

November 9, 2017

**BY FACSIMILE: (202) 261-8579**

U.S. Department of State  
Office of Information Programs and Services  
A/GIS/IPS/RL  
Department of State, SA-2  
Washington, D.C. 20522-8100

Re: Freedom of Information Act Request

Dear FOIA 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 Department of State regulations.

Specifically, CREW requests:

1. All communications between State Department employees and representatives for Malaysian Prime Minister Najib Razak mentioning the Trump International Hotel in Washington, DC.
2. All communications between State Department employees and representatives for Malaysian Prime Minister Najib Razak related to lodging during the Prime Ministers' September visit to Washington, D.C.

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, as well as those who were cc'ed or bcc'ed on any emails.

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 State Department 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 likely will 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).

Former Mexican diplomat Arturo Sarukhan tweeted on October 31, 2017 that he was told that the State Department is pressuring foreign leaders who visit the United States for official trips to stay at the Trump International Hotel in Washington, DC.<sup>1</sup> If this is true, it means that the scope of the president's violation of the Emoluments Clause may be greater than previously known and the State Department is complicit in the violation.

The records CREW requests may shed light on whether Ambassador Sarukhan assertion is correct by showing how the State Department advised the Malaysian foreign government on the question of lodging when Prime Minister Najib Razak visited Washington, DC to meet with President Trump on September 12. The prime minister and his entourage stayed at the Trump International Hotel in Washington, DC, and Najib held a press conference with the Malaysian press at the hotel.<sup>2</sup>

Najib's decision to stay at President Trump's hotel raised eyebrows for several reasons. For example, Malaysian politicians and members of the Malaysian press questioned why Najib did not stay at Blair House, where foreign leaders frequently stay. In addition, a spokesperson for Najib refused to disclose the cost of staying at Trump International.<sup>3</sup> Most troubling is that Najib is involved in a criminal investigation by the Department of Justice into money that is missing from a government fund he controlled.<sup>4</sup>

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<sup>1</sup> Ian Millhiser, Former Mexican ambassador says State Department is telling world leaders to stay at Trump hotels, *ThinkProgress*, November 1, 2017 <https://thinkprogress.org/former-mexican-ambassador-trump-hotels-6fc52c7ce8f5/>.

<sup>2</sup> Judd Legum, Scandal-plagued foreign leader gets surprise invite from Trump, checks into Trump's hotel, *ThinkProgress*, September 12, 2017, <https://thinkprogress.org/scandal-plagued-malaysian-prime-minister-sets-up-camp-at-trumps-d-c-hotel-7e33424093a1/>

<sup>3</sup> Yasmin Ramlan, Najib's US trip within budget, says minister, *The Malaysian Insight*, October 25, 2017, <https://www.themalaysianinsight.com/s/19984/>.

<sup>4</sup> Richard C. Paddock, Malaysian Leader, Under Corruption Cloud, Will Meet With Trump, *The New York Times*, September 9, 2017, <https://www.nytimes.com/2017/09/09/world/asia/malaysia-najib-razak-1mdb.html>

The Malaysian prime minister's visit might be one case where the State Department has advised a foreign government to stay at the president's hotel, particularly given the unexpected nature of the choice and the prime minister's apparent incentives to curry favor with the government investigating him.

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](http://www.citizensforethics.org). 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"). Courts have deemed other non-profit organizations with functions and missions comparable to CREW's "representatives of the news media." *See, e.g., Cause of Action v. IRS*, 125 F. Supp. 3d 145 (D.D.C. 2015); *Judicial Watch, Inc. v. U.S. Dep't of Justice*, 133 F. Supp. 2d 52, 53-54 (D.D.C. 2000) (self-described "public interest law firm" qualified as a news media requester).

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 the documents it receives under the FOIA on its website, which has been visited hundreds of thousands of times.

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

### **Conclusion**

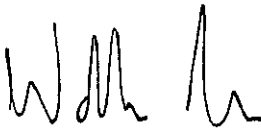
If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at (202) 408-5565 or [wdavis@citizensforethics.org](mailto:wdavis@citizensforethics.org). Also, if CREW's request for a fee waiver is not granted in full, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to me either at [wdavis@citizensforethics.org](mailto:wdavis@citizensforethics.org) or to Walker Davis, Citizens for

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Responsibility and Ethics in Washington, 455 Massachusetts Ave., N.W., Washington, D.C.  
20001. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Walker Davis". The signature is fluid and cursive, with the first name "Walker" being more prominent than the last name "Davis".

Walker Davis

Research Associate