

April 2, 2019

BY EMAIL: foia@hq.dhs.gov

Sam Kaplan
Chief Privacy Officer/Chief FOIA Officer
The Privacy Office
U.S. Department of Homeland Security
245 Murray Lane SW
STOP-0655
Washington, D.C. 20528-0655

Re: Freedom of Information Act Request

Dear Mr. Kaplan:

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 Homeland Security (“DHS”) regulations.

Specifically, CREW requests copies of all records confirming President Donald Trump’s April 2, 2019 tweet that Puerto Rico received \$91 billion for disaster relief following Hurricane Maria.

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).

Please be advised that CREW intends to pursue all legal remedies to enforce its right under the FOIA to access these documents.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and DHS 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 April 2, 2019, President Trump tweeted:

Puerto Rico got 91 Billion Dollars for the hurricane, more money than has ever been gotten for a hurricane before, & all their local politicians do is complain & ask for more money. The pols are grossly incompetent, spend the money foolishly or corruptly, & only take from USA....¹

...The best thing that ever happened to Puerto Rico is President Donald J. Trump. So many wonderful people, but with such bad Island leadership and with so much money wasted. Cannot continue to hurt our Farmers and States with these massive payments, and so little appreciation!²

If, as President Trump says, Puerto Rico was granted an unprecedented amount of disaster relief that amounts to \$91 billion, surely records of the expenditures would be held by the Department of Homeland Security (DHS), the parent department of Federal Emergency Management Agency (FEMA).

The *Washington Post* has said that the number in the president's tweet is “simply false. As explained above, this is a 20-year estimate subject to change. The island so far has only received

¹ See <https://twitter.com/realDonaldTrump/status/1113041708730802176>

² See <https://twitter.com/realDonaldTrump/status/1113044765405315073>

about \$11 billion.”³ It is in the public interest to have an accurate accounting of the funds going to disaster relief, especially as the President is using the figure to advocate for changes to the budget and his political agenda.

The requested records will shed light on the source and accuracy of the president’s number, a matter of great public interest given the President’s use of this number to justify cutting off further aid for Puerto Rico, while portraying the administration’s response to the disaster as generous and underappreciated.

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”).

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 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

³ Glenn Kessler, [Here’s why Trump says Puerto Rico is getting \\$91 billion in disaster relief](https://www.washingtonpost.com/politics/2019/03/28/heres-why-trump-says-puerto-rico-is-getting-91-billion-disaster-relief/?utm_term=.934e121b8845), *Washington Post*, March 28, 2019 available at: https://www.washingtonpost.com/politics/2019/03/28/heres-why-trump-says-puerto-rico-is-getting-91-billion-disaster-relief/?utm_term=.934e121b8845

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 lhonl-stuenkel@citizensforethics.org. Where possible, please produce records in electronic format. Please send the requested records to me either at lhonl-stuenkel@citizensforethics.org or Linnaea Honl-Stuenkel at Citizens for Responsibility and Ethics in Washington, 1101 K Street, N.W., Suite 201, Washington, D.C. 20005. Thank you for your assistance in this matter.

Sincerely,

Linnaea Honl-Stuenkel
Citizens for Responsibility and Ethics in Washington