempted to violently stop the peaceful transfer of power. Now, in this moment of crisis, the public needs to understand the roles that senior officials played during this attack on American democracy.

### **Requested Records**

American Oversight seeks expedited review of this request for the reasons identified below and requests that your agency produce the following records as soon as practicable, and at least within twenty business days:

1. All communications (including emails, email attachments, complete email chains, text messages (or messages on similar applications such as Signal or WhatsApp) and calendar invitations) sent or received by the officials listed below regarding events at the U.S. Capitol, U.S. National Mall, or surrounding grounds in Washington D.C. on January 6, 2021, including but not limited to the potential or actual deployment of law enforcement officers and/or National Guard troops, requests for assistance from members of Congress or Congressional staff, protests or armed activity at the Capitol, President Trump's rally, or concerns about security.

Please note that American Oversight does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications forwarding such emails are responsive to this request. In other words, for example, if a specified official received a mass-distribution news clip email referencing protests or violent activity at the Capitol, that initial email would not be responsive to this request. However, if a specified official forwarded that email to another individual with his own commentary, that subsequent message would be responsive to this request and should be produced.

2. All orders, directives, protocols, or guidance prepared, written, approved, or signed by the officials listed below, regarding events at the U.S. Capitol, U.S. National Mall, or surrounding grounds in Washington D.C. on January 6, 2021, including but not limited to the potential or actual deployment of law enforcement officers and/or National Guard troops, requests for assistance from

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<sup>5</sup> Aaron C. Davis (@byaarondavis), Twitter (Jan. 6, 2021, 2:55 PM), <https://twitter.com/byaarondavis/status/1346908166030766080> (“BREAKING: A source tells me The Defense Department has just denied a request by DC officials to deploy the National Guard to the US Capitol.”).

members of Congress or Congressional staff, protests or armed activity at the Capitol, President Trump’s rally, or concerns about security.

Specified officials:

- a. Steven Engel, Assistant Attorney General
- b. Anyone serving in the capacity of Deputy Assistant Attorney General
- c. Rosemary Hart, Special Counsel

For both parts of this request, please provide all responsive records from December 31, 2020, through January 7, 2021.

### **Fee Waiver Request**

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and your agency’s regulations, American Oversight requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes.

American Oversight requests a waiver of fees because disclosure of the requested information is “in the public interest because it is likely to contribute significantly to public understanding of operations or activities of the government.”<sup>6</sup> The public has a significant interest in the decision-making process that led to the deployment of troops and law enforcement officers to the nation’s Capitol Building to face insurrectionists—and the delay of said deployment while rioters overtook the Capitol. Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the federal government, including what threats were previously identified and how the federal government had anticipated responding. American Oversight is committed to transparency and makes the responses agencies provide to FOIA requests publicly available, and the public’s understanding of the government’s activities would be enhanced through American Oversight’s analysis and publication of these records.

This request is primarily and fundamentally for non-commercial purposes.<sup>7</sup> As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight’s financial interest. American Oversight’s mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight

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<sup>6</sup> 5 U.S.C. § 552(a)(4)(A)(iii).

<sup>7</sup> *See id.*

also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>8</sup>

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through regular substantive analyses posted to its website.<sup>9</sup> Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records related to the Trump Administration's contacts with Ukraine and analyses of those contacts;<sup>10</sup> posting records and editorial content about the federal government's response to the Coronavirus pandemic;<sup>11</sup> posting records received as part of American Oversight's "Audit the Wall" project to gather and analyze information related to the administration's proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;<sup>12</sup> the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department's process for issuing such waivers;<sup>13</sup> and posting records and analysis of federal officials' use of taxpayer dollars to charter private aircraft or use government planes for unofficial business.<sup>14</sup>

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<sup>8</sup> American Oversight currently has approximately 15,600 page likes on Facebook and 105,500 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Jan. 11, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Jan. 11, 2020).

<sup>9</sup> See generally *News*, American Oversight, <https://www.americanoversight.org/blog>.

<sup>10</sup> *Trump Administration's Contacts with Ukraine*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-contacts-with-ukraine>.

<sup>11</sup> See generally *The Trump Administration's Response to Coronavirus*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-response-to-coronavirus>; see, e.g., *We've All Given Up Getting a Straight Answer From You Guys: Frustrated Emails Between Illinois Governor's Office and White House*, <https://www.americanoversight.org/weve-all-given-up-getting-a-straight-answer-from-you-guys-frustrated-emails-between-illinois-governors-office-and-white-house>.

<sup>12</sup> See generally *Audit the Wall*, American Oversight, <https://www.americanoversight.org/investigation/audit-the-wall>; see, e.g., *Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, American Oversight, <https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall>.

<sup>13</sup> *DOJ Records Relating to Solicitor General Noel Francisco's Recusal*, American Oversight, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, American Oversight, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

<sup>14</sup> See generally *Swamp Airlines: Chartered Jets at Taxpayer Expense*, American Oversight, <https://www.americanoversight.org/investigation/swamp-airlines-private-jets-taxpayer-expense>; see, e.g., *New Information on Pompeo's 2017 Trips to His Home State*, American Oversight, <https://www.americanoversight.org/new-information-on-pompeos-2017-trips-to-his-home-state>.

Accordingly, American Oversight qualifies for a fee waiver.

### **Application for Expedited Processing**

Pursuant to 5 U.S.C. § 552(a)(6)(E)(1) and your agencies' implementing regulations, American Oversight requests that your agency expedite the processing of this request.

I certify to be true and correct to the best of my knowledge and belief that the information requested is urgently needed in order to inform the public concerning actual or alleged government activity. On January 6, a mob of Trump supporters, incited by a speech from President Trump, attacked the Capitol Building to stop the certification of President-elect Joe Biden as president. This raised serious concerns about the security of the Capitol Building, security planning surrounding an important process for American democracy, and the actions or inaction of federal agencies before and during this attack. During the assault, President Trump reportedly fought against deploying the D.C. National Guard,<sup>15</sup> and the Defense Department reportedly initially denied a request, before later reversing that decision.<sup>16</sup> According to *The New York Times*, "Defense and administration officials" told the publication that Vice President Pence, not the Commander in Chief, ultimately ordered deploying the Guard.<sup>17</sup> If true, this raises questions about who is currently in control of the military's armed forces, and who was in control during the mob's assault on Congress. Furthermore, the public needs to know whether the president initially denied sending help to protect Congress from the mob that he incited. If true, this has serious implications about the president's commitment to democracy and his willingness to use the military for his own political ends. These records would help answer these questions and also help the public understand what steps security forces took to end the assault.

Moreover, I certify to be true and correct to the best of my knowledge and belief that there is an urgent need to inform the public about the deployment of the National Guard and other law enforcement and security forces. As noted above, *The New York Times* has reported that the Commander in Chief did not order the National Guard to help Congress, but instead the Vice President gave these orders. The country should not live with ambiguities regarding who is providing orders to the military for any period of time. Further, at this moment of crisis, the public needs transparency about how government officials are responding to the apparent insurrection that trashed the halls of Congress. For stability, the public needs access to the requested records so they can trust that the government is doing what is in its power to ensure a peaceful transition of power. Further, if the president hesitated—or stonewalled efforts—to send forces to protect Congress, as reported, the public needs to know that as soon as possible, because it would imply the president may not be committed to a peaceful transfer of power. In addition, members of Congress are currently drafting and circulating articles of

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<sup>15</sup> Haberman, *supra* note 4.

<sup>16</sup> Davis, *supra* note 5.

<sup>17</sup> Helen Cooper, et al., *As the D.C. Police Clear the Capitol Grounds, the Mayor Extends a Public Emergency*, N.Y. Times (Jan. 6, 2021), <https://www.nytimes.com/2021/01/06/us/politics/national-guard-capitol-army.html>.

impeachment based on the events of January 6.<sup>18</sup> These records may be relevant to their current deliberations and any future trial.

I further certify that American Oversight is primarily engaged in disseminating information to the public. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. Similar to other organizations that have been found to satisfy the criteria necessary to qualify for expedition,<sup>19</sup> American Oversight "gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience."<sup>20</sup> American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, and other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>21</sup> As discussed previously, American Oversight has demonstrated its commitment to the public disclosure of documents and creation of editorial content.<sup>22</sup>

Accordingly, American Oversight's request satisfies the criteria for expedition.

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<sup>18</sup> Ilhan Omar (@IlhanMN), Twitter (Jan. 7, 2021, 12:14 PM), <https://twitter.com/IlhanMN/status/1347230206646509573> ("Articles of Impeachment for introduction, so proud of everyone co-leading this effort with us. We need to move quickly to remove this President from office.").

<sup>19</sup> See *ACLU v. U.S. Dep't of Justice*, 321 F. Supp. 2d 24, 30–31 (D.D.C. 2004); *EPIC v. Dep't of Defense*, 241 F. Supp. 2d 5, 15 (D.D.C. 2003).

<sup>20</sup> *ACLU*, 321 F. Supp. 2d at 29 n.5 (quoting *EPIC*, 241 F. Supp. 2d at 11).

<sup>21</sup> American Oversight currently has approximately 15,600 page likes on Facebook and 105,500 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight> (last visited Jan. 11, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Jan. 11, 2021).

<sup>22</sup> See generally *News*, American Oversight, <https://www.americanoversight.org/blog>; see, e.g., *Emails and Resume of Trump's Pick to Head Government Personnel Office*, American Oversight, <https://www.americanoversight.org/emails-and-resume-of-trumps-pick-to-head-government-personnel-office>; *CDC Calendars from 2018 and 2019: Pandemic-Related Briefings and Meetings*, American Oversight, <https://www.americanoversight.org/cdc-calendars-from-2018-and-2019-pandemic-related-briefings-and-meetings>; *State Department Releases Ukraine Documents to American Oversight*, American Oversight, <https://www.americanoversight.org/state-department-releases-ukraine-documents-to-american-oversight>; *Documents Reveal Ben Carson Jr.'s Attempts to Use His Influence at HUD to Help His Business*, American Oversight, <https://www.americanoversight.org/documents-reveal-ben-carson-jr-s-attempts-to-use-his-influence-at-hud-to-help-his-business>; *Investigating the Trump Administration's Efforts to Sell Nuclear Technology to Saudi Arabia*, American Oversight, <https://www.americanoversight.org/investigating-the-trump-administrations-efforts-to-sell-nuclear-technology-to-saudi-arabia>; *Sessions' Letter Shows DOJ Acted On Trump's Authoritarian Demand to Investigate Clinton*, American Oversight, <https://www.americanoversight.org/sessions-letter>.

## Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA.<sup>23</sup> It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; American Oversight has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, by intent or through negligence, failed to meet their obligations.<sup>24</sup>
- Please use all tools available to your agency to conduct a complete and efficient search for potentially responsive records. Agencies are subject to government-wide requirements to manage agency information electronically,<sup>25</sup> and many agencies have adopted the National Archives and Records Administration (NARA) Capstone program, or similar policies. These systems provide options for searching emails and other electronic records in a manner that is reasonably likely to be more complete than just searching individual custodian files. For example, a custodian may have deleted a responsive email from his or her email

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<sup>23</sup> See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149–50 (D.C. Cir. 2016); cf. *Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955–56 (D.C. Cir. 2016).

<sup>24</sup> See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016).

<sup>25</sup> Presidential Memorandum—Managing Government Records, 76 Fed. Reg. 75,423 (Nov. 28, 2011), <https://obamawhitehouse.archives.gov/the-press-office/2011/11/28/presidential-memorandum-managing-government-records>; Office of Mgmt. & Budget, Exec. Office of the President, Memorandum for the Heads of Executive Departments & Independent Agencies, “Managing Government Records Directive,” M-12-18 (Aug. 24, 2012), <https://www.archives.gov/files/records-mgmt/m-12-18.pdf>.

program, but your agency's archiving tools may capture that email under Capstone. At the same time, custodian searches are still necessary; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.

- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

### **Conclusion**

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Dan McGrath at [foia@americanoversight.org](mailto:foia@americanoversight.org) or (202) 897-4213. Also, if American Oversight's request

for expedition is not granted or its request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

A handwritten signature in blue ink, appearing to read "Austin R. Evers", with a long horizontal flourish extending to the left.

Austin R. Evers  
Executive Director  
American Oversight

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**From:** Engel, Steven A. (OLC)  
**Sent:** Monday, January 11, 2021 10:22 PM  
**To:** Hart, Rosemary (OLC)  
**Cc:** Whitaker, Henry C. (OLC) (b) (6) (OLC)  
**Subject:** Re: (DC) Emergency Declaration / 59th Presidential Inauguration / First Amendment Demonstrations / SPOT REPORT #2 - 20210111

Interesting.

Sent from my iPhone

On Jan 11, 2021, at 9:01 PM, Hart, Rosemary (OLC) (b) (6) wrote:

POTUS has issued an emergency declaration (under the Stafford Act) in DC.

*Rosemary Hart  
Special Counsel  
Office of Legal Counsel  
U.S. Department of Justice  
(o (b) (6)  
(cell (b) (6)*

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**From:** FEMA-NCR-Watch <FEMA-NCR-Watch@fema.dhs.gov>  
**Sent:** Monday, January 11, 2021 8:59 PM  
**Subject:** (DC) Emergency Declaration / 59th Presidential Inauguration / First Amendment Demonstrations / SPOT REPORT #2 - 20210111

duplicate

# duplicate

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**From:** Colborn, Paul P (OLC)  
**Sent:** Tuesday, January 12, 2021 2:08 PM  
**To:** Engel, Steven A. (OLC)  
**Cc:** Kaprove, Jared (OLC)  
**Subject:** American Oversight FOIA for 1/6 "Call Logs"  
**Attachments:** Request 21-071.pdf

<b>Tracking:</b>	<b>Recipient</b>	<b>Read</b>
	Engel, Steven A. (OLC)	Read: 1/12/2021 2:26 PM
	Kaprove, Jared (OLC)	

FYI

Request is for

“All call logs for the officials specified below from January 6, 2021, or anyone communicating on their behalf, such as a Chief of Staff, executive assistant, or secretary.

- a. Steven Engel, Assistant Attorney General
- b. Anyone serving in the capacity of Deputy Assistant Attorney General
- c. Rosemary Hart, Special Counsel”



January 11, 2021

VIA EMAIL

Melissa Golden  
Lead Paralegal and FOIA Specialist  
Department of Justice  
950 Pennsylvania Avenue NW, Room 5511  
Washington, DC 20530-0001  
[usdoj-officeoflegalcounsel@usdoj.gov](mailto:usdoj-officeoflegalcounsel@usdoj.gov)

**Re: Expedited Freedom of Information Act Request**

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the implementing regulations of your agency, American Oversight makes the following request for records.

On January 6, 2021, President Trump incited a mob to attack Congress while members were certifying the election for President-elect Joe Biden.<sup>1</sup> The apparent insurrectionists attacked the Capitol Building, forced their way past reportedly understaffed Capitol Police, and ultimately delayed the Congressional session by forcing lawmakers and their staffs to flee.<sup>2</sup> Four people died during this assault and a fifth person, a Capitol Police officer, died the following day from injuries incurred while engaging with rioters.<sup>3</sup>

While militia members roamed the halls of Congress, Trump reportedly fought against deploying the D.C. National Guard,<sup>4</sup> and the Defense Department reportedly initially

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<sup>1</sup> Press Release, Office of Sen. Mitt Romney, Romney Condemns Insurrection at U.S. Capitol, Jan. 6, 2021, <https://www.romney.senate.gov/romney-condemns-insurrection-us-capitol>.

<sup>2</sup> Rebecca Tan, et al., *Trump Supporters Storm U.S. Capitol, With One Woman Killed and Tear Gas Fired*, Wash. Post (Jan. 7, 2021, 12:30 AM), [https://www.washingtonpost.com/local/trump-supporters-storm-capitol-dc/2021/01/06/58afc0b8-504b-11eb-83e3-322644d82356\\_story.html](https://www.washingtonpost.com/local/trump-supporters-storm-capitol-dc/2021/01/06/58afc0b8-504b-11eb-83e3-322644d82356_story.html).

<sup>3</sup> Eric Levenson, *What We Know About the 5 Deaths in the Pro-Trump Mob that Stormed the Capitol*, CNN (Jan. 8, 2021, 5:29 PM), <https://www.cnn.com/2021/01/07/us/capitol-mob-deaths/index.html>.

<sup>4</sup> Maggie Haberman (@maggieNYT), Twitter (Jan. 6, 2021, 8:18 PM), <https://twitter.com/maggieNYT/status/1346989618239926273> (“NEW: Trump initially rebuffed and resisted requests to mobilize the National Guard, according to a person with knowledge of the vents. [sic] It required intervention from White House officials to get it done, according to the person with knowledge of the events.”).



denied a deployment request, before later reversing that decision.<sup>5</sup> Congress was only able to certify the win for President-elect Biden later in the evening after law enforcement, including the Capitol Police, and potentially the Federal Bureau for Investigation (FBI), the National Guard, and D.C. Metropolitan Police Department (MPD), reclaimed the Capitol.

This mob of Trump followers, animated by the President, attempted to violently stop the peaceful transfer of power. Now, in this moment of crisis, the public needs to understand the roles that senior officials played during this attack on American democracy.

### **Requested Records**

American Oversight seeks expedited review of this request for the reasons identified below and requests that your agency produce the following records as soon as practicable, and at least within twenty business days:

All call logs for the officials specified below from January 6, 2021, or anyone communicating on their behalf, such as a Chief of Staff, executive assistant, or secretary.

- a. Steven Engel, Assistant Attorney General
- b. Anyone serving in the capacity of Deputy Assistant Attorney General
- c. Rosemary Hart, Special Counsel

### **Fee Waiver Request**

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and your agency's regulations, American Oversight requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes.

American Oversight requests a waiver of fees because disclosure of the requested information is "in the public interest because it is likely to contribute significantly to public understanding of operations or activities of the government."<sup>6</sup> The public has a significant interest in the decision-making process that led to the deployment of troops and law enforcement officers to the nation's Capitol Building to face insurrectionists—and the delay of said deployment while rioters overtook the Capitol. Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the federal government, including what threats were

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<sup>5</sup> Aaron C. Davis (@byaarondavis), Twitter (Jan. 6, 2021, 2:55 PM), <https://twitter.com/byaarondavis/status/1346908166030766080> ("BREAKING: A source tells me The Defense Department has just denied a request by DC officials to deploy the National Guard to the US Capitol.").

<sup>6</sup> 5 U.S.C. § 552(a)(4)(A)(iii).

previously identified and how the federal government had anticipated responding. American Oversight is committed to transparency and makes the responses agencies provide to FOIA requests publicly available, and the public's understanding of the government's activities would be enhanced through American Oversight's analysis and publication of these records.

This request is primarily and fundamentally for non-commercial purposes.<sup>7</sup> As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight's financial interest. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>8</sup>

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through regular substantive analyses posted to its website.<sup>9</sup> Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records related to the Trump Administration's contacts with Ukraine and analyses of those contacts;<sup>10</sup> posting records and editorial content about the federal government's response to the Coronavirus pandemic;<sup>11</sup> posting records received as part of American Oversight's "Audit the Wall" project to gather and analyze information related to the administration's proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;<sup>12</sup> the posting of records related to an ethics

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<sup>7</sup> *See id.*

<sup>8</sup> American Oversight currently has approximately 15,600 page likes on Facebook and 105,500 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Jan. 11, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Jan. 11, 2020).

<sup>9</sup> *See generally* News, American Oversight, <https://www.americanoversight.org/blog>.

<sup>10</sup> *Trump Administration's Contacts with Ukraine*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-contacts-with-ukraine>.

<sup>11</sup> *See generally* *The Trump Administration's Response to Coronavirus*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-response-to-coronavirus>; *see, e.g., 'We've All Given Up Getting a Straight Answer From You Guys: Frustrated Emails Between Illinois Governor's Office and White House*, <https://www.americanoversight.org/weve-all-given-up-getting-a-straight-answer-from-you-guys-frustrated-emails-between-illinois-governors-office-and-white-house>.

<sup>12</sup> *See generally* *Audit the Wall*, American Oversight, <https://www.americanoversight.org/investigation/audit-the-wall>; *see, e.g., Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, American Oversight, <https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall>.

waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department's process for issuing such waivers;<sup>13</sup> and posting records and analysis of federal officials' use of taxpayer dollars to charter private aircraft or use government planes for unofficial business.<sup>14</sup>

Accordingly, American Oversight qualifies for a fee waiver.

### **Application for Expedited Processing**

Pursuant to 5 U.S.C. § 552(a)(6)(E)(1) and your agencies' implementing regulations, American Oversight requests that your agency expedite the processing of this request.

I certify to be true and correct to the best of my knowledge and belief that the information requested is urgently needed in order to inform the public concerning actual or alleged government activity. On January 6, a mob of Trump supporters, incited by a speech from President Trump, attacked the Capitol Building to stop the certification of President-elect Joe Biden as president. This raised serious concerns about the security of the Capitol Building, security planning surrounding an important process for American democracy, and the actions or inaction of federal agencies before and during this attack. During the assault, President Trump reportedly fought against deploying the D.C. National Guard,<sup>15</sup> and the Defense Department reportedly initially denied a request, before later reversing that decision.<sup>16</sup> According to *The New York Times*, "Defense and administration officials" told the publication that Vice President Pence, not the Commander in Chief, ultimately ordered deploying the Guard.<sup>17</sup> If true, this raises questions about who is currently in control of the military's armed forces, and who was in control during the mob's assault on Congress. Furthermore, the public needs to know whether the president initially denied sending help to protect Congress from the mob that he incited. If true, this has serious implications about the president's commitment to democracy and his willingness to use the military for his own political ends. These records would help answer these questions and also help the public understand what steps security forces took to end the assault.

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<sup>13</sup> *DOJ Records Relating to Solicitor General Noel Francisco's Recusal*, American Oversight, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, American Oversight, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

<sup>14</sup> See generally *Swamp Airlines: Chartered Jets at Taxpayer Expense*, American Oversight, <https://www.americanoversight.org/investigation/swamp-airlines-private-jets-taxpayer-expense>; see, e.g., *New Information on Pompeo's 2017 Trips to His Home State*, American Oversight, <https://www.americanoversight.org/new-information-on-pompeos-2017-trips-to-his-home-state>.

<sup>15</sup> Haberman, *supra* note 4.

<sup>16</sup> Davis, *supra* note 5.

<sup>17</sup> Helen Cooper, et al., *As the D.C. Police Clear the Capitol Grounds, the Mayor Extends a Public Emergency*, N.Y. Times (Jan. 6, 2021), <https://www.nytimes.com/2021/01/06/us/politics/national-guard-capitol-army.html>.

Moreover, I certify to be true and correct to the best of my knowledge and belief that there is an urgent need to inform the public about the deployment of the National Guard and other law enforcement and security forces. As noted above, *The New York Times* has reported that the Commander in Chief did not order the National Guard to help Congress, but instead the Vice President gave these orders. The country should not live with ambiguities regarding who is providing orders to the military for any period of time. Further, at this moment of crisis, the public needs transparency about how government officials are responding to the apparent insurrection that trashed the halls of Congress. For stability, the public needs access to the requested records so they can trust that the government is doing what is in its power to ensure a peaceful transition of power. Further, if the president hesitated—or stonewalled efforts—to send forces to protect Congress, as reported, the public needs to know that as soon as possible, because it would imply the president may not be committed to a peaceful transfer of power. In addition, members of Congress are currently drafting and circulating articles of impeachment based on the events of January 6.<sup>18</sup> These records may be relevant to their current deliberations and any future trial.

I further certify that American Oversight is primarily engaged in disseminating information to the public. American Oversight’s mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. Similar to other organizations that have been found to satisfy the criteria necessary to qualify for expedition,<sup>19</sup> American Oversight “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience.”<sup>20</sup> American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, and other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>21</sup> As discussed previously, American Oversight has demonstrated its commitment to the public disclosure of documents and creation of editorial content.<sup>22</sup>

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<sup>18</sup> Ilhan Omar (@IlhanMN), Twitter (Jan. 7, 2021, 12:14 PM), <https://twitter.com/IlhanMN/status/1347230206646509573> (“Articles of Impeachment for introduction, so proud of everyone co-leading this effort with us. We need to move quickly to remove this President from office.”).

<sup>19</sup> See *ACLU v. U.S. Dep’t of Justice*, 321 F. Supp. 2d 24, 30–31 (D.D.C. 2004); *EPIC v. Dep’t of Defense*, 241 F. Supp. 2d 5, 15 (D.D.C. 2003).

<sup>20</sup> *ACLU*, 321 F. Supp. 2d at 29 n.5 (quoting *EPIC*, 241 F. Supp. 2d at 11).

<sup>21</sup> American Oversight currently has approximately 15,600 page likes on Facebook and 105,500 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight> (last visited Jan. 11, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Jan. 11, 2021).

<sup>22</sup> See generally *News*, American Oversight, <https://www.americanoversight.org/blog>; see, e.g., *Emails and Resume of Trump’s Pick to Head Government Personnel Office*, American Oversight, <https://www.americanoversight.org/emails-and-resume-of-trumps-pick-to-head-government-personnel-office>; *CDC Calendars from 2018 and 2019: Pandemic-Related Briefings and Meetings*, American Oversight, <https://www.americanoversight.org/cdc->

Accordingly, American Oversight's request satisfies the criteria for expedition.

### **Guidance Regarding the Search & Processing of Requested Records**

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA.<sup>23</sup> It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; American Oversight has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, by intent or through negligence, failed to meet their obligations.<sup>24</sup>

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[calendars-from-2018-and-2019-pandemic-related-briefings-and-meetings](https://www.americanoversight.org/state-department-releases-ukraine-documents-to-american-oversight); *State Department Releases Ukraine Documents to American Oversight*, American Oversight, <https://www.americanoversight.org/state-department-releases-ukraine-documents-to-american-oversight>; *Documents Reveal Ben Carson Jr.'s Attempts to Use His Influence at HUD to Help His Business*, American Oversight, <https://www.americanoversight.org/documents-reveal-ben-carson-jr-s-attempts-to-use-his-influence-at-hud-to-help-his-business>; *Investigating the Trump Administration's Efforts to Sell Nuclear Technology to Saudi Arabia*, American Oversight, <https://www.americanoversight.org/investigating-the-trump-administrations-efforts-to-sell-nuclear-technology-to-saudi-arabia>; *Sessions' Letter Shows DOJ Acted On Trump's Authoritarian Demand to Investigate Clinton*, American Oversight, <https://www.americanoversight.org/sessions-letter>.

<sup>23</sup> See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149–50 (D.C. Cir. 2016); cf. *Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955–56 (D.C. Cir. 2016).

<sup>24</sup> See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016).

- Please use all tools available to your agency to conduct a complete and efficient search for potentially responsive records. Agencies are subject to government-wide requirements to manage agency information electronically,<sup>25</sup> and many agencies have adopted the National Archives and Records Administration (NARA) Capstone program, or similar policies. These systems provide options for searching emails and other electronic records in a manner that is reasonably likely to be more complete than just searching individual custodian files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency’s archiving tools may capture that email under Capstone. At the same time, custodian searches are still necessary; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

## **Conclusion**

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will

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<sup>25</sup> Presidential Memorandum—Managing Government Records, 76 Fed. Reg. 75,423 (Nov. 28, 2011), <https://obamawhitehouse.archives.gov/the-press-office/2011/11/28/presidential-memorandum-managing-government-records>; Office of Mgmt. & Budget, Exec. Office of the President, Memorandum for the Heads of Executive Departments & Independent Agencies, “Managing Government Records Directive,” M-12-18 (Aug. 24, 2012), <https://www.archives.gov/files/records-mgmt/m-12-18.pdf>.

accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Dan McGrath at [foia@americanoversight.org](mailto:foia@americanoversight.org) or (202) 897-4213. Also, if American Oversight's request for expedition is not granted or its request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

A handwritten signature in blue ink that reads "Austin R. Evers". The signature is fluid and cursive, with a long horizontal line extending to the left.

Austin R. Evers  
Executive Director  
American Oversight

**Hart, Rosemary (OLC)**

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**From:** Hart, Rosemary (OLC)  
**Sent:** Wednesday, January 13, 2021 10:12 AM  
**To:** Forrester, Nate (OLC); Koffsky, Daniel L (OLC)  
**Subject:** RE: Inauguration Prep - Rolling Road Closures

Great!

*Rosemary Hart*  
*Special Counsel*  
*Office of Legal Counsel*  
*U.S. Department of Justice*  
(o [REDACTED] (b) (6))  
(cel [REDACTED] (b) (6))

---

**From:** Forrester, Nate (OLC) [REDACTED] (b) (6)  
**Sent:** Wednesday, January 13, 2021 10:00 AM  
**To:** Hart, Rosemary (OLC) [REDACTED] (b) (6); Koffsky, Daniel L (OLC) [REDACTED] (b) (6)  
**Subject:** RE: Inauguration Prep - Rolling Road Closures

Definitely will be on the computer and available by phone.

— *Nate*

**Nathan A. Forrester**  
Senior Counsel, Office of Legal Counsel  
U.S. Department of Justice, RFK 5268  
W [REDACTED] (b) (6) | [REDACTED] (b) (6)  
[REDACTED] (b) (6)

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**From:** Hart, Rosemary (OLC) [REDACTED] (b) (6)  
**Sent:** Wednesday, January 13, 2021 9:59 AM  
**To:** Forrester, Nate (OLC) [REDACTED] (b) (6); Koffsky, Daniel L (OLC) [REDACTED] (b) (6)  
**Subject:** RE: Inauguration Prep - Rolling Road Closures

Thanks, Nate. We'll let you know, but at this time I think the only people who are going to be at the office that day are Laura and me. (and that might change based on security considerations as assessed by the Secret Service). This security is going to be even tighter than in 2017.

I hope you will be available and on call throughout the day, though. Can you be at your laptop if needed?

*Rosemary Hart*  
*Special Counsel*  
*Office of Legal Counsel*  
*U.S. Department of Justice*  
(o [REDACTED] (b) (6))  
(cel [REDACTED] (b) (6))

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**From:** Forrester, Nate (OLC) [REDACTED] (b) (6)

**Sent:** Wednesday, January 13, 2021 9:26 AM

**To:** Koffsky, Daniel L (OLC) (b) (6); Hart, Rosemary (OLC) (b) (6)

**Subject:** FW: Inauguration Prep - Rolling Road Closures

**Importance:** High

Should I be in the office on January 20 to help with transition? I'm prepared to come in the night before if necessary.

– *Nate*

**Nathan A. Forrester**

Senior Counsel, Office of Legal Counsel

U.S. Department of Justice, RFK 5268

W (b) (6) | (b) (6)  
(b) (6)

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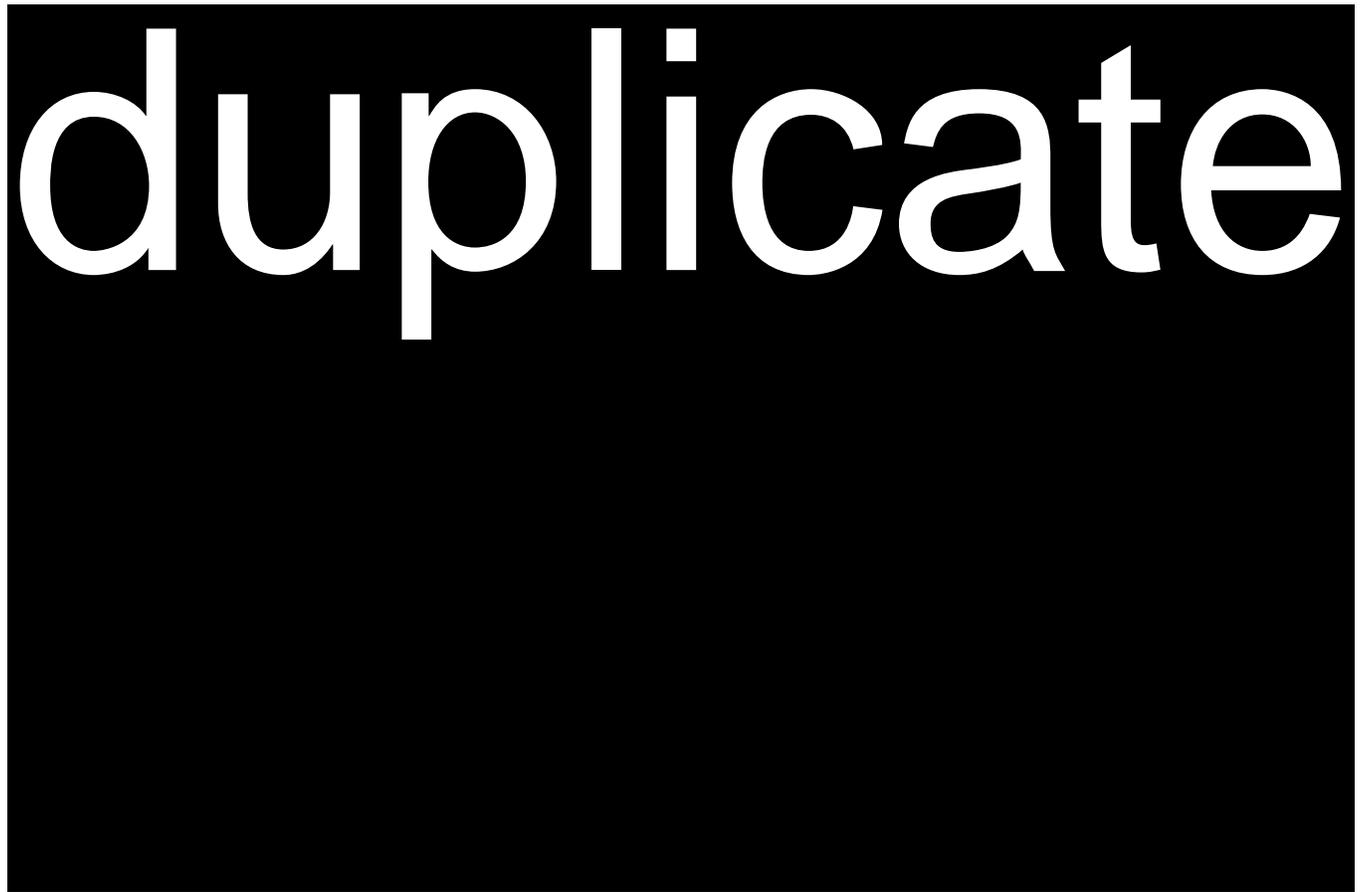
**From:** Collyer, Keith A. (OSG) (b) (6)

**Sent:** Wednesday, January 13, 2021 8:47 AM

**To:** OSG - All (JMD) (b) (6); OLC\_All (JMD) (b) (6)

**Subject:** FW: Inauguration Prep - Rolling Road Closures

**Importance:** High



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**From:** White, Cleo D. (OSG)  
**Sent:** Wednesday, January 13, 2021 11:23 AM  
**To:** OSG - All (JMD); OLC\_All (JMD)  
**Subject:** Garage closures  
**Attachments:** Inauguration Closures\_.docx

Good morning,

All:

JCB, Market Square East and West garages will be closed 1/18-1/20 as indicated on the attached. For now, LANS and LSB garages are open; however, I can't speak to how the anticipated protesting and inauguration preparations will affect building and/or garage access. I will pass along any updated/additional information as it becomes available.

The Presidential Inauguration has been designated as a National Special Security Event (NSSE) by the U.S. Secret Service and given the recent events at the U.S. Capitol last Wednesday, January 6<sup>th</sup>, the NSSE period has been extended to run from Monday, January 11 to Sunday, January 24, 2021.

Due to the potential for demonstrations and possible civil disorder there will be increased law enforcement & security presence, as well as, road closures within the downtown DC area impacting walking and driving in the area. We have been informed that to receive updates from DC on road closures, public safety, and more, you may text **INAUG2021 to 888-777**. You may also register for important alerts from the District by signing up for AlertDC at [alertdc.dc.gov](http://alertdc.dc.gov).

Driving within the downtown DC area **Wednesday, January 13<sup>th</sup> through Friday, January 15<sup>th</sup>** – In preparation for securing areas within the NSSE designated zone, the Metropolitan Police Department will be temporarily closing streets to allow for the placement of fencing. While these roadblocks are temporarily in place, staff should be prepared to show their credentials/government ID. When possible the officer should grant access to pass.

Additional information will be provided as soon as possible regarding access to Main/RFK and other DOJ facilities where SEPS is the security provider.



Dear Parkers,

Re: Market Square East & West Garage Closures:

Due to the Martin Luther King Jr. holiday and Presidential Inauguration, the garages will be closed for public parking on the following dates below:

**Monday, January 18, 2021 to Wednesday January 20, 2021.**

**\*\*Accessible to all monthly parker with transponder devices on Monday only\*\***

Date	Day	Event	Recommendation
18-Jan	Monday	Martin Luther King, Jr. Day	Close All day
19-Jan	Tuesday	Eve of Inauguration Day	Close All day
20-Jan	Wednesday	Inauguration Day	Close All day

**We will resume normal business operations on Thursday, January 21, 2021**

Shall you have any questions or concerns feel free to contact us.

Thank you,

**Brandy Otubanjo**  
Facility Manager

W (b) (6) | C (b) (6) | (b) (6)



701/801 Pennsylvania Ave NW| Parking Level – P1 | Washington, DC  
20004

[Web](#) | [Facebook](#) | [Instagram](#) | [Twitter](#) | [LinkedIn](#) | [YouTube](#)



**For online access to your account and online bill pay at LazParking.com, please contact**

(b) (6)