

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CITIZENS FOR TRUMP, et al.,)	CASE NO.: 1:16CV1465
)	
)	
)	
Plaintiffs,)	JUDGE JAMES S. GWIN
)	MAGISTRATE JUDGE McHARGH
v.)	
)	
CITY OF CLEVELAND, et al.)	
)	<u>NOTICE OF COMPLIANCE</u>
Defendants.)	

PLEASE TAKE NOTICE that on June 16 and 17, 2016, the United States Secret Service (“Secret Service”) received requests for Assistant Special Agent in Charge (“ASAIC”) Ronald L. Rowe, Jr., to disclose official information via written and oral testimony in the above-captioned case.

The United States Supreme Court has long recognized the authority of agency heads to restrict testimony of their subordinates through regulations. U.S. ex rel. Touhy v. Ragen (1951), 340 U.S. 462. These regulations are commonly called “Touhy Regulations.” In the Touhy decision, the United States Supreme Court held that a subordinate federal officer could not be found in contempt of court for refusing to produce subpoenaed documents where his refusal was based on Department of Justice regulations prohibiting disclosure of nonpublic documents without authorization from the Attorney General. Id. at 468. The Court rejected the contention that the regulation invaded the authority of the Courts to determine the admissibility of evidence. Id.

Federal regulations govern the disclosure of official information by employees of the Secret Service, and prohibit personnel from disclosing official information absent express authorization. 6 C.F.R. §§ 5.41- 5.49. In this instance, ASAIC Rowe has been granted limited authorization to testify. The scope and limits of such testimony are expressly set forth in the letter of authorization attached hereto as Government Exhibit A. ASAIC Rowe is prohibited by law from disclosing any other official information absent additional authorization. 6 C.F.R. § 5.45(a).

Respectfully submitted,

CAROLE S. RENDON
Acting United States Attorney

By: /s/ Lynne H. Buck
Lynne H. Buck (#0014166)
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CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2016, the foregoing *Notice of Compliance* was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Lynne H. Buck
Lynne H. Buck
Assistant U.S. Attorney



U.S. Department of Homeland Security
UNITED STATES SECRET SERVICE

Washington, D.C. 20223

June 17, 2016

VIA E-MAIL

Stewart Hastings
Assistant Director of Law
601 Lakeside Ave.
Cleveland, OH 44114

Re: Citizens for Trump, et al. v. City of Cleveland, et al. (N.D. Ohio)

Dear Mr. Hastings:

Reference is made to your two emails of June 16, 2016, to Lynne Buck of the U.S. Attorney's Office seeking written testimony from the United States Secret Service (Secret Service) in the above-referenced case and your subsequent email today requesting oral testimony in a hearing set for June 23, 2016.

Pursuant to the considerations outlined in Title 6, Code of Federal Regulations, §5.48 and a review of the facts and circumstances involved in this matter, it is the decision of this office that Assistant Special Agent in Charge (ASAIC) Ronald Rowe will be permitted to provide **limited** written and oral testimony in this matter. This authorization is limited to: 1) the designation and implementation of a Media Corridor between the Huntington Convention Center and the Republican National Convention Complex; 2) certain street closures around both venues requested by the Secret Service; 3) the request of the Secret Service to prohibit coolers and backpacks in the triangular green space across from the Republic National Convention Complex; and 4) information pertaining to time restrictions placed on pedestrian access to the Lorain-Carnegie bridge made at the request of the Secret Service. ASAIC Rowe is not authorized to provide privileged or classified information.

Should you have any questions regarding this matter, please contact Senior Counsel Anne Rowland of this office at (202) 527-4362.

Sincerely,

A handwritten signature in cursive script, appearing to read "Donna L. Cahill".

Donna L. Cahill
Chief Counsel

Exhibit A