

CREW | citizens for responsibility and ethics in washington

June 26, 2019

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 Secretary Ross and President Trump’s inauguration chairperson Thomas Barrack from January 20, 2017 to the present.
2. All communications between Secretary Ross and former White House advisor to the Commerce department Eric Branstad that mention or refer to Thomas Barrack from January 20, 2017 to March 1, 2018.
3. All communications between Secretary Ross and former White House advisor to the Commerce department Eric Branstad that mention or refer to Secretary Ross’s May 2017 official visit to Saudi Arabia from January 20, 2017 to June 1, 2017.
4. All communications and records related to Secretary Ross’s May 2017 official visit to Saudi Arabia, including but not limited to who he traveled with, from January 20, 2017 to June 1, 2017.

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).

In February, the House Oversight Committee released a report detailing whistleblowers' concerns related to an effort early in the Trump administration to provide nuclear technology to Saudi Arabia.¹ According to the report, several people involved in advocating for the plan—from both inside and outside the government—apparently stood to make money from it. Records obtained by CREW show that one of these people, Tom Barrack, also targeted his advocacy efforts related to Saudi Arabia towards Commerce.²

The requested records would provide more information about how Barrack sought to pursue goals related to Saudi Arabia at the Department of Commerce.

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.

¹ Whistleblowers Raise Grave Concerns with Trump Administration's Efforts to Transfer Sensitive Nuclear Technology to Saudi Arabia, U.S. House Committee on Oversight and Reform, February 2019, *available at* <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Trump%20Saudi%20Nuclear%20Report%20-%202019-2019.pdf>.

² Walker Davis, *Emails Show Tom Barrack Pitched Wilbur Ross on Middle East Plan*, *Citizens for Responsibility and Ethics in Washington*, May 14, 2019, *available at* <https://www.citizensforethics.org/tom-barrack-pitched-wilbur-ross-middle-east-plan/>.

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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, 1101 K St NW, Suite 201, Washington, DC 20005. Thank you for your assistance in this matter.

Sincerely,



Walker Davis
Research Manager