

February 7, 2018

**VIA EMAIL**

OSD/JS FOIA Requester Service Center  
Office of Freedom of Information  
1155 Defense Pentagon  
Washington, DC 20301-1155

Re: Freedom of Information Act Request for Records Related to Possible Military Parade in Washington, D.C.

Dear Information Officer:

I am writing to request information pursuant to 5 U.S.C. 552(a)(3), the Freedom of Information Act. I am requesting expedited processing of this request under 5 U.S.C. 552(a)(6)(E)(i)(I) and 32 C.F.R. § 286.8(e) because of the urgency to inform the public about proposed consideration of a military parade that, according to news reports, could occur in as soon as two and a half months, which may exceed typical FOIA processing times.

According to a February 6, 2018 report in the Washington Post, on or about January 18, 2018 President Trump directed the Department of Defense to plan a military parade in Washington, D.C.<sup>1</sup> The article reports that Mr. Trump had previously expressed a desire for such a parade in more abstract terms, but that it has now moved to a more concrete preparation stage. According to the article, planning now includes consideration of potential parade routes (with the president's preferred option reportedly passing directly past the Trump International Hotel), particular hardware (including but not limited to Abrams tanks), costs, and dates. According to the article, Defense Department spokesman Thomas Crosson confirmed the report.<sup>2</sup>

**I. Requested materials**

To facilitate expedited processing, we have narrowly tailored this request. We request any communications or documents, whether in the possession of the government, on government servers or devices or in the possession of individuals or on private or personal

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<sup>1</sup> Greg Jaffe & Philip Rucker, *Trump's 'marching orders' to the Pentagon: Plan a grand military parade*, Wash. Post, Feb. 6, 2018, <http://wapo.st/2Beb9aQ>.

<sup>2</sup> See *id.*

servers or devices, from all DoD components as defined in 32 C.F.R. § 286.2, from January 18, 2018 to the present, including:

1. Any communications, notes, or documents created, sent, received, or possessed by uniformed or civilian personnel of any DoD component, including but not limited to Secretary Mattis or Joint Chiefs of Staff Chairman Gen. Joseph F. Dunford Jr., pertaining to or addressing the idea of a potential military parade in Washington, D.C.
2. Any communications, notes, or documents created, sent, received, or possessed by uniformed or civilian personnel of any DoD component containing discussions of, or otherwise mentioning or pertaining to, dates, costs, parade routes, vehicles, hardware, weapons, aircraft, units, equipment, materiel, and/or personnel for a potential military parade in Washington, D.C.
3. Any calendar entries, agendas, attendance lists, or other records that pertain to conversations or communications regarding a potential military parade in Washington, D.C.

In interpreting terminology used in this request, each word should be presumed to have both the meaning contained in the current *DOD Dictionary of Military and Associated Terms* as well as its ordinary English meaning.

We ask that, in addition to reviewing all the materials that the Department would normally search in response to a FOIA request, the Department conduct a thorough search of government, private, and personal devices to ensure that any text messages or any other types of communication that may be retrieved from a computer, laptop, phone, or other electronic device used by the Department or its staff in conducting government or government-related communications is reviewed and included in the response.

## **II. Grounds for expedited review**

We request that the Department of Defense process this request via the expedited review process outlined at 5 U.S.C. 552(a)(6)(E)(i)(I) and in the Department's own regulations at 32 C.F.R. § 286.8(e)(1)(i)(B) because the information is urgently needed by Free Speech For People, an organization engaged in disseminating information in order to inform the public concerning actual or alleged government activity, in concert with our mission of challenging governmental abuse of power.

Free Speech For People is a national non-partisan, non-profit 501(c)(3) organization that works to restore republican democracy to the people. Free Speech For People's thousands of supporters around the country engage in education and non-partisan advocacy to encourage and support effective government of, by, and for the American people. One of

our core areas of work is gathering and broadly disseminating information to the public via our website and social media platforms such as Twitter and Facebook. We also routinely gather and review documents and provide legal analysis to the public as well as members of the press. In addition, our staff have contributed to major national and important regional publications such as the Washington Post, TIME, Newsweek, U.S. News and World Report, and the Boston Globe. On November 2, 2017 the Department of Homeland Security granted expedited processing of a FOIA request that we submitted (No. 2018-HQFO-00129) based on a regulatory standard similar to that of the Department of Defense.<sup>3</sup>

Free Speech For People intends to inform public understanding on the operations and activities of the federal government with respect to any Department of Defense discussions about a potential military parade in Washington, D.C. by giving access to the public to any documents transmitted to us via our FOIA request on Free Speech For People's website.

Free Speech For People will broadly disseminate this information to its broad audience and the public, including members of the press, with a legal analysis and assessment of the communications and documents and their implications, in order to significantly contribute to public understanding of the emerging controversy concerning the proposed military parade, the costs to taxpayers, and any improprieties that may have surrounded regarding the president's request, process, or decision.

There is an "urgency to inform" the public on this matter because, according to the Washington Post article, the administration has proposed that the parade could be as soon as May 28, 2018. Normal FOIA processing times may not accommodate timely informing the public regarding a proposed military parade. Furthermore, there are already numerous articles published on the subject, even given the newness of the revelation.<sup>4</sup>

If the Department does not provide expedited processing, the public at large will be deprived of obtaining information vital to the current and ongoing debate about the costs and propriety of such a parade.

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<sup>3</sup> See 6 C.F.R. § 5.5(e).

<sup>4</sup> See, e.g., Eli Watkins & Ryan Browne, *Trump tells Pentagon to plan a military parade*, CNN, Feb. 7, 2018, <http://cnn.it/2E67A1C>; Scott Neuman, *Trump Wants Pentagon To Stage Military Parade Down Pennsylvania Avenue*, NPR, Feb. 7, 2018, <https://n.pr/2FSj38K>; David Choi, *'We have a Napoleon in the making': Lawmakers rain on Trump's military parade idea*, Business Insider, Feb. 6, 2018, <http://read.bi/2nHJvLG>.

I hereby certify that the statements made above are true and correct to the best of my knowledge, and I request that the Department of Defense consider this information in reviewing our request.

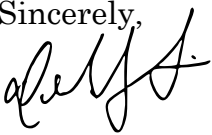
### **III. Request for fee waiver**

Free Speech For People is a non-partisan, non-profit organization and seeks a fee waiver or reduction under 32 U.S.C. § 286.12(l). As discussed above, disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government. In particular, disclosure of the requested information would be meaningfully informative about the operations or activities of the government. While the general concept of a proposed military parade is already in the public domain, the information requested is not. The disclosure will contribute to the understanding of a reasonably broad audience of persons interested in the subject because, as noted above, Free Speech For People intends to publicize the information as broadly as possible. Finally, Free Speech For People is a 501(c)(3) nonprofit, and has no commercial interest that would be furthered by the requested disclosure.

If the fee waiver or reduction is denied, I hereby authorize expenditure of up to \$100 in search, processing, and other production costs, with a request that production be made electronically. If costs exceed \$100, please contact me for further authorization.

Please do not hesitate to contact me with any questions regarding this request. Thank you for your consideration and prompt response we will expect a response regarding expedited processing as soon as possible and no later than 10 calendar days from today.

Sincerely,



Ronald A. Fein  
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