

December 21, 2016

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.

On December 14, 2016, four members of the House Committee on Oversight and Government Reform sent a letter to GSA Administrator Denise Turner Roth.¹ In the letter, the members requested that the GSA provide them with the following documents related to the Old Post Office building in Washington, D.C. and the Trump Organization’s lease on the property:

- 1) A list of any currently available, unleased space within the hotel;
- 2) A copy of the fifth amendment to the lease;
- 3) A copy of Exhibit G to the lease, which lists the ownership of the leasing corporate entity;
- 4) All monthly expense and profit projections;
- 5) Any legal memos regarding potential conflict of interest of Donald J. Trump having an ownership interest in the hotel and serving as President;
- 6) The monthly report submitted to GSA by the Trump Organization in November 2016 describing revenues and expenses for September 2016 as well as the report submitted in December 2016 describing revenues and expenses for October 2016;
- 7) A summary or analysis of the bankruptcy of the previous tenant leasing the Old Post Office.

CREW requests copies of all documents provided to the members in response to their letter, including but not limited to the listed documents.

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

¹ See <http://democrats.oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2016-12-14.EEC%20DeFazio%20Connolly%20Carson%20to%20Roth%20re%20Trump%20Hotel%20Conflicts%20....pdf>.

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).

In February 2012, GSA announced that the Trump Organization had been selected to redevelop the Old Post Office building in Washington, DC with the aim of turning the “iconic property” into a luxury hotel.² GSA and the Trump Organization eventually agreed to a 60-year lease in June 2013.³ The lease includes language stating, “No...elected official of the Government of the United States...shall be admitted to any share or part of this Lease, or to any benefit that may arise therefrom...,” leading experts to conclude that President-elect Donald Trump will be in violation of the lease when he is sworn into office in January 2017.⁴

The requested records would shed light on how GSA and the Trump Organization plan to address the conflict between the lease and President-elect Trump’s change in status to an “elected official of the Government of the United States.” The records would also increase public knowledge of how members of Congress, in their oversight capacity, are responding to the conflicts inherent in the lease.

² Press Release, General Services Administration, GSA Selects the Trump Organization as Preferred Developer for DC’s Old Post Office, Feb. 7, 2012 (available at <https://www.gsa.gov/portal/content/123671>).

³ Press Release, General Services Administration, GSA and Trump Organization Reach Deal on Old Post Office Lease, June 5, 2013 (available at <https://www.gsa.gov/portal/content/172963>).

⁴ Steven L. Schooner and Daniel I. Gordon, GSA’s Trump Hotel Lease Debacle, *Government Executive*, Nov. 28, 2016 (available at <http://www.govexec.com/excellence/promising-practices/2016/11/gsas-trump-hotel-lease-debacle/133424/>).

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 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.

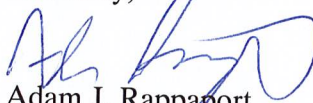
Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

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,


Adam J. Rappaport
Chief Counsel