

EXHIBIT E



June 24, 2021

To Whom It May Concern:

Under the federal Freedom of Information Act, 5 U.S.C. § 552 (the “FOIA”), as a continuation of request #2021-00450-FOIA-OS, I request on behalf of myself and my employer National Public Radio, Inc. (NPR) that the National Guard make available to me for inspection and copying the following records:

All records, including but not limited to audio and electronic records, related to operations conducted between 9 a.m. ET May 30th, 2020 and 11 p.m. ET on June 1st, 2020 in and around Lafayette Square in Washington D.C.

This request specifically includes, but is not limited to, the following kinds of records:

- Audio recordings, records of communications logs, emails, texts and phone call transcripts in the possession of the D.C. National Guard about operations conducted in and around Lafayette Square during that time period.
- Audio recordings, communications logs, emails, texts and phone call transcripts involving U.S. Park Police incident commanders related to efforts to contain protesters in and around Lafayette Square.
- Audio recordings, communications logs, emails, texts and phone call transcripts involving officials at the FBI Washington Field Office related to operations to clear protesters in and around Lafayette Square.

For example, in the June 8 report from the Office of the Inspector General of the U.S. Department of the Interior,¹ specific conversations from the above categories are referenced, including:

- A meeting at the DC Armory at 12:20 p.m. on June 1 involving the US Park Police operations manager and representatives of the D.C. National Guard. (See page 9.)
- A meeting at FBI headquarters at 2 p.m. involving representatives from FBI and the D.C. National Guard. (See page 9.)
- An operational briefing delivered by the U.S. Park Police at around 5 p.m. on June 1 involving the D.C. National

¹ <https://www.doioig.gov/reports/review-us-park-police-actions-lafayette-park>



Guard. These instructions were also confirmed by “radio transmissions, text messages, and emails.” (See page 13.)

Segregation of non-exempt portions. As you know, the FOIA provides that if portions of a document are exempt from release, the remainder must be segregated and disclosed. Therefore, please send me all non-exempt portions of the records I have requested and justify any deletions by reference to specific exemptions of the FOIA. I reserve the right to appeal your decision to withhold any materials. Since some of the documents listed above may be more readily available than others, please provide the documents that are available as soon as possible without waiting to provide access to all the documents.

Fee waiver request. The FOIA provides for waiver or reduction of fees if disclosure could be considered as “primarily benefiting the general public.” I am a journalist employed by NPR and intend to use the information I am requesting as a basis for a planned news story, which makes me a “representative of the news media.” Therefore, I ask that you waive all duplication fees. If you deny this request, however, and the fees will exceed \$250, please notify me of the charges before you fulfill our request so that I may decide whether to pay the fees or appeal your denial of our request for a waiver.

Contact information. I submit this request in my capacity as a journalist, and this information is time-sensitive. Accordingly, I would appreciate your communicating with me by telephone, (650) 391-4209 or email ewestervelt@npr.org rather than by mail, if you have any questions regarding this request. You can also communicate with anyone in NPR’s Legal Department, including Micah Ratner (mratner@npr.org) or Jeff Guo (jguo@npr.org).

I look forward to receiving your reply within twenty (20) business days, as required by federal law. Thank you for your anticipated cooperation with this FOIA request.

Sincerely,

Eric Westervelt