



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

September 1, 2022

BY EMAIL: SIRecordsReq@si.edu

Jessica Sanet
Assistant General Counsel
Smithsonian Institution
Office of General Counsel
MRC 012
P.O. Box 37012
Washington, DC 20013-7012

Re: Freedom of Information Act Request

Dear Ms. Sanet:

Citizens for Responsibility and Ethics in Washington (“CREW”) submits this request for records pursuant to Smithsonian Directive 807 (SD 807).

Specifically, CREW requests:

1. All documents pertaining to Save America PAC’s donations to the Smithsonian Institution.
2. All communications between the Smithsonian Institution and former President Donald Trump, or any individual acting on behalf of the former president, as well as all communications with Trump’s Save America PAC concerning his official portrait.
3. Any documents reflecting other donations by political action committees (“PACs”) to the Smithsonian Institution.
4. Any procedures, policies, or protocols governing donations by PACs to the Smithsonian Institution.
5. Any procedures, policies, or protocols governing the process of commissioning Presidential portraits.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc’ed or bcc’ed on any emails.

Fee Waiver Request

In accordance with SD 807 CREW requests a waiver of fees associated with processing this request for records. Disclosure of the requested records are likely to contribute significantly to public understanding of the operations or activities of the government. Moreover, the request primarily and fundamentally is for non-commercial purposes.

By way of background, on July 14, 2022, former President Donald Trump's Save America PAC made a \$650,000 charitable contribution to the Smithsonian Institution to fund portraits of Trump and former First Lady Melania for the National Portrait Gallery.¹ According to an FEC filing the contribution will go towards "artists' fees, shipping, framing, installation, and events."² Save America PAC's donation is unprecedented, marking the first time that a PAC has financed a presidential portrait.³ The overlap of a government institution with a PAC raises issues of possible undue influence on governmental decisions by political entities. The requested records will shed light on any possible political motives behind the donation and whether and to what extent the Smithsonian Institution has policies and procedures in place to guard against undue influence or corruption.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, www.citizensforethics.org. The release of information obtained through this request is not in CREW's financial interest.

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at (202) 408-5565 or rjacobs@citizensforethics.org. Also, if CREW's request for a fee waiver is denied, please contact our office immediately upon making such a determination.

¹ Levinthal, David, "Trump PAC's \$650,000 'charitable contribution' to the Smithsonian will pay for portraits of Donald and Melania Trump," *Insider*. August 22, 2022. <https://www.businessinsider.com/donald-trump-portraits-smithsonian-donation-save-america-pac-650000-2022-8>

² *Id.*

³ Olander, Olivia, "Trump's PAC will fund his Smithsonian portrait, in an unusual move," *Politico*, August 22, 2022. <https://www.politico.com/news/2022/08/22/trumps-pac-smithsonian-portrait-00053204>

September 1, 2022

Page 3

Where possible, please produce records in electronic format. Please send the requested records to me at either rjacobs@citizensforethics.org or Rebecca Jacobs, Citizens for Responsibility and Ethics in Washington, 1331 F St. NW, Suite 900, Washington, D.C. 20004.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Jacobs', written in a cursive style.

Rebecca Jacobs
Senior Researcher