

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON; AMERICAN
HISTORICAL ASSOCIATION; SOCIETY
FOR HISTORIANS OF AMERICAN
FOREIGN RELATIONS,

Plaintiffs,

v.

Civil Action No. 20-cv-739-APM

NATIONAL ARCHIVES AND RECORDS
ADMINISTRATION; DAVID S.
FERRIERO, in his official capacity as
Archivist of the United States; U.S.
IMMIGRATION AND CUSTOMS
ENFORCEMENT; MATTHEW T.
ALBENCE, in his official
capacity as Acting Director of U.S.
Immigration and Customs Enforcement,

Defendants.

DECLARATION OF ADAM J. RAPPAPORT

I, Adam J. Rappaport, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am the Chief Counsel and Assistant Director at Citizens for Responsibility and Ethics in Washington (“CREW”), a plaintiff in the above-captioned case. I have served in that position since 2016.

2. CREW is a non-profit, non-partisan organization organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the rights of citizens to be informed about the activities of government officials and agencies, and to ensuring the integrity of government officials and agencies. CREW seeks to empower citizens to have an influential voice in government decisions and in the government decision-making process through the dissemination of information about public officials and their actions.

3. In my position at CREW, I help to oversee and am familiar with CREW's litigation and Freedom of Information Act ("FOIA") efforts.

4. To further its mission of promoting government transparency and accountability, CREW frequently files FOIA requests with the Department of Homeland Security ("DHS"), U.S. Immigration and Customs Enforcement ("ICE"), and other agencies; disseminates the documents it receives through FOIA requests on its website, www.citizensforethics.org, and social media; and uses the documents as the basis for reports, complaints, litigation, blog posts, and other publications widely disseminated to the public. Given its status as a frequent FOIA requester, CREW has a strong operational interest in agencies' compliance with their recordkeeping obligations under the Federal Records Act. The destruction of federal records relevant to CREW's work thwarts its mission and impedes its informational rights under FOIA.

5. I understand that this lawsuit concerns the decision of the National Archives and Records Administration to approve the records disposition schedule for Detainee Records proposed by U.S. Immigration and Customs Enforcement, Schedule No. DAA-0567-2015-0013 (the "ICE Schedule"). Because the records covered by the ICE Schedule are the types of records CREW has requested from ICE through FOIA in the past and intends to request in the future, destruction of those records will directly impede CREW's interests.

6. Specifically, CREW currently has several FOIA requests pending with ICE, including the following:

- a. A February 25, 2020 request for "all Detention Service Monitor ('DSM') reports" from January 1, 2017 to the present including "any evaluations, observations, or discussion of ICE facilities' compliance with ICE detention standards or DHS [OIG] . . . recommendations." **Exhibit 1.** I understand that

the requested DSM reports are among the records slated for destruction under the ICE Schedule.

- b. A September 11, 2019 request for various categories of communications between ICE and private prison contractors that detain immigrants in ICE custody. **Exhibit 2.**
- c. A June 26, 2018 request for communications between ICE and private prison operators regarding the “the Trump Administration’s zero tolerance and family separation policies and its expansion of immigration detention.”

Exhibit 3.

7. CREW intends to continue submitting FOIA requests to ICE for similar records, including records documenting the circumstances of immigrant detention like those slated for destruction under the ICE Schedule.

8. If ICE destroys records pursuant to the ICE Schedule, CREW’s current and future FOIA requests will yield fewer or no records, inflicting irreparable harm to CREW’s interests.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 21, 2020.



Adam J. Rappaport

Exhibit 1

February 25, 2020

By Email: ICE-FOIA@dhs.gov

U.S. Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street, S.W., Stop 5009
Washington, D.C. 20536-5009

Re: Freedom of Information Act Request

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and U.S. Department of Homeland Security (“DHS”) regulations.

Specifically, CREW requests all Detention Service Monitor (“DSM”) reports from January 1, 2017 to the date this request is processed that include any evaluations, observations, or discussion of ICE facilities’ compliance with ICE detention standards or DHS Office of Inspector General (“OIG”) recommendations.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. *See* 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. *See Mead Data Central v. U.S. Dep’t of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Please be advised that CREW intends to pursue all legal remedies to enforce its right under the FOIA to access these documents. Accordingly, because litigation reasonably is foreseeable, ICE should institute an agency-wide preservation hold on documents potentially responsive to this request.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and DHS regulations, CREW 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 likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. *See* 5 U.S.C. § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. *See, e.g., McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

Multiple DHS OIG reports have found that ICE has failed to comply with detention standards¹ and raised concerns about ICE detainee treatment and care.² The DHS OIG has also found that inspections and monitoring of detention facilities do not lead to improvements.³ Reporting from outside sources has also shown that the conditions within ICE facilities are dangerous⁴ and sometimes deadly.⁵ DSMs support oversight of ICE's largest facilities, providing "a needed service for ICE ERO Custody Management by assessment with standards nearly daily or weekly."⁶ The requested records would contribute to the public's understanding of how ICE implements feedback from DSMs and whether the agency complies with detention standards.

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CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a "representative of the news media" and broadly interpreting the term to

¹ DHS Office of Inspector General, *Concerns about ICE Detainee Treatment and Care at Detention Facilities*, December 11, 2017, available at: <https://www.oig.dhs.gov/sites/default/files/assets/2017-12/OIG-18-32-Dec17.pdf>

² DHS Office of Inspector General, *Concerns about ICE Detainee Treatment and Care at Four Detention Facilities*, June 3, 2019, available at: <https://www.oig.dhs.gov/sites/default/files/assets/2019-06/OIG-19-47-Jun19.pdf>

³ DHS Office of Inspector General, *ICE's Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systemic Improvements*, June 26, 2018, available at: <https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf>

⁴ Andrew Gumbel, 'They were laughing at us': immigrants tell of cruelty, illness and filth in US detention. *The Guardian*, September 12, 2018, available at: <https://www.theguardian.com/us-news/2018/sep/12/us-immigration-detention-facilities>

⁵ Hannah Rappleye and Lisa Riordan Seville, 24 immigrants have died in ICE custody during the Trump administration. *NBC News*, June 9, 2019, available at: <https://www.nbcnews.com/politics/immigration/24-immigrants-have-died-ice-custody-during-trump-administration-n1015291>

⁶ DHS Office of Inspector General, *ICE's Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systemic Improvements*, June 26, 2018, available at: <https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf>

include “any person or organization which regularly publishes or disseminates information to the public”).

CREW routinely and systematically disseminates information to the public in several ways. CREW’s website receives tens of thousands of page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. In addition, CREW posts the documents it receives under the FOIA on its website.

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at (202) 408-5565 or lwhite@citizensforethics.org. Also, if CREW’s request for a fee waiver is not granted in full, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to either the email listed above or Lauren White, Citizens for Responsibility and Ethics in Washington, 1101 K Street, N.W., Suite 201 Washington, D.C. 20005. Thank you for your assistance in this matter.

Sincerely,

Lauren White
Press Associate

Exhibit 2

September 11, 2019

By Email: ICE-FOIA@dhs.gov

U.S. Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street, S.W., Stop 5009
Washington, D.C. 20536-5009

Re: Freedom of Information Act Request

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and U.S. Department of Homeland Security (“DHS”) regulations.

Specifically, CREW requests the following:

1. Any contracts from September 1, 2018 to the present between ICE Office of Acquisition Management (OAQ) and LaSalle Corrections, including those pertaining to: (a) Catahoula Correctional Center; (b) River Correctional Center; (c) Richwood Correctional Center; (d) LaSalle Correctional Center; (e) Jackson Parish Correctional Center; or (f) Winn Correctional Center.
2. Any contracts or requisition requests from September 1, 2018 to the present between ICE Enforcement and Removal Operations (ERO) and LaSalle Corrections, including those pertaining to: (a) Catahoula Correctional Center; (b) River Correctional Center; (c) Richwood Correctional Center; (d) LaSalle Correctional Center; (e) Jackson Parish Correctional Center; or (f) Winn Correctional Center. Please include in your search any records regarding the contract requirements.
3. Any contracts from September 1, 2018 to the present between the ICE ERO New Orleans Field Office and LaSalle Corrections, including those pertaining to: (a) Catahoula Correctional Center; (b) River Correctional Center; (c) Richwood Correctional Center; (d) LaSalle Correctional Center; (e) Jackson Parish Correctional Center; or (f) Winn Correctional Center.
4. All communications from September 1, 2018 to the present pertaining to contracts for detention between ICE (OAQ), ICE (ERO) or ICE ERO New Orleans Field Office and LaSalle Corrections.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages,

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voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. *See* 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. *See Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and DHS regulations, CREW 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 likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. *See* 5 U.S.C. § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. *See, e.g., McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

In its bipartisan deal to reopen the government in February 2019, Congress instructed Immigrations and Customs Enforcement (ICE) to reduce its detention population.¹ However, since that month, ICE has been rapidly expanding its southern detention network by opening eight detention centers in Louisiana and Mississippi, all of which are run by private prison companies.² Six of those new facilities are run by LaSalle Corrections,³ a Louisiana-based company.⁴ After news broke regarding the first LaSalle-run prison opening without congressional approval, Senator Elizabeth Warren sent a letter to Acting Director Mark Morgan asking for the terms and conditions of the contracts with the facility. Senator Warren reportedly has yet to receive a response.⁵ Unlike other private prison companies whose long-standing

¹ Noah Lanard, *ICE Just Quietly Opened Three New Detention Centers, Flouting Congress' Limit.*, Mother Jones, July 9, 2019, available at <https://www.motherjones.com/politics/2019/07/ice-just-quietly-opened-three-new-detention-centers-flouting-congress-limits/>.

² Noah Lanard, *Congress Told ICE to Detain Fewer People. Instead it Keeps Adding Private Prisons.*, Mother Jones, August 22, 2019, available at <https://www.motherjones.com/politics/2019/08/congress-ice-louisiana-mississippi-private-prisons/>.

³ *Id.*

⁴ LaSalle Corrections, *Locations*, available at <http://www.lasallecorrections.com/our-locations/>.

⁵ Noah Lanard, *Congress Told ICE to Detain Fewer People. Instead it Keeps Adding Private Prisons.*, Mother Jones, August 22, 2019, available at <https://www.motherjones.com/politics/2019/08/congress-ice-louisiana-mississippi-private-prisons/>.

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contracting relationship with ICE is well known,⁶ LaSalle Corrections' connection to the agency seems to be new and little information about the relationship is publicly available.

The requested records are likely to contribute to public understanding of the details of the contracts, including the cost of operating these prisons and the points of contact between ICE and LaSalle corrections. The public has a great interest in ensuring that ICE abides by Congress' instructions and carries out contacts with the private sector responsibly.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, www.citizensforethics.org. The release of information obtained through this request is not in CREW's financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a "representative of the news media" and broadly interpreting the term to include "any person or organization which regularly publishes or disseminates information to the public").

CREW routinely and systematically disseminates information to the public in several ways. CREW's website receives tens of thousands of page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. In addition, CREW posts the documents it receives under the FOIA on its website.

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at (202) 408-5565 or lwhite@citizensforethics.org. Also, if CREW's request for a fee waiver is not granted in full, please contact our office immediately upon making such a determination.

⁶ Rachel Layne, [Private prisons were supposed to thrive under Trump — then came a backlash.](https://www.cbsnews.com/news/private-prison-companies-were-supposed-to-thrive-under-trump-instead-theyre-under-fire/), CBS News, July 29, 2019, available at <https://www.cbsnews.com/news/private-prison-companies-were-supposed-to-thrive-under-trump-instead-theyre-under-fire/>.

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Where possible, please produce records in electronic format. Please send the requested records to either the email listed above or Lauren White, Citizens for Responsibility and Ethics in Washington, 1101 K Street, N.W., Suite 201 Washington, D.C. 20005. Thank you for your assistance in this matter.

Sincerely,

Lauren White
Press Associate

Exhibit 3

CREW | citizens for responsibility and ethics in washington

June 26, 2018

BY EMAIL: ice-foia@dhs.gov

Catrina Pavlik-Keenan
FOIA Officer
U.S. Department of Homeland Security
Freedom of Information Act Office
500 12th Street, SW, Stop 5009
Washington, D.C. 20536-5009

Re: Expedited Freedom of Information Act Request

Dear Ms. Pavlik-Keenan:

Citizens for Responsibility and Ethics in Washington ("CREW") makes this expedited request for records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and Department of Homeland Security ("DHS") regulations.

Specifically, CREW requests copies of all communications from April 1, 2018 to the present sent to or from anyone acting on behalf of (1) the Geo Group; (2) CoreCivic, Inc.; (3) Brian Ballard; and/or (4) Ballard Partners to or from anyone on the staff of the U.S. Immigrations and Customs Enforcement ("ICE") concerning or referencing in any way the Trump Administration's zero tolerance and family separation border policies and its expansion of immigration detention.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, as well as emails to which the subjects of this request were cc'ed or bcc'ed.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and DHS regulations, CREW 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 likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. *See* 5 U.S.C. § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. *See, e.g., McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

As has been widely reported, President Donald Trump is pursuing a “zero-tolerance” policy at the border, which exposes anyone crossing the border without authorization to detention and criminal prosecution, and a family separation policy. Although Attorney General Jeff Sessions announced the Trump administration’s policy to separate children from their parents as an immigration deterrent in early May, nearly 2,000 children were separated from their parents at the border from April 29 to May 31, 2018,¹ and administration officials stated that between May 5 and June 9, a total of 2,342 children had been separated from parents at the border pursuant to the Trump administration’s zero tolerance policy.²

To house those detained under this policy, ICE relies exclusively on out-sourced beds provided in large part by private prisons like the Geo Group and CoreCivic, Inc.³ Last year the Geo Group was awarded a \$110 million federal contract to build a new detention center for detainees, and just last Friday, DHS and ICE issued a “request for information” on 15,000 beds for detainees.⁴ But President Trump’s ill-considered policy has left government officials scrambling for additional facilities to house detainees, relying on tents on military bases as interim solutions.⁵ Private prisons like Geo Group and CoreCivic, Inc. are expected to profit hugely from this crisis.⁶

The requested records would shed light on the extent to which ICE and DHS have properly prepared for this crisis and the roles private prisons and those who lobby on their

¹ Maya Rhodan, *Here Are the Facts About President Trump’s Family Separation Policy*, *Time*, June 20, 2018, available at <http://time.com/5314769/family-separation-policy-donald-trump/>.

² Dara Lind, *New Statistics: the Government Is Separating 65 Children a Day From Parents at the Border*, *Vox*, June 19, 2018, available at <https://www.vox.com/2018/6/19/17479138/how-many-families-separated-border-immigration>.

³ *See, e.g.,* Sarah Toy, *These Companies Are Expected to Profit From Trump’s Continued ‘Zero-Tolerance’ Policy at the Border*, *MarketWatch*, June 25, 2018, available at <https://www.marketwatch.com/story/these-companies-are-expected-to-profit-from-trumps-continued-zero-tolerance-policy-at-the-border-2018-06-22>.

⁴ Marcia Heroux Pounds, *Boca-Based Geo Group Poised to Profit From Trump Order for Illegal Immigrant Beds*, *Sun Sentinel*, June 25, 2018, available at <http://www.sun-sentinel.com/business/fl-bz-geo-immigrant-detention-20180622-story.html>.

⁵ Lind, *Vox*, June 19, 2018.

⁶ Toy, *MarketWatch*, June 25, 2018.

behalf, such as Brian Ballard and his firm Ballard Partners,⁷ have played in that preparation, especially given the huge profits they likely will earn from imprisoning people at the border.⁸

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, www.citizensforethics.org. The release of information obtained through this request is not in CREW's financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a "representative of the news media" and broadly interpreting the term to include "any person or organization which regularly publishes or disseminates information to the public"). The records could help alleviate widespread concerns that President Trump's family separation and zero tolerance policies were hastily drafted without sufficient consideration of their practical ramifications.

CREW routinely and systematically disseminates information to the public in several ways. CREW's website receives tens of thousands of page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. In addition, CREW posts all documents it receives under the FOIA its website, which has been visited hundreds of thousands of times.

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

Request for Expedition

CREW also requests expedition of this request pursuant to 6 C.F.R. §§ 5.5(e)(ii) and (iv). Pursuant to DHS regulations, CREW has submitted its request for expedition to the DHS Senior Director of FOIA Operations because the subject of this request concerns a matter of widespread and exceptional media interest that raises questions affecting the public's confidence. A copy of that request is enclosed.

CREW also is entitled to expedition because of the urgency to inform the public about an actual or alleged federal government activity. As demonstrated above, CREW is engaged primarily in disseminating information. As also discussed above, the requested records seek to

⁷ Theodoric Meyer, *The Most Powerful Lobbyist in Trump's Washington*, *Politico*, Apr. 2, 2018, available at <https://www.politico.com/magazine/story/2018/0402most-powerful-lobbyist-in-trump-washington-217759>.

⁸ See Jerry Iannelli, *Five Reasons South Florida's Pro-Trump Private-Prison Company Is Evil*, *Miami New Times*, Jan. 7, 2018, available at <http://www.misminewtimes.com/content/printView/9967258>.

inform the public about the extent to which ICE has consulted private prisons about the family separation and zero tolerance policies, matters of grave concern given the serious questions raised about their legality, effectiveness, and the extent to which they clash with our country's basic democratic principles.

Based on the foregoing, CREW satisfies the requirements for expedited processing of this request.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records on an expedited basis, please contact me at (202) 408-5565 or aweismann@citizensforethics.org. Also, if CREW's request for a fee waiver is not granted in full, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to me either at aweismann@citizensforethics.org or at Anne L. Weismann, Citizens for Responsibility and Ethics in Washington, 455 Massachusetts Ave., N.W., Washington, D.C. 20001. Thank you for your assistance in this matter.

Sincerely,



Anne L. Weismann
Chief FOIA Counsel

Encl.