

**DEPARTMENT OF HOMELAND SECURITY**  
UNITED STATES SECRET SERVICE  
WASHINGTON, D.C. 20223

Freedom of Information Act Program  
Communications Center  
245 Murray Lane, S.W., Building T-5  
Washington, D.C. 20223

Date: August 11, 2022

American Oversight  
Austin Evers  
1030 15<sup>th</sup> Street, NW  
Suite B255  
Washington, DC 20005  
[foia@americanoversight.org](mailto:foia@americanoversight.org)

File Number: 20210271

Dear Requester:

Please find attached the last outstanding consult (1 page) pertaining to your Freedom of Information Act (FOIA) request, originally received by the United States Secret Service (Secret Service) on January 12, 2021, for information pertaining to:

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

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

Specified officials:

- a. James Murray, Director
- b. Leonza Newsome III, Deputy Director
- c. George Mulligan, Chief Operating Officer
- d. Brian Ebert, Chief of Staff

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

Enclosed is the 1 page consult from FBI, as well as a document that explains the exemptions in more detail. Withheld information is pursuant to the exemptions marked below.

***Section 552 (FOIA)***

|             |             |                     |             |                    |                  |         |
|-------------|-------------|---------------------|-------------|--------------------|------------------|---------|
| (b) (1)     | (b) (2)     | (b) (3)             | (b) (4)     | (b) (5)            | <b>X (b) (6)</b> |         |
| (b) (7) (A) | (b) (7) (B) | <b>X(b) (7) (C)</b> | (b) (7) (D) | <b>(b) (7) (E)</b> | (b) (7) (F)      | (b) (8) |

If you need any further assistance or would like to discuss any aspect of your request, please contact the Trial Attorney, U.S. Department of Justice, Lee Reeves at [leereeves2@usdoj.gov](mailto:leereeves2@usdoj.gov).

Sincerely,



Kevin L. Tyrrell  
Freedom of Information Act Officer  
Office of Intergovernmental and Legislative Affairs

Enclosure:  
FOIA and Privacy Act Exemption List

**FREEDOM OF INFORMATION ACT  
SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552**

**Provisions of the Freedom of Information Act do not apply to matters that are:**

- (b) (1) (A) specifically authorized under criteria established by an Executive Order to be kept Secret in the interest of national defense or foreign policy; and (B) are in fact properly classified pursuant to such Executive Order;
- (b) (2) related solely to the internal personnel rules and practices of any agency;
- (b) (3) specifically exempted from disclosure by statute (other than section 552b of this title), if that statute: (A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and (B) is established after the date of enactment of the OPEN FOIA Act of 2009;
- (b) (4) trade secrets and commercial or financial information obtained from a person and/or is privileged or confidential;
- (b) (5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency; provided that the deliberative process privilege shall not apply to records created 25 years or more before the date on which the records were requested;
- (b) (6) personnel files, medical files and/or similar files with which their disclosure would constitute a clearly unwarranted invasion of personal privacy;
- (b) (7) records or information compiled for law enforcement purposes, but only to the extent that the information: (A) could reasonably be expected to interfere with enforcement proceedings; (B) would deprive a person of a right to a fair trial or an impartial adjudication; (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy; (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, foreign agency or authority, or any private institution that furnished information on a confidential basis, and/or when records/information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source; (E) would disclose techniques and 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; (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b) (8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for regulation or supervision of financial institutions; and
- (b) (9) geological and geophysical information and data, including maps, concerning wells.

**PRIVACY ACT  
SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a**

**The provisions of the Privacy Act do not apply to:**

- (d) (5) material compiled in reasonable anticipation of a civil action or proceeding;
- (j) (2) material reporting investigative efforts pertaining to enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) material that is currently and properly classified pursuant to an Executive Order in the interest of national defense or foreign policy;
- (k) (2) material compiled during investigations for law enforcement purposes;
- (k) (3) material maintained in connection with providing protective services to the President of the United States or other individuals pursuant to section 3056 of Title 18;
- (k) (5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or for access to classified information, but only to the extent that the disclosure of such material would reveal the identity of the person who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to the September 27, 1975, under an implied promise that the identity of the source would be held in confidence; and
- (k) (6) testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service-the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

FBI Consult

**From:** JOCATDESK  
**Sent:** Wed, 6 Jan 2021 10:43:27 -0500  
**To:** JOCATDESK (b)(7)(E)  
**Subject:** (b)(7)(E)

(b)(7)(E)

(b)(6); (b)(7)(C); (b)(7)(E)

Remarks: Provide mission **stand-by alert** during protests.