

CREW | citizens for responsibility and ethics in washington

November 15, 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 all communications between State Department employees and representatives of foreign governments that mention or refer to Trump International Hotel in Washington, DC.

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.¹ Indeed, foreign governments have chosen the president's hotel for lodging and events. For example, Malaysian Prime Minister Najib Razak and his entourage stayed at the Trump International Hotel when the prime minister visited Washington, DC to meet with President Trump at the White House.²

The records CREW requests may shed light on whether Ambassador Sarukhan's assertion is correct by showing how the State Department has been advising foreign governments on the question of lodging in Washington, DC. 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.

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.

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.

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

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

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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.

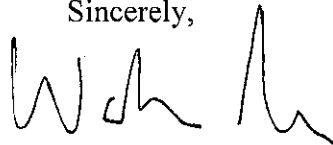
Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

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. 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 or at Walker Davis, Citizens for 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 a prominent initial "W" and a distinct "D".

Walker Davis

Research Associate