

EXHIBIT A

Daniel McFadden

From: Daniel McFadden
Sent: Friday, December 28, 2018 1:54 PM
To: 'foia@hq.dhs.gov'
Subject: FOIA Request
Attachments: DHS FOIA 12 28 18.pdf

To whom it may concern,

Please see the attached FOIA request.

Regards,
Dan McFadden

Dan McFadden

Pronouns: he, him, his

Staff Attorney
American Civil Liberties Union Foundation of Massachusetts
211 Congress Street, Boston, MA 02110
617.482.3170 x171 | dmcfadden@aclum.org
aclum.org





Daniel L. McFadden
Staff Attorney
(617) 482-3170 ext. 171
dmcfadden@aclum.org

December 28, 2018

Via Electronic Mail

U.S. Department of Homeland Security
245 Murray Lane SW
Washington, D.C. 20528
foia@hq.dhs.gov

Re: FOIA Request

To whom it may concern:

This letter constitutes a request pursuant to the Freedom of Information Act, 5 U.S.C. § 552. This request is submitted on behalf of the American Civil Liberties Union of Massachusetts (the "ACLUM").

On December 24, 2018, the President of the United States made an announcement (the "Announcement") on Twitter that:

I am in the Oval Office & just gave out a 115 mile long contract for another large section of the Wall in Texas.¹

ACLUM requests the following records:

1. The "contract" referenced in the Announcement.
2. All purchase orders, invoices, RFPs, documentation of selection, sole source or limited source justification and approval documents, studies of cost, efficacy, and/or environmental impact, and other memoranda and documentation pertaining to the "contract" referenced in the Announcement

If this request is denied in whole or part, we ask that you justify each such denial by reference to specific exemptions of the FOIA. Please release all segregable portions of otherwise exempt material.

¹ <https://twitter.com/realDonaldTrump/status/1077329121745793025>

U.S. Dep't of Homeland Security
December 28, 2018

We request a fee waiver because ACLUM is a “representative of the news media” under the FOIA. *See* 5 U.S.C. § 552(a)(4)(A)(ii)(II); *Nat’s Security Archive v. Dep’t of Defense*, 880 F.2d 1381, 1387 (D.C. Cir 1989). ACLUM is a not-for-profit, non-partisan organization dedicated to the principles of liberty and equality. As the Massachusetts affiliate of the national ACLU, a not-for-profit, non-partisan organization, ACLUM distributes information both within and outside of Massachusetts. Gathering and disseminating current information to the public is a critical and substantial component of ACLUM’s mission and work. ACLUM publishes newsletters, news briefings, reports and other materials that are disseminated to the public, including through ACLUM’s website² and regular posts on social media sites such as Facebook and Twitter. These materials are widely available to everyone, including tax-exempt organizations, not-for-profit groups, law students and faculty, at no cost. Accordingly, ACLUM is entitled to a fee waiver.

In addition, ACLUM is entitled to a waiver or reduction of fees because 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, and disclosure of the information is not primarily in the commercial interest of the requester. *See* 5 U.S.C. § 552(a)(4)(A)(iii). The public is keenly interested in understanding the scope, nature, cost, and efficacy of DHS operations at the U.S.-Mexico border, which have been a widely publicized feature of the President’s campaign and public agenda in office.

We reserve the right to appeal a decision to withhold any information or to deny a waiver of fees. Please provide documents in digital form wherever possible.

We look forward to your reply to this request within twenty (20) business days, as required under 5 U.S.C. § 552(a)(6)(A)(i).

Thank you for your prompt attention to this matter.

Sincerely,

/s/ Daniel L. McFadden

Daniel L. McFadden

² www.aclum.org

EXHIBIT B

Daniel McFadden

From: foia@hq.dhs.gov
Sent: Monday, January 14, 2019 12:14 PM
To: Daniel McFadden
Subject: Department of Homeland Security FOIA 2019-HQFO-00257 Acknowledgment
Attachments: Ack - No Contract Number_Use FPDS_Decentralized.pdf

Good Morning,

Attached is our acknowledgment of your DHS FOIA request. If you need to contact this office again concerning your request, please provide the DHS reference number. This will enable us to quickly retrieve the information you are seeking and reduce our response time. This office can be reached at 866-431-0486.

Regards,

DHS Privacy Office
Disclosure & FOIA Program
STOP 0655
Department of Homeland Security
245 Murray Drive, SW
Washington, DC 20528-0655
Telephone: 1-866-431-0486 or 202-343-1743
Fax: 202-343-4011
Visit our [FOIA website](#)



Homeland
Security

Privacy Office, Mail Stop 0655

January 14, 2019

Dan McFadden

American Civil Liberties Union of Massachusetts
211 Congress Street

Boston, MA 02110

Re: **2019-HQFO-00257**

Dear McFadden:

This letter acknowledges receipt of your December 28, 2018, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), for all purchase orders, invoices, RFPs, documentation of selection, sole source or limited source justification and approval documents, studies of cost, efficacy, and/or environmental impact, and other memoranda and documentation pertaining to the "contract" referenced in the Presidential tweet of December 24, 2018, stating "I am in the Oval Office & just gave out a 115 mile long contract for another large section of the Wall in Texas". This office received your request on December 31, 2018.

After careful review of your FOIA request, we determined that your request is too broad in scope or did not specifically identify the records which you are seeking. Records must be described in reasonably sufficient detail to enable government employees who are familiar with the subject area to locate records without placing an unreasonable burden upon the agency. For this reason, 6 C.F.R. Part 5 §5.3(b) of the DHS FOIA regulations require that you describe the records you are seeking with as much information as possible to ensure that our search can locate them with a reasonable amount of effort. In addition to the information provided, your request description should include the specific DHS contract numbers of interest. If such contracts exist, you may find the associated contract numbers via the Federal Procurement Data System (FPDS), which is accessible from https://www.fpds.gov/fpdsng_cms/. The FPDS allows for anyone to register and access records pertaining to all federal agency procurement actions, including the ability to run a variety of reports based on specified criteria.

Please be aware that DHS is decentralized and each DHS component has its own FOIA Officer. If detailed information on a specific contract is desired, please contact the FOIA Officer at the funding component directly with the specific contract number(s). A list of DHS disclosure contacts is available on our website from <http://www.dhs.gov/foia-contact-information>.

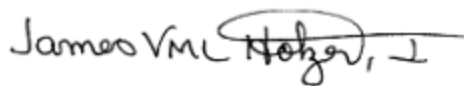
Please resubmit your revised request, containing a reasonable description of the records you are seeking, directly to the DHS component that maintains the record(s) you are seeking. You

should also provide a mailing address to which DHS may respond with any responsive records, if located.

If we do not hear from you within 30 days from the date of this letter, we will assume you are no longer interested in this FOIA request as it pertains to this office, and this case will be administratively closed. Please be advised that this action is not a denial of your request and will not preclude you from filing other requests in the future.

Your request has been assigned reference number **2019-HQFO-00257**. Please refer to this identifier in any future correspondence. You may contact this office at our toll-free telephone number, 866-431-0486, or at 202-343-1743.

Sincerely,

A handwritten signature in black ink that reads "James V. McHolzer, Jr." with a stylized flourish at the end.

James Holzer
FOIA Program Specialist

EXHIBIT C

Daniel McFadden

From: Daniel McFadden
Sent: Wednesday, January 16, 2019 5:12 PM
To: 'foia@hq.dhs.gov'
Cc: Matthew Segal
Subject: FOIA Reference No. 2019-HQFO-00257
Attachments: DHS FOIA Reply to Response 1 16 19.pdf

Please see the attached letter regarding FOIA Reference No. 2019-HQFO-00257.

Regards,
Dan McFadden

Dan McFadden

Pronouns: he, him, his

Staff Attorney
American Civil Liberties Union Foundation of Massachusetts
211 Congress Street, Boston, MA 02110
617.482.3170 x171 | dmcfadden@aclum.org
aclum.org





Daniel L. McFadden
Staff Attorney
(617) 482-3170 ext. 171
dmcfadden@aclum.org

January 16, 2018

Via Electronic Mail

James Holzer
FOIA Program Specialist
DHS Privacy Office
Disclosure & FOIA Program
STOP 0655
U.S. Department of Homeland Security
245 Murray Lane SW
Washington, D.C. 20528
foia@hq.dhs.gov

Re: FOIA Request
Reference No. 2019-HQFO-00257

Dear Mr. Holzer:

On December 24, 2018, the President of the United States made an announcement (the "Announcement") that:

I am in the Oval Office & just gave out a 115 mile long contract for another large section of the Wall in Texas.¹

On December 28, 2018, I submitted a request under the Freedom of Information Act, 5 U.S.C. § 552, (the "Request") on behalf of the American Civil Liberties Union of Massachusetts (the "ACLUM"). The Request sought the following records:

1. The "contract" referenced in the Announcement.
2. All purchase orders, invoices, RFPs, documentation of selection, sole source or limited source justification and approval documents, studies of cost, efficacy, and/or environmental impact, and other memoranda and

¹ <https://twitter.com/realDonaldTrump/status/1077329121745793025>

James Holzer
FOIA Program Specialist
U.S. Dep't of Homeland Security
January 16, 2019

documentation pertaining to the “contract” referenced in the Announcement

The Request additionally sought a fee waiver under 5 U.S.C. §§ 552(a)(4)(A)(ii)(II) and 552(a)(4)(A)(iii). The Request has been assigned Reference No. 2019-HQFO-00257.

On January 14, 2019, you responded on behalf of DHS that the Request “is too broad in scope or did not specifically identify the records which you are seeking.” You further stated that the Request “should include the specific DHS contract numbers of interest” (emphasis in original), which you suggested may be found by searching the website [https://www.fpds.gov/fpdsng cms/](https://www.fpds.gov/fpdsng/cms/). You further stated that the Request should be directed to “the FOIA Officer at the funding [DHS] component directly with the specific contract number.” You concluded:

Please resubmit your revised request, containing a reasonable description of the records you are seeking, directly to the DHS component that maintains the record(s) you are seeking. . . . Please be advised that this action is not a denial of your request and will not preclude you from filing other requests in the future. (emphasis added)

ACLUM will not resubmit or modify the Request. The President’s Announcement referred to a single “115 mile long contract for another large section of the Wall in Texas” signed on December 24, 2018. There is no reason to believe that more than one such contract exists, or that retrieving this contract would present any unreasonable burden for DHS. Indeed, given the magnitude of such a project, and DHS’s recent public focus on a proposed U.S.-Mexico border wall, personnel throughout DHS, and at its highest levels, must have access to and be intimately familiar with this contract—unless the President’s Announcement was simply a lie.

Your response requests that ACLUM, the requestor, undertake to identify the specific contract number that was the subject of the President’s Announcement, and, based on that number, the “funding component” within DHS. I have reviewed the website you provided ([https://www.fpds.gov/fpdsng cms/](https://www.fpds.gov/fpdsng/cms/)). A search for contracts containing the word “Texas” and signed on December 24, 2018 reveals four entries, none of which appears to be a contract for the construction of any wall of any length, much less a wall of 115 miles in length on the U.S.-Mexico border. Indeed, none of the contracts listed on the website as having been signed on December 24, 2018, appear to relate to construction of the proposed border wall. Accordingly, although I would certainly provide you with the contract number and “funding component” if that information were available in the federal contracting system, that does not appear to be the case.

James Holzer
FOIA Program Specialist
U.S. Dep't of Homeland Security
January 16, 2019

I therefore ask that you determine whether DHS will comply with the Request and notify me immediately of that decision. *See* 5 U.S.C. § 552(a)(6)(A)(i). Should your office fail to do so by January 31, 2019 (*i.e.*, 20 business days after submission of the Request, plus two days of tolling while awaiting this response), ACLUM shall be deemed to have exhausted its administrative remedies. *See* 5 U.S.C. § 552(a)(6)(A), (C)(i).

Sincerely,

/s/ Daniel L. McFadden

Daniel L. McFadden

EXHIBIT D

Daniel McFadden

From: foia@hq.dhs.gov
Sent: Monday, January 28, 2019 9:35 AM
To: Daniel McFadden
Subject: Department of Homeland Security FOIA 2019-HQFO-00257 Final Response
Attachments: Final - Transferred to Component - (1) Letter to Requester.pdf

Good Morning,

Attached is our final response to your request. If you need to contact this office again concerning your request, please provide the DHS reference number. This will enable us to quickly retrieve the information you are seeking and reduce our response time. This office can be reached at 866-431-0486.

Regards,

DHS Privacy Office
Disclosure & FOIA Program
STOP 0655
Department of Homeland Security
245 Murray Drive, SW
Washington, DC 20528-0655
Telephone: 1-866-431-0486 or 202-343-1743
Fax: 202-343-4011
Visit our [FOIA website](#)



**Homeland
Security**

Privacy Office, Mail Stop 0655

January 28, 2019

Dan McFadden
American Civil Liberties Union of Massachusetts
211 Congress Street
Boston, MA 02110

Re: **2019-HQFO-00257**

Dear Mr. McFadden:

This is in further response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), Privacy Office, dated December 28, 2018, and received in this office on December 31, 2018. You requested documents regarding all purchase orders, invoices, RFPs, documentation of selection, sole source or limited source justification and approval documents, studies of cost, efficacy, and/or environmental impact, and other memoranda and documentation pertaining to the "contract" referenced in the Presidential tweet of December 24, 2018, stating "I am in the Oval Office & just gave out a 115 mile long contract for another large section of the Wall in Texas".

Due to the subject matter of your request, I am transferring this request to the FOIA Officer for U.S. Customs and Border Protection (CBP). Please find their contact information below.

U. S. Customs & Border Protection (CBP)
FOIA Officer
U.S. Customs and Border Protection
90 K Street, NW
9th Floor, Mail Stop 1181
Washington, DC 20229
Phone: 202-325-0150

If you need to contact our office again about this matter, please refer to **2019-HQFO-00257**. You may contact this office at 1-866-431-0486 or 202-343-1743.

Sincerely,

A handwritten signature in black ink that reads "James V. McHolzer, Jr." with a stylized flourish at the end.

James Holzer
FOIA Program Specialist

EXHIBIT E

Daniel McFadden

From: FOIA <FOIA@HQ.DHS.GOV>
Sent: Thursday, January 31, 2019 1:19 PM
To: Daniel McFadden
Cc: Matthew Segal
Subject: RE: FOIA Reference No. 2019-HQFO-00257

Hi Dan/Matt

We transferred the entire request to CBP for direct response to your office.

Thanks!!
Harry

The Privacy Office

U.S. Department of Homeland Security

245 Murray Lane SW

STOP-0655

Washington, D.C. 20528-0655

☎ 202-343-1743 | ☎ 866-431-0486 | 📠 202-343-4011

✉ foia@hq.dhs.gov

This is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.



From: Daniel McFadden <DmcFadden@aclum.org>
Sent: Monday, January 28, 2019 4:21 PM
To: FOIA <FOIA@HQ.DHS.GOV>
Cc: Matthew Segal <MSegal@aclum.org>
Subject: FOIA Reference No. 2019-HQFO-00257

Please see the attached letter regarding FOIA Reference No. 2019-HQFO-00257.

Regards,
Dan McFadden

Dan McFadden

Pronouns: he, him, his

Staff Attorney

American Civil Liberties Union Foundation of Massachusetts

211 Congress Street, Boston, MA 02110

617.482.3170 x171 | dmcfadden@aclum.org

aclum.org



EXHIBIT F

Daniel McFadden

211 Congress St
Boston, MA, 02110

01/31/2019

CBP-2019-025646

Dear Daniel McFadden:

On January 28, 2019, DHS transferred your Freedom of Information Act (FOIA) request in which you are seeking the contract for 115 miles of border wall in the San Diego Sector. This notice acknowledges receipt of your request. Please use the following unique FOIA tracking number CBP-2019-025646 to track the status of your request. If you have not already done so, you must create a FOIAonline account at <https://foiaonline.gov>. This is the only method available to check the status of your pending FOIA request.

Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS FOIA regulations outlined on the DHS website, <https://www.federalregister.gov/documents/2016/11/22/2016-28095/freedom-of-information-act-regulations>. By submitting your request, you have agreed to pay up to \$25.00 in applicable processing fees, if any fees associated with your request exceed this amount, CBP shall contact you; however, the first 100 pages are free.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Consistent with 6 C.F.R. Part 5 §5.5(a) of the DHS FOIA regulations, CBP processes FOIA requests according to their order of receipt. Although CBP's goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances pursuant to 6 C.F.R. Part 5 §5.5(c).

CBP's FOIA Division is working hard to reduce the amount of time necessary to respond to FOIA requests. Currently, the average time to process a FOIA request related to "travel/border incidents" is a minimum of 3-6 months. We truly appreciate your continued patience.

For additional information please consult CBP FOIA website please click on [FOIA Act Resources](http://www.cbp.gov/site-policy-notices/foia) or visit <http://www.cbp.gov/site-policy-notices/foia>.

Sincerely,

U.S. Customs and Border Protection

EXHIBIT G

Daniel McFadden

From: admin@foiaonline.gov
Sent: Tuesday, February 12, 2019 7:35 AM
To: Daniel McFadden
Subject: FOIA Tracking Number Change for referral CBP-2019-025646 (to CBP-OA-2019-025646)

The FOIA referral CBP-2019-025646 has had its Tracking Number changed to CBP-OA-2019-025646. This is normally due to the referral being transferred to another agency (for example, EPA to Dept. of Commerce) or to a sub-agency to process it. Additional details for this referral are as follows:

- Old Tracking Number: CBP-2019-025646
- New Tracking Number: CBP-OA-2019-025646
- Requester Name: Daniel McFadden
- Date Submitted: 01/31/2019
- Long Description: 2019-HQFO-00257. The requester is seeking records regarding all purchase orders, invoices, RFPs, documentation of selection, sole source or limited source justification and approval documents, studies of cost, efficacy, and/or environmental impact, and other memoranda and documentation pertaining to the "contract" referenced in the Presidential tweet of December 24, 2018, stating "I am in the Oval Office & just gave out a 115 mile long contract for another large section of the Wall in Texas".

EXHIBIT H



Daniel L. McFadden
Staff Attorney
(617) 482-3170 ext. 171
dmcfadden@aclum.org

January 8, 2019

Via Electronic Mail

FOIA Office
Fort Worth District
U.S. Army Corps of Engineers
P.O. Box 17300
Fort Worth, TX 76102-0300
foia-swf@usace.army.mil

Re: FOIA Request

To whom it may concern:

This letter constitutes a request pursuant to the Freedom of Information Act, 5 U.S.C. § 552. This request is submitted on behalf of the American Civil Liberties Union of Massachusetts (the "ACLUM").

On December 24, 2018, the President of the United States made an announcement (the "Announcement") on Twitter that:

I am in the Oval Office & just gave out a 115 mile long contract for another large section of the Wall in Texas.¹

ACLUM requests the following records:

1. The "contract" referenced in the Announcement.
2. All purchase orders, invoices, RFPs, documentation of selection, sole source or limited source justification and approval documents, studies of cost, efficacy, and/or environmental impact, and other memoranda and documentation pertaining to the "contract" referenced in the Announcement

¹ <https://twitter.com/realDonaldTrump/status/1077329121745793025>

Fort Worth District
U.S. Army Corps of Engineers
January 8, 2019

If this request is denied in whole or part, we ask that you justify each such denial by reference to specific exemptions of the FOIA. Please release all segregable portions of otherwise exempt material.

We request a fee waiver because ACLUM is a “representative of the news media” under the FOIA. *See* 5 U.S.C. § 552(a)(4)(A)(ii)(II); *Nat’s Security Archive v. Dep’t of Defense*, 880 F.2d 1381, 1387 (D.C. Cir 1989). ACLUM is a not-for-profit, non-partisan organization dedicated to the principles of liberty and equality. As the Massachusetts affiliate of the national ACLU, a not-for-profit, non-partisan organization, ACLUM distributes information both within and outside of Massachusetts. Gathering and disseminating current information to the public is a critical and substantial component of ACLUM’s mission and work. ACLUM publishes newsletters, news briefings, reports and other materials that are disseminated to the public, including through ACLUM’s website² and regular posts on social media sites such as Facebook and Twitter. These materials are widely available to everyone, including tax-exempt organizations, not-for-profit groups, law students and faculty, at no cost. Accordingly, ACLUM is entitled to a fee waiver.

In addition, ACLUM is entitled to a waiver or reduction of fees because 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, and disclosure of the information is not primarily in the commercial interest of the requester. *See* 5 U.S.C. § 552(a)(4)(A)(iii). The public is keenly interested in understanding the scope, nature, cost, and efficacy of government operations at the U.S.-Mexico border, which have been a widely publicized feature of the President’s campaign and public agenda in office.

We reserve the right to appeal a decision to withhold any information or to deny a waiver of fees. Please provide documents in digital form wherever possible.

We look forward to your reply to this request within twenty (20) business days, as required under 5 U.S.C. § 552(a)(6)(A)(i).

Thank you for your prompt attention to this matter.

Sincerely,

/s/ Daniel L. McFadden

Daniel L. McFadden

² www.aclum.org

EXHIBIT I



Daniel L. McFadden
Staff Attorney
(617) 482-3170 ext. 171
dmcfadden@aclum.org

January 31, 2019

Via Electronic Mail

FOIA Office
Los Angeles District
CESPL-OC
U.S. Army Corps of Engineers
915 Wilshire Blvd.
Los Angeles, CA 90017-3401
foia-spl@usace.army.mil

Re: FOIA Request

To whom it may concern:

This letter constitutes a request pursuant to the Freedom of Information Act, 5 U.S.C. § 552. This request is submitted on behalf of the American Civil Liberties Union of Massachusetts (the "ACLUM").

On December 24, 2018, the President of the United States made an announcement (the "Announcement") that:

I am in the Oval Office & just gave out a 115 mile long contract for another large section of the Wall in Texas.¹

ACLUM requests the following records:

1. The "contract" referenced in the Announcement.
2. All purchase orders, invoices, RFPs, documentation of selection, sole source or limited source justification and approval documents, studies of cost, efficacy, and/or environmental impact, and other memoranda and documentation pertaining to the "contract" referenced in the Announcement

¹ <https://twitter.com/realDonaldTrump/status/1077329121745793025>

Los Angeles District
U.S. Army Corps of Engineers
January 31, 2019

If this request is denied in whole or part, we ask that you justify each such denial by reference to specific exemptions of the FOIA. Please release all segregable portions of otherwise exempt material.

We request a fee waiver because ACLUM is a “representative of the news media” under the FOIA. *See* 5 U.S.C. § 552(a)(4)(A)(ii)(II); *Nat’s Security Archive v. Dep’t of Defense*, 880 F.2d 1381, 1387 (D.C. Cir 1989). ACLUM is a not-for-profit, non-partisan organization dedicated to the principles of liberty and equality. As the Massachusetts affiliate of the national ACLU, a not-for-profit, non-partisan organization, ACLUM distributes information both within and outside of Massachusetts. Gathering and disseminating current information to the public is a critical and substantial component of ACLUM’s mission and work. ACLUM publishes newsletters, news briefings, reports and other materials that are disseminated to the public, including through ACLUM’s website² and regular posts on social media sites such as Facebook and Twitter. These materials are widely available to everyone, including tax-exempt organizations, not-for-profit groups, law students and faculty, at no cost. Accordingly, ACLUM is entitled to a fee waiver.

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We reserve the right to appeal a decision to withhold any information or to deny a waiver of fees. Please provide documents in digital form wherever possible.

We look forward to your reply to this request within twenty (20) business days, as required under 5 U.S.C. § 552(a)(6)(A)(i).

Thank you for your prompt attention to this matter.

Sincerely,

/s/ Daniel L. McFadden

Daniel L. McFadden

² www.aclum.org

EXHIBIT J



Daniel L. McFadden
Staff Attorney
(617) 482-3170 ext. 171
dmcfadden@aclum.org

January 31, 2019

Via Electronic Mail

FOIA Office
Albuquerque District
CESPA-OC
U.S. Army Corps of Engineers
4101 Jefferson Plaza, NE
Albuquerque, NM 87109-3435
foia-spa@usace.army.mil

Re: FOIA Request

To whom it may concern:

This letter constitutes a request pursuant to the Freedom of Information Act, 5 U.S.C. § 552. This request is submitted on behalf of the American Civil Liberties Union of Massachusetts (the "ACLUM").

On December 24, 2018, the President of the United States made an announcement (the "Announcement") that:

I am in the Oval Office & just gave out a 115 mile long contract for another large section of the Wall in Texas.¹

ACLUM requests the following records:

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¹ <https://twitter.com/realDonaldTrump/status/1077329121745793025>

Albuquerque District
U.S. Army Corps of Engineers
January 31, 2019

If this request is denied in whole or part, we ask that you justify each such denial by reference to specific exemptions of the FOIA. Please release all segregable portions of otherwise exempt material.

We request a fee waiver because ACLUM is a “representative of the news media” under the FOIA. *See* 5 U.S.C. § 552(a)(4)(A)(ii)(II); *Nat’s Security Archive v. Dep’t of Defense*, 880 F.2d 1381, 1387 (D.C. Cir 1989). ACLUM is a not-for-profit, non-partisan organization dedicated to the principles of liberty and equality. As the Massachusetts affiliate of the national ACLU, a not-for-profit, non-partisan organization, ACLUM distributes information both within and outside of Massachusetts. Gathering and disseminating current information to the public is a critical and substantial component of ACLUM’s mission and work. ACLUM publishes newsletters, news briefings, reports and other materials that are disseminated to the public, including through ACLUM’s website² and regular posts on social media sites such as Facebook and Twitter. These materials are widely available to everyone, including tax-exempt organizations, not-for-profit groups, law students and faculty, at no cost. Accordingly, ACLUM is entitled to a fee waiver.

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We reserve the right to appeal a decision to withhold any information or to deny a waiver of fees. Please provide documents in digital form wherever possible.

We look forward to your reply to this request within twenty (20) business days, as required under 5 U.S.C. § 552(a)(6)(A)(i).

Thank you for your prompt attention to this matter.

Sincerely,

/s/ Daniel L. McFadden

Daniel L. McFadden

² www.aclum.org

EXHIBIT K



Daniel L. McFadden
Staff Attorney
(617) 482-3170 ext. 171
dmcfadden@aclum.org

January 31, 2019

Via Electronic Mail

FOIA Office
Galveston District
CESWG-OC
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, TX 77553-1229
foia-swg@usace.army.mil

Re: FOIA Request

To whom it may concern:

This letter constitutes a request pursuant to the Freedom of Information Act, 5 U.S.C. § 552. This request is submitted on behalf of the American Civil Liberties Union of Massachusetts (the "ACLUM").

On December 24, 2018, the President of the United States made an announcement (the "Announcement") that:

I am in the Oval Office & just gave out a 115 mile long contract for another large section of the Wall in Texas.¹

ACLUM requests the following records:

1. The "contract" referenced in the Announcement.
2. All purchase orders, invoices, RFPs, documentation of selection, sole source or limited source justification and approval documents, studies of cost, efficacy, and/or environmental impact, and other memoranda and documentation pertaining to the "contract" referenced in the Announcement

¹ <https://twitter.com/realDonaldTrump/status/1077329121745793025>

Galveston District
U.S. Army Corps of Engineers
January 31, 2019

If this request is denied in whole or part, we ask that you justify each such denial by reference to specific exemptions of the FOIA. Please release all segregable portions of otherwise exempt material.

We request a fee waiver because ACLUM is a “representative of the news media” under the FOIA. *See* 5 U.S.C. § 552(a)(4)(A)(ii)(II); *Nat’s Security Archive v. Dep’t of Defense*, 880 F.2d 1381, 1387 (D.C. Cir 1989). ACLUM is a not-for-profit, non-partisan organization dedicated to the principles of liberty and equality. As the Massachusetts affiliate of the national ACLU, a not-for-profit, non-partisan organization, ACLUM distributes information both within and outside of Massachusetts. Gathering and disseminating current information to the public is a critical and substantial component of ACLUM’s mission and work. ACLUM publishes newsletters, news briefings, reports and other materials that are disseminated to the public, including through ACLUM’s website² and regular posts on social media sites such as Facebook and Twitter. These materials are widely available to everyone, including tax-exempt organizations, not-for-profit groups, law students and faculty, at no cost. Accordingly, ACLUM is entitled to a fee waiver.

In addition, ACLUM is entitled to a waiver or reduction of fees because 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, and disclosure of the information is not primarily in the commercial interest of the requester. *See* 5 U.S.C. § 552(a)(4)(A)(iii). The public is keenly interested in understanding the scope, nature, cost, and efficacy of government operations at the U.S.-Mexico border, which have been a widely publicized feature of the President’s campaign and public agenda in office.

We reserve the right to appeal a decision to withhold any information or to deny a waiver of fees. Please provide documents in digital form wherever possible.

We look forward to your reply to this request within twenty (20) business days, as required under 5 U.S.C. § 552(a)(6)(A)(i).

Thank you for your prompt attention to this matter.

Sincerely,

/s/ Daniel L. McFadden

Daniel L. McFadden

² www.aclum.org

EXHIBIT L

Daniel McFadden

From: Kelly, Robert K CIV (US) <Robert.K.Kelly@usace.army.mil>
Sent: Thursday, January 31, 2019 4:02 PM
To: Daniel McFadden
Subject: RE: FOIA Request

I'm Sorry. All FOIA request that come in reference to The Border Wall are processed by the Fort Worth District for all Army Corps of Engineers, Office of Counsel in the state of Texas.

-----Original Message-----

From: Daniel McFadden [mailto:DmcFadden@aclum.org]
Sent: Thursday, January 31, 2019 2:27 PM
To: Kelly, Robert K CIV (US) <Robert.K.Kelly@usace.army.mil>
Cc: Smith, Delene R CIV USARMY CESWF (US) <Delene.R.Smith@usace.army.mil>
Subject: [Non-DoD Source] RE: FOIA Request

Mr. Kelly,

Thank you for your prompt response. Is the request being transferred because the Galveston District, US ACE, has conducted a search and failed to locate any responsive records? Or do you have information indicating that the responsive records are located in the Fort Worth District?

Thank you again.

Best regards,
Dan McFadden

Dan McFadden
Pronouns: he, him, his

Staff Attorney
American Civil Liberties Union Foundation of Massachusetts
211 Congress Street, Boston, MA 02110
617.482.3170 x171 | dmcfadden@aclum.org aclum.org

-----Original Message-----

From: Kelly, Robert K CIV (US) [mailto:Robert.K.Kelly@usace.army.mil]
Sent: Thursday, January 31, 2019 3:16 PM
To: Daniel McFadden <DmcFadden@aclum.org>
Cc: Smith, Delene R CIV USARMY CESWF (US) <Delene.R.Smith@usace.army.mil>
Subject: RE: FOIA Request

Good afternoon. Your FOIA request has been forwarded to the Fort Worth District, Army Corps of Engineers. Ms Delene Smith is the FOIA person assigned your FOIA request. Her email is attached. Thank you.

-----Original Message-----

From: Daniel McFadden [mailto:DmcFadden@aclum.org]

Sent: Thursday, January 31, 2019 11:59 AM
To: FOIA-SWG <foia-swg@usace.army.mil>
Subject: [Non-DoD Source] FOIA Request

To whom it may concern,

Please see the attached FOIA request.

Regards,

Dan McFadden

Dan McFadden

Pronouns: he, him, his

Staff Attorney

American Civil Liberties Union Foundation of Massachusetts

211 Congress Street, Boston, MA 02110

617.482.3170 x171 | dmcfadden@aclum.org <mailto:dmcfadden@aclum.org>

aclum.org <BlockedBlockedhttp://www.aclu.org/>

EXHIBIT M

Daniel McFadden

From: Mobly, Angela R CIV USARMY CESPA (US) <Angela.R.Mobly@usace.army.mil>
Sent: Thursday, January 31, 2019 5:03 PM
To: Daniel McFadden
Cc: FOIA-SPA; Smith, Delene R CIV USARMY CESWF (US)
Subject: RE: FOIA Request

Mr. McFadden,

All FOIA requests regarding the border wall are being centrally processed through the Fort Worth District. The point of contact is Ms. Delene Smith who is copied on this email and her contact information is below:

Delene R. Smith
Paralegal Specialist
CISM Team Member
Office of Counsel
Fort Worth District
(817) 886-1148 (Office) (817) 247-5946 (cell) delene.r.smith@usace.army.mil

Thank you,

Angela R. Mobly
Paralegal Specialist
U.S. Army Corps of Engineers
Albuquerque District
Office of Counsel
4101 Jefferson Plaza NE
Albuquerque, NM 87109
Ph: (505) 342-3300
E-mail: Angela.R.Mobly@usace.army.mil

-----Original Message-----

From: Daniel McFadden [mailto:DmcFadden@aclum.org]
Sent: Thursday, January 31, 2019 10:55 AM
To: FOIA-SPA <foia-spa@usace.army.mil>
Subject: [Non-DoD Source] FOIA Request

To whom it may concern,

Please see the attached FOIA request.

Regards,

Dan McFadden

Dan McFadden

Pronouns: he, him, his

Staff Attorney

American Civil Liberties Union Foundation of Massachusetts

211 Congress Street, Boston, MA 02110

617.482.3170 x171 | dmcfadden@aclum.org <<mailto:dmcfadden@aclum.org>>

[aclum.org](http://www.aclu.org/) <[Blockedhttp://www.aclu.org/](http://www.aclu.org/)>

EXHIBIT N



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY

LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
915 WILSHIRE BOULEVARD, SUITE 930
LOS ANGELES, CALIFORNIA 90017-3409

January 31, 2019



Office of
District Counsel

Daniel McFadden
Staff Attorney
American Civil Liberties Union Foundation of Massachusetts
211 Congress Street
Boston, MA 02110

Dear Mr. McFadden,

Our office received your Freedom of Information Act (FOIA) request dated January 31, 2019. You requested documents related to a contract mentioned in a December 24, 2018 announcement by the President of the United States. Generally, it is the policy of the Department of the Army to release the maximum amount of information under the FOIA unless that information is exempt from release and an important reason exists for nondisclosure.

Your request is being referred to the Ft. Worth District. Your point of contact is Ms. Delene Smith, who can be reached by email at Delene.R.Smith@usace.army.mil and by telephone at (817) 886-1148. Your request to the Los Angeles District will be administratively closed. Your patience and cooperation in this matter are appreciated. If you have any questions, please contact me at (213) 452-3954, or Ms. Julie M. Reigns at (213) 452-3947 or by email at julie.m.reigns@usace.army.mil.

Sincerely,

A handwritten signature in cursive script that reads "Julie Reigns".

For Burke S. Large
Assistant District Counsel

Enclosure



Daniel L. McFadden
Staff Attorney
(617) 482-3170 ext. 171
dmcfadden@aclum.org

January 31, 2019

Via Electronic Mail

FOIA Office
Los Angeles District
CESPL-OC
U.S. Army Corps of Engineers
915 Wilshire Blvd.
Los Angeles, CA 90017-3401
foia-spl@usace.army.mil

Re: FOIA Request

To whom it may concern:

This letter constitutes a request pursuant to the Freedom of Information Act, 5 U.S.C. § 552. This request is submitted on behalf of the American Civil Liberties Union of Massachusetts (the "ACLUM").

On December 24, 2018, the President of the United States made an announcement (the "Announcement") that:

I am in the Oval Office & just gave out a 115 mile long contract for another large section of the Wall in Texas.¹

ACLUM requests the following records:

1. The "contract" referenced in the Announcement.
2. All purchase orders, invoices, RFPs, documentation of selection, sole source or limited source justification and approval documents, studies of cost, efficacy, and/or environmental impact, and other memoranda and documentation pertaining to the "contract" referenced in the Announcement

¹ <https://twitter.com/realDonaldTrump/status/1077329121745793025>

Los Angeles District
U.S. Army Corps of Engineers
January 31, 2019

If this request is denied in whole or part, we ask that you justify each such denial by reference to specific exemptions of the FOIA. Please release all segregable portions of otherwise exempt material.

We request a fee waiver because ACLUM is a “representative of the news media” under the FOIA. *See* 5 U.S.C. § 552(a)(4)(A)(ii)(II); *Nat’s Security Archive v. Dep’t of Defense*, 880 F.2d 1381, 1387 (D.C. Cir 1989). ACLUM is a not-for-profit, non-partisan organization dedicated to the principles of liberty and equality. As the Massachusetts affiliate of the national ACLU, a not-for-profit, non-partisan organization, ACLUM distributes information both within and outside of Massachusetts. Gathering and disseminating current information to the public is a critical and substantial component of ACLUM’s mission and work. ACLUM publishes newsletters, news briefings, reports and other materials that are disseminated to the public, including through ACLUM’s website² and regular posts on social media sites such as Facebook and Twitter. These materials are widely available to everyone, including tax-exempt organizations, not-for-profit groups, law students and faculty, at no cost. Accordingly, ACLUM is entitled to a fee waiver.

In addition, ACLUM is entitled to a waiver or reduction of fees because 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, and disclosure of the information is not primarily in the commercial interest of the requester. *See* 5 U.S.C. § 552(a)(4)(A)(iii). The public is keenly interested in understanding the scope, nature, cost, and efficacy of government operations at the U.S.-Mexico border, which have been a widely publicized feature of the President’s campaign and public agenda in office.

We reserve the right to appeal a decision to withhold any information or to deny a waiver of fees. Please provide documents in digital form wherever possible.

We look forward to your reply to this request within twenty (20) business days, as required under 5 U.S.C. § 552(a)(6)(A)(i).

Thank you for your prompt attention to this matter.

Sincerely,

/s/ Daniel L. McFadden

Daniel L. McFadden

² www.aclum.org

EXHIBIT O



DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

January 11, 2019

Office of Counsel

SUBJECT: Freedom of Information Act 19-0044 (FP-19-007359)

Daniel L. McFadden, Esq.
American Civil Liberties Union Foundation of Massachusetts
211 Congress Street
Boston, MA 02110
dmcfadden@aclum.org

Sent via Email

Dear Mr. McFadden:

This is in response to your Freedom of Information Act request, received by our office on January 8, 2019, wherein you requested:

- The "contract" referenced in the Announcement ("I am in the Oval Office & just gave out a 115 mile long contract for another large section of the Wall in Texas.")
- All purchase orders, invoices, RFPs, documentation of selection, sole source or limited source justification and approval documents, studies of cost, efficacy, and/or environmental impact, and other memoranda and documentation pertaining to the "contract" referenced in the Announcement. ("I am in the Oval Office & just gave out a 115 mile long contract for another large section of the Wall in Texas.")

A search of the records located within the Fort Worth District failed to produce any records pertaining to the above-referenced information. Therefore, the Fort Worth District has no records that are responsive to your request and as such, you are advised of your right to appeal this adverse determination through this office which will forward it to our Washington Office for processing to the Secretary of the Army (Attn: General Counsel). Your appeal must be addressed to U.S. Army Corps of Engineers, Fort Worth District, Attn: CESWF-OC/FOIA, P.O. Box 17300, Fort Worth, Texas 76102-0300 or emailed to FOIA-SWF@usace.army.mil. Your appeal must be in writing and to be considered timely must be postmarked, or electronically transmitted, within 90 calendar days after the date of this response. To facilitate handling, the letter and envelope, or subject line of the email, should be marked "FREEDOM OF INFORMATION ACT APPEAL". Please note your appeal should refer to the assigned request number, and clearly identify the agency determination that is being appealed; however, the appeal cannot be used to make a new request for new or additional information

You are advised that you may seek dispute resolution regarding this determination through the FOIA Liaison for the Corps of Engineers (Corps) or the Office of Government Information Services (OGIS). Contact information is as follows:

FOIA Liaison for the Corps:

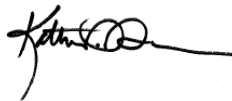
U.S. Army Corps of Engineers
FOIA Liaison
ATTN: CECC-G
441 G Street, NW
Washington, DC 20314-1000
Email: foia-liaison@usace.army.mil
Phone: 202-761-0511

FOIA Liaison for OGIS:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road—OGIS
College Park, MD 20740-6001
ogis@nara.gov
<https://www.archives.gov/ogis>
Phone: 202-741-5770
Phone: 877-684-6448

If you have any questions regarding this matter contact Delene Smith at (817) 886-1148 or email at foia-swf@usace.army.mil and reference FOIA No. 19-0044.

Sincerely,

A handwritten signature in black ink, appearing to read 'Katherine Denzel', with a long horizontal flourish extending to the right.

Katherine Denzel
Initial Denial Authority
District Counsel