

Exhibit A



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DHS FREEDOM OF INFORMATION ACT REQUEST
EXPEDITED PROCESSING SOUGHT: IMMINENT THREAT TO LIFE

VIA ONLINE PORTAL AND CERTIFIED MAIL

August 7, 2023

Privacy Office, Mail Stop 0655
Department of Homeland Security
2707 Martin Luther King Jr. Ave. SE
Washington, DC 20528-0655

DHS Senior Director of FOIA Operations
Privacy Office, Dept. of Homeland Security
245 Murray Lane SW STOP-0655
Washington, DC 20528-0655

Re: *Presidential Candidate Secret Service Protection (IR#11008A)*

Dear Sir or Madam:

On behalf of Robert F. Kennedy, Jr. (“**Mr. Kennedy**”), based on an imminent threat to life, we submit this urgent FOIA request to the Department of Homeland Security (the “**Agency**”):

I. The Request

For the period **on or after April 1, 2023**, please provide the following records to foia@sirillp.com in electronic form:

- (1) All requests for protection made pursuant to 18 U.S.C. 3056(a)(7).**
- (2) All reports or recommendations (including from any advisory committee) consulted, reviewed, or relied upon by the Secretary of Homeland Security to approve or deny any request for protection made pursuant to 18 U.S.C. 3056(a)(7).**
- (3) All risk assessment reports by the Secret Service regarding Robert F. Kennedy, Jr.**
- (4) All other communications (including emails, memos, electronic chat, text messages, etc.) sent or received regarding any request for protection made pursuant to 18 U.S.C. 3056(a)(7) (including sent or received by Alejandro Mayorkas, Kimberly O’Connor, and/or Kristie Canegallo).**

(5) All records (including risk assessment reports) provided to the committee identified in 18 U.S.C. 3056(a)(7) regarding any request for protection pursuant to 18 U.S.C. 3056(a)(7).

Mr. Kennedy is willing to pre-approve up to \$10,000.00 of search and processing fees.

II. Expedited Processing Request

We ask the Agency to provide expedited processing for this request. Mr. Kennedy's request for expedited processing should be granted because it qualifies as a "compelling need" as defined by FOIA and the Department of Homeland Security's FOIA regulations. FOIA provides for "expedited processing of requests for records" upon a showing of a "compelling need." 5 U.S.C. § 552(a)(6)(E)(i)(I). A requestor shows a "compelling need" by establishing that his or her failure to obtain the records on an expedited basis "could reasonably be expected to pose an imminent threat to the life or physical safety of an individual." 5 U.S.C. § 552(a)(6)(E)(v)(I) and 6 CFR § 5.5(e)(1)(i). In addition, the request separately should be granted as it involves "a matter of widespread and exceptional media interest in which there exists possible questions about the government's integrity which affects public confidence." 6 CFR § 5.5(e)(1)(iv).

Both Mr. Kennedy's uncle, then-President in 1963, and his father, then-Presidential candidate in 1968, were assassinated. As a direct result of Mr. Kennedy's father's assassination, the policy to provide protection to presidential candidates was put in place.¹ As Dennis Kucinich informed the Secretary in writing on July 8, 2023: "within 24-hours after the assassination of Senator Robert F. Kennedy, President Johnson directed the Secret Service to provide protection to presidential candidates. Just days later, Secret Service became responsible for the safety of five candidates, and by the end of the 1968 campaign, twelve candidates were protected by USSS. The new responsibility was undertaken to ensure the safety of candidates and others in their vicinity – and to protect the electoral process itself."

Currently, protection for Mr Kennedy is provided by a private firm, Gavin de Becker and Associates ("GDBA"), including during times unrelated to his campaign. GDBA is widely regarded as the nation's leading firm providing protection to public figures and is well-known to the Secret Service. Given the infamous assassinations of Mr. Kennedy's family members, in addition to recent and serious threats and incidents, Mr. Kennedy, a national presidential candidate, in May 2023 through GDBA, requested secret service protection pursuant to 18 U.S.C. 3056(a)(7). After more than two months without response, Alejandro Mayorkas, Secretary of Homeland Security (the "**Secretary**"), denied Mr. Kennedy's request in a letter signed July 21, 2023.

During the last three months, including just days ago, GDBA has repeatedly provided Secret Service with extensive details regarding persons who pose a serious security concern/risk to Mr. Kennedy's life, including an intruder who was recently arrested after illegally breaching and entering Mr. Kennedy's home. Details of these and other threatening and dangerous approaches are in both the Secretary and Secret Service's possession. Despite these very real and

¹ See <https://www.npr.org/2008/06/04/91122836/rfk-assassination-sparked-secret-service-change>; see also https://en.wikipedia.org/wiki/Assassination_of_Robert_F._Kennedy.

credible threats to his life, Mr. Kennedy was denied protection, leaving his protection, instead, in the hands of his private security team, headed by GDBA.

The information Mr. Kennedy is requesting herein on an urgent basis, in particular the risk assessments by the Secret Service, will allow GDBA to more meaningfully and effectively assess life-threatening security risks and to provide greater protection to Mr. Kennedy to avoid the same fate as his father and uncle. Any delay in the processing of this request will deny GDBA information that will allow it to better protect Mr. Kennedy and others in his environment, including members of the general public.

In addition, the denial of protection to Mr. Kennedy has garnered exceptional media interest and raises real questions about the motivation behind the denial of an obvious target for assassination – a presidential candidate whose family members have been assassinated in similar situations, leaving a stain on this country’s history. Mr. Kennedy’s tweet sharing the news that he was denied Secret Service protection garnered more than 30-million views.² Numerous other media communications about the denial of protection for Mr. Kennedy have been written, commented upon, shared, liked, and viewed by millions.³ See also a partial list, attached hereto as Attachment A, of the exceptional media reporting on the denial of protection to Mr. Kennedy. It is incumbent upon the government to be transparent, not just with Mr. Kennedy, but with the American public as to how and why the critical decision to leave unprotected Mr. Kennedy and others in his environment at public events was made, especially after what occurred to his father and the lesson that should have been learned from that national tragedy.

Mr. Kennedy certifies that the foregoing is true and correct and therefore prays his request for expedited processing be granted forthwith.

III. Estimated Date of Completion Request

Pursuant 5 U.S.C. § 552 (a)(7)(B)(ii), we specifically request that the Agency provide us with an estimated date of completion for this request forthwith. The estimated completion date can be emailed to foia@sirillp.com when it has been determined.

IV. Conclusion

A determination regarding expedited processing should be made within ten (10) days. Access to the requested records should be granted within twenty (20) business days from the date of your receipt of this letter. Failure to respond in a timely manner shall be viewed as a denial of this request and Mr. Kennedy may immediately take further administrative or legal action.

FOIA provides that if only portions of a requested file are exempted from release, the remainder must still be released. We therefore request that we be provided with all non-exempt portions which are reasonably segregable. We further request that you describe any deleted or

² See <https://twitter.com/RobertKennedyJr/status/1684909385376575488>.

³ See, e.g., <https://twitter.com/TheChiefNerd/status/1685082731145760768> (1.6 million views); <https://twitter.com/SenRonJohnson/status/1684933415647207424> (1 million views).

withheld material in detail and specify the statutory basis for the denial as well as your reasons for believing that the alleged statutory justification applies. If any records or information are not provided, please separately state your reasons for invoking your discretionary powers to release the requested documents in the public interest, especially given the issue. Such statements may help to avoid unnecessary appeal and litigation. Mr. Kennedy reserves all rights to appeal the withholding or redaction of any information.

If you would like to discuss our request or any issues raised in this letter, please feel free to contact us at (212) 532-1091 or ebrehm@sirillp.com during normal business hours. Thank you for your time and attention to this matter.

Very truly yours,

/s/ Aaron Siri

Aaron Siri, Esq.

Elizabeth A. Brehm, Esq.

Attachment A

Robert F. Kennedy, Jr. Secret Service Protection Denial Media

- (1) FOX News, RFK Jr. says Biden administration rejected his request for Secret Service protection in 2024 race: <https://www.foxnews.com/politics/rfk-jr-biden-administration-rejected-request-secret-service-protection-2024-race>
- (2) NewsNation, RFK Jr: Biden administration rejected my Secret Service request: <https://www.newsnationnow.com/politics/2024-election/rfk-jr-biden-administration-secret-service/>
- (3) The Hill, RFK Jr. says DHS denied request for Secret Service protection: <https://thehill.com/homenews/campaign/4124728-rfk-jr-says-biden-admin-denied-request-for-secret-service-protection/>
- (4) Washington Examiner, RFK Jr. says request for Secret Service was rejected despite father's assassination: <https://www.washingtonexaminer.com/news/campaigns/rfk-jr-request-for-secret-service-denied>
- (5) Blaze Media, RFK Jr.'s request for Secret Service protection has been denied: <https://www.theblaze.com/news/rfk-jr-secret-service-denied>
- (6) Politico, RFK Jr. fumes at Biden administration over Secret Service protection: <https://www.politico.com/news/2023/07/28/rfk-jr-claims-he-was-denied-secret-service-protection-00108827>
- (7) Newsweek, Do Presidential Candidates Get Secret Service? RFK Jr. Denied Protection: <https://www.newsweek.com/do-presidential-candidates-get-secret-service-rfk-jr-denied-protection-1816103>
- (8) Political Wire, RFK Jr. Says Request for Secret Service Protection Denied: <https://politicalwire.com/2023/07/28/rfk-jr-says-request-for-secret-service-protection-denied/>
- (9) Just the News, Democrat presidential candidate RFK Jr: Denied Secret Service protection by Biden Administration: <https://justthenews.com/events/robert-kennedy-jr-says-he-was-denied-secret-service-protection-biden-administration>
- (10) The Daily Beast, Robert F. Kennedy Jr. Complains That He Hasn't Gotten a Security Detail: <https://www.thedailybeast.com/robert-f-kennedy-jr-complains-that-he-hasnt-gotten-a-security-detail>
- (11) NBC News, How the government decides when (and which) presidential candidates get Secret Service: <https://www.nbcnews.com/meet-the-press/meetthepressblog/government-decides-presidential-candidates-get-secret-service-rcna96926>
- (12) Washington Times, Why is the White House refusing Secret Service protection to Robert F. Kennedy Jr.?: <https://www.washingtontimes.com/news/2023/aug/1/why-is-white-house-refusing-secret-service-protect/>

- (13) The Messenger, RFK Jr. Says Biden Administration Denied Him Secret Service Protection: <https://themessenger.com/politics/rfk-jr-says-biden-administration-denied-him-secret-service-protection>
- (14) CNN, Fact check: RFK Jr.'s misleading viral claim about Secret Service protection: <https://www.cnn.com/2023/07/28/politics/fact-check-rfk-biden-secret-service-protection-denial/index.html>
- (15) Mediaite, RFK Jr. Invokes Father's Assassination After Being Denied Secret Service Protection: <https://www.mediaite.com/politics/rfk-jr-invokes-fathers-assassination-after-being-denied-secret-service-protection/>
- (16) The Post Millennial, RFK Jr says Secret Service won't provide protection as they do for every major presidential candidate: <https://thepostmillennial.com/rfk-jr-says-secret-service-wont-provide-protection-as-they-do-for-every-major-presidential-candidate>
- (17) Daily Express, RFK Jr says he's been denied Secret Service protection despite Kennedy family tragedies: <https://www.the-express.com/news/us-news/106966/rfk-jr-biden-administration-denied-secret-service-2024-us-election>
- (18) Business Insider, RFK Jr. complained about not getting Secret Service protection. The truth is very few candidates do: <https://www.businessinsider.com/rfk-jr-complains-secret-service-protection-fact-check-2023-7>
- (19) Must Read Alaska, Why isn't Robert F. Kennedy being given Secret Service protection: <https://mustreadalaska.com/why-isnt-robert-f-kennedy-being-given-secret-service-protection/>
- (20) Tulsa City Sentinel, Farce Upon Farce: The Aftermath of My Secret Service Request: <https://www.citynewstulsa.com/government/farce-upon-farce-the-aftermath-of-my-secret-service-request/article>
- (21) American Faith, Biden Admin Denies RFK Jr. Secret Service Protection: <https://americanfaith.com/biden-admin-denies-rfk-jr-secret-service-protection/>
- (22) American Wire News, 'This is evil': RFK Jr evokes father's assassination after he's DENIED Secret Service protection: <https://americanwirenews.com/monstrous-after-88-day-delay-biden-admin-denies-rfk-jr-secret-service-protection/>
- (23) Yahoo News, RFK Jr. says DHS denied request for Secret Service protection: <https://news.yahoo.com/rfk-jr-says-dhs-denied-153937018.html>
- (24) The Gateway Pundit, Shocking: Biden Administration Refuses to Provide Robert Kennedy, Jr. with Secret Service Protection Despite His Standing in Race and Family History: <https://www.thegatewaypundit.com/2023/07/breaking-biden-administration-refuses-provide-robert-kennedy-jr/>
- (25) PJ Media, Outrageous: Biden Regime Denies RFK Secret Service Protection: <https://pjmedia.com/news-and-politics/robert-spencer/2023/07/28/outrageous-biden-regime-denies-rfk-secret-service-protection-n1714253>

(26) MSN, Robert F Kennedy Jr claims he was denied Secret Service protection despite assassinations of father and uncle: <https://www.msn.com/en-us/news/politics/robert-f-kennedy-jr-claims-he-was-denied-secret-service-protection-despite-assassinations-of-father-and-uncle>