

CREW | citizens for responsibility and ethics in washington

January 18, 2017

BY FOIAonline

U.S. General Services Administration
FOIA Requester Service Center (H1f)
1800 F Street, NW, Room 7308
Washington, DC 20405-0001

Re: Freedom of Information Act Request

Dear Freedom of Information Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and U.S. General Services Administration (“GSA”) regulations.

CREW requests copies of all documents, including communications, related to plans by the Trump Old Post Office, LLC or the Trump International Hotel Washington, DC, to close public access to the Old Post Office building, including public access to the Clock Tower Space, between January 15, 2017 and January 22, 2017.

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.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. *See* 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. *See Mead Data Central v. U.S. Dep’t of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and GSA regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a

better understanding of relevant government procedures by CREW and the general public in a significant way. See 5 U.S.C. § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. See, e.g., *McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

On January 18, 2017, *Politico* reported that the Trump International Hotel Washington, DC was banning all media from its premises during President-elect Donald J. Trump's inauguration week.¹ A reporter who attempted to enter the hotel on January 18 for a "previously scheduled breakfast meeting" was told by the hotel's director of sales and marketing that "[m]edia is not allowed in this week in respect of the privacy of our guests."²

The lease signed between the United States of America and the Trump Old Post Office LLC provides for public access to the Clock Tower Space, including the public restrooms, which are part of the space, with exceptions that must be approved in writing by the landlord, the United States of America.³ The requested records would shed light on whether Trump Post Office, LLC is complying with the requirements of its lease with GSA.

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, and through www.scribd.com. The release of information obtained through this request is not in CREW's financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. See *Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a "representative of the news media" and broadly interpreting the term to include "any person or organization which regularly publishes or disseminates information to the public").

CREW routinely and systematically disseminates information to the public in several ways. CREW's website receives tens of thousands of page views every month. The website

¹ Daniel Lippman, *Trump's D.C. Hotel Bans Press During Inauguration Week*, *Politico*, Jan. 18, 2017 (available at <http://www.politico.com/blogs/donald-trump-administration/2017/01/trump-dc-hotel-bans-media-inauguration-week-233766>).

² *Id.*

³ Ground Lease, by and between, The United States of America and Trump Old Post Office LLC, Article 2.6, Aig. 5, 2013 (available at [https://www.gsa.gov/portal/mediaId/233119/fileName/Part_One_of_Segment_001_of_OPO_Ground_Lease_\(2013\)_RA.action](https://www.gsa.gov/portal/mediaId/233119/fileName/Part_One_of_Segment_001_of_OPO_Ground_Lease_(2013)_RA.action)).

includes a blog that reports on and analyzes newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. In addition, CREW posts all of the documents it receives under the FOIA at www.scribd.com, and those documents have been visited hundreds of thousands of times.

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 arappaport@citizensforethics.org. CREW also welcomes the opportunity to discuss with you whether and to what extent this request can be narrowed or modified to better enable the GSA to process it within the FOIA's deadlines. In addition, if CREW's request for a fee waiver is not granted in full, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to me either at arappaport@citizensforethics.org or at Adam J. Rappaport, Citizens for Responsibility and Ethics in Washington, 455 Massachusetts Ave., N.W., 6th Floor, Washington, D.C. 20001. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Adam J. Rappaport', with a large, sweeping flourish extending to the right.

Adam J. Rappaport
Chief Counsel