

August 2, 2018

BY EMAIL: Efoia@doc.gov

Bobbie Parsons
U.S. Department of Commerce
Office of the Secretary
1401 Constitution Avenue, N.W.
Washington, D.C. 20230

Re: Freedom of Information Act Request

Dear Ms. Parsons:

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. Department of Commerce regulations.

Specifically, CREW requests:

1. All communications between former White House advisor to the Commerce department Eric Branstad and former Trump campaign official Rick Gates from January 20, 2017 to March 1, 2018.
2. All communication sent or received by Mr. Branstad that mention the defense firm Circinus.

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). If 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 Commerce 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).

The *New York Times* reported last week that Mr. Gates considered Mr. Branstad a “contact” of his within the Department of Commerce.¹ They worked on President Trump’s inaugural committee together.² On at least one occasion, Mr. Gates reached out to Mr. Branstad on behalf of a defense firm, Circinus, that was owned by a top fundraiser for President Trump, Elliott Broidy.³ Mr. Gates may have also contacted Mr. Branstad on behalf of other special interest clients.

The requested records would shed light on how individuals with ties to President Trump seek influence for lobbying clients within federal agencies, and how individuals within agencies respond to these requests.

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 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 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.

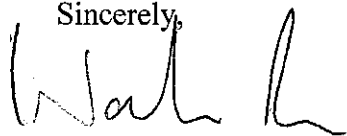
Where possible, please produce records in electronic format. Please send the requested records to me either at wdavis@citizensforethics.org or at Walker Davis, Citizens for Responsibility and Ethics in Washington, 455 Massachusetts Ave., N.W., Washington, D.C. 20001. Thank you for your assistance in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

¹ Kenneth P. Vogel, Mark Mazzetti, Maggie Haberman, and David D. Kirkpatrick, *Two Trump Allies, Seeing Unlimited Opportunity, Instead Draw Scrutiny*, *New York Times*, July 24, 2018, available at <https://www.nytimes.com/2018/07/24/us/politics/rick-gates-elliott-broidy-trump-payments.html>.

² *Id.*

³ *Id.*

Sincerely,

A handwritten signature in cursive script, appearing to read "Walker Davis". The signature is written in dark ink on a white background.

Walker Davis

Research Associate