

DHS Secretary Mayorkas Personally Declined Presidential Candidate Robert F. Kennedy Jr.'s Request for Secret Service Protection

By [Judicial Watch](#)

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Judicial Watch announced today it received [99 pages](#) of Secret Service records from the Department of Homeland Security in a Freedom of Information Act (FOIA) lawsuit that show Secretary Alejandro Mayorkas personally declined presidential candidate Robert F. Kennedy Jr.'s request for Secret Service protection.

Judicial Watch received the records through a September 26, 2023, [lawsuit](#) that was filed after the Department of Homeland Security failed to respond to a July 31, 2023, FOIA request for senior department officials' communications regarding the provision of Secret Service protection for Presidential Candidate Robert F. Kennedy Jr. ([Judicial Watch v. U.S. Department of Homeland Security](#) (No. 1:23-cv-02846)).

The newly obtained records include a July 21, 2023, [two-sentence letter](#) sent by Mayorkas to Secret Service Director Kimberly Cheatle, advising her:

On May 26, 2023, Candidate for President Robert F. Kennedy, Jr. submitted a request to the Department of Homeland Security for United States Secret Service protection. In accordance with the authority set forth in Title 18, United States Code, Section 3056(a)(7), and in consultation with the Candidate Protection Advisory Committee, I decline to identify Candidate Kennedy for United States Secret Service protection at this time.

Mayorkas copied the letter to the members of the Candidate Protection Advisory Committee: Senate Majority Leader Chuck Schumer, Senate Minority Leader Mitch McConnell, then-House Speaker Kevin McCarthy, House Minority Leader Hakeem Jeffries, and Senate

Sergeant at Arms Karen Gibson.

As noted in a [previous production](#) of records from this lawsuit, the Secretary of Homeland Security has “broad discretion” when authorizing Secret Service protection to presidential or vice-presidential candidates:

Who receives protection?

The Secret Service does not determine who qualifies for protection, nor is the Secret Service empowered to independently initiate candidate protection.

Under 18 U.S.C.’ 3056(a)(7), “[m]ajor Presidential and Vice Presidential candidates,” as identified by the Secretary of Homeland Security, are eligible for Secret Service protection.

Title 18 U.S.C’ 3056(a)(7) authorizes the U.S. Secret Service to provide protection for major presidential and vice presidential candidates:

Protection is authorized by the OHS Secretary after consultation with the Congressional Advisory Committee

The Congressional Advisory Committee includes: Speaker of the House, House Minority Leader, Senate Majority Leader, Senate Minority Leader, and one additional member selected by the others

Protection under these guidelines should only be granted within one year prior to the general election. Protection more than one year prior to the general election should only be granted in extraordinary, case by case circumstances in consultation with the committee, based on threat assessment and other factors.

Secret Service protection for presidential candidates began in 1968 after the assassination of Democrat candidate Robert F. Kennedy, the father of Robert F. Kennedy Jr.

The new records also show the Kennedy 2024 presidential campaign sent several requests to DHS seeking protection for the candidate, who initially ran as a Democrat but switched to Independent after realizing Democrats had no intention of allowing him to challenge Joe Biden for the party’s 2024 nomination.

The Kennedy for President organization’s [first request](#) for Secret Service protection was sent “Sensitive and Confidential” on May 26, 2023, from an unidentified official in Kennedy’s organization and reads:

“As [redacted] for Robert F. Kennedy, Jr.’s campaign for President of the United States, I am writing to request United States Secret Service protection for Robert F. Kennedy, Jr from this point forward pursuant to 18 U.S.C. 3056(a)(7), which authorizes the Secret Service to provide protection to ‘Major Presidential Candidates.’ Robert F. Kennedy, Jr appears to have met this standard and we ask that you and your Congressional Protection Advisory Committee consider this request. If you authorize the Secret Service to protect Robert F. Kennedy, Jr, he will accept this protection as soon as the necessary arrangements can be made. With respect for your time and process, the campaign commissioned an expert risk assessment in advance of today’s request (attached). If

you need any additional information, please do not hesitate to contact me.”

The accompanying 62-page attachment is entirely redacted under FOIA exemptions relating to personal privacy and deliberative process.

On July 7, 2023, the Kennedy organization, “Team Kennedy,” sends [a letter](#) via email to Kristie Canegallo, acting deputy secretary and chief of staff at DHS, with the subject line “Urgent Request for Sec. Mayorkas Re Secret Service Protection of Presidential Candidate Robert F. Kennedy, Jr.” along with an attachment titled “RFK Jr. Risk Assessment Declaration May 24, 2023.” In their cover email to Canegallo, Kennedy’s representatives write, “I am forwarding to you for immediate action by Secretary Mayorkas the attached files in the interest of protection by the United States Secret Service of Presidential candidate Robert F. Kennedy, Jr. I can be reached at anytime at [redacted] for confirmation, or to answer questions. Thank you in advance for your assistance.” The attached “sensitive and confidential” letter states:

As [redacted] of the presidential campaign of Robert F. Kennedy, Jr., I am asking for an immediate response to my request for United States Secret Service protection Mr. Robert F. Kennedy, Jr.

You may know that 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, the Secret Service became responsible for the safety of five candidates, and by the end of the 1968 campaign, twelve candidates were protected by the USSS. The new responsibility was undertaken to ensure the safety of candidates and others in their vicinity – and to protect the electoral process itself.

Given Robert F. Kennedy, Jr.’s well-established risk as a presidential candidate, our campaign submitted a written request following the formal process. Our request was received at DHS on June 1, 2023. Presidential candidates traditionally hear back within 14 days; it has been more than 30-days since the formal request.

As I write this today, Robert F. Kennedy, Jr. remains at risk of being harmed in connection with his Presidential campaign – and that risk is escalating.

Many weeks ago, Robert F. Kennedy, Jr. met the criteria for a presidential candidate to receive Secret Service coverage, pursuant to Title 18 U.S.C. 3056(a)(7). He has polled above the threshold, has been actively campaigning on a national basis, operates a national campaign apparatus, has appeared before thousands of audience members at events in many states, regularly appears as a candidate on national network news programs, town halls, podcasts, interviews, is producing campaign materials, advertisements, and websites, is successfully fundraising, and has assembled a large campaign staff.

Again, our campaign has not heard back from the DHS since submitting the request. The risk to Mr. Kennedy, and those around him, persists and increases during this waiting period.

I have attached the first request and our initial threat assessment.

“It is simply despicable that Secretary Mayorkas refused needed Secret Service protection for Robert F. Kennedy Jr.,” said Judicial Watch President Tom Fitton. “That it took a federal

FOIA lawsuit to force out this information speaks volumes.”

Judicial Watch also recently [released](#) Secret Service records under this lawsuit that showed Assistant Director Michael Plati ordering his staff not to respond to a request for information from Robert F. Kennedy Jr.’s head of security. The documents also confirmed that Department of Homeland Security Secretary Alexander Mayorkas and President Biden both have the discretion to provide Secret Service protection to Kennedy at any time.

In September 2023, Judicial Watch received Secret Service [records](#) detailing the denial of protection to presidential candidate Kennedy despite having received numerous threats from “known subjects.”

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