

February 12, 2018

Alecia Bolling  
FOIA Contact  
Freedom of Information Act Office Suite 144  
7701 Telegraph Road, Room 150  
Alexandria, VA 22315-3905

Re: Freedom of Information Act Request

Dear FOIA Office:

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. Army regulations.

First, CREW requests all communications between officers of the 4<sup>th</sup> Battalion of the 3<sup>rd</sup> U.S. Infantry Regiment and the Trump International Hotel in Washington, D.C. regarding the battalion’s ball held at the hotel on February 7, 2019.

Second, CREW requests all communications between the Office of the Secretary of the Army and the Trump International Hotel in Washington, D.C. regarding the aforementioned event.

Third, CREW requests all communications between officers of the 4<sup>th</sup> Battalion of the 3<sup>rd</sup> U.S. Infantry Regiment regarding the aforementioned event.

Fourth, CREW requests all communications between the Office of the Secretary of the Army and officers of the 4<sup>th</sup> Battalion of the 3<sup>rd</sup> U.S. Infantry Regiment regarding the aforementioned event.

Fifth, CREW requests any contracts or receipts issued to the 4<sup>th</sup> Battalion of the 3<sup>rd</sup> U.S. Infantry Regiment by the Trump International Hotel in Washington, D.C. pertaining to the aforementioned event.

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 emails to which the subjects of this request were cc’ed or bcc’ed.

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 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).

On February 7, 2019, the 4<sup>th</sup> Battalion of the U.S. Army's 3<sup>rd</sup> Infantry Regiment held its annual ball at the Trump International Hotel in Washington, D.C.<sup>1</sup> As President Trump is both commander-in-chief of the United States Armed Forces and the principal beneficiary of the trust that owns the D.C. hotel, the potential expenditure of military funds at the hotel presents a possible conflict of interest for both the president and the involved Army unit. Although the 3<sup>rd</sup> Infantry Regiment's director of communications has stated that the ball was funded solely through individual ticket sales and fundraisers by soldiers, the public still has a right to know the details behind this event's arrangement. The requested records would shed light on this interaction between the U.S. Armed Forces and a private business that the commander-in-chief profits from.

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)

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<sup>1</sup> Zach Everson, *Old Guard parties, commander-in-chief profits, 1100 Pennsylvania*, February 8, 2019, available at <https://zacheverson.substack.com/p/old-guard-parties-commander-in-chief>

(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 blogposts that report on and analyze 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 documents it receives under the FOIA 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) 408-0687 or [elee@citizensforethics.org](mailto:elee@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 [elee@citizensforethics.org](mailto:elee@citizensforethics.org) or at Eli Lee, Citizens for Responsibility and Ethics in Washington, 1101 K St., N.W., Suite 201, Washington, D.C. 20005. Thank you for your assistance in this matter.

Sincerely,



Eli Lee  
Research Associate