

November 5, 2019

BY EMAIL: whs.mc-alex.esd.mbx.osd-js-foia-requester-service-center@mail.mil

U.S. Department of Defense
OSD/JS FOIA Requester Service Center
Defense Freedom of Information Division
1155 Defense Pentagon
Washington, D.C. 20301-1155

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 U.S. Department of Defense (“DOD”) regulations.

Specifically, CREW requests all documents and communications from January 1, 2018 to present relating to the selection of a venue for the Group of Seven Nations or G7 (also known as the Group of Eight Nations or G8) event(s) to be hosted by the United States in 2020. This request includes without limitation:

1. All documents and communications relating to the formal or informal solicitation of bids regarding a possible venue for the G7 Summit;
2. Documents sufficient to identify the approximately 12 locations initially considered as possible venues for the G7 Summit;
3. Documents sufficient to identify the members of any “advance team” of government officials tasked with visiting possible venues for the G7 Summit;
4. Documents sufficient to identify the approximately 10 possible venues for the G7 Summit visited by any “advance team”;
5. Documents sufficient to identify the venues in Utah and Hawaii that were considered as “finalists” to host the G7 Summit;
6. All communications between DOD and possible venues for the G7 Summit, relating to the venue’s potential selection for the G7 Summit; and
7. All communications between DOD and Office of Management and Budget (“OMB”) Director Mick Mulvaney regarding the selection of a possible venue for the G7 Summit. This request includes, but is not limited to, records tied to any email address Mr. Mulvaney has used to conduct OMB business, not just email addresses with the domain @omb.eop.gov.

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 DOD 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 October 17, 2019, acting White House chief of staff Mick Mulvaney announced that President Trump's for-profit business, Trump National Doral, had been selected to host the 2020 G7 Summit.¹ In announcing the selection, Mr. Mulvaney described the site selection process. His remarks suggested the existence of formal source selection criteria and a written list of finalists.² According to Mr. Mulvaney, an "advance team" of government officials visited 10 locations from an original list of 12 possible venues.³ Following those visits, a "senior team" visited four finalists: one location in Hawaii, two in Utah, and Trump National Doral.⁴ Mr. Mulvaney admitted President Trump had access to the list of finalists and had persuaded officials to add his own Doral resort to it: "We sat around one night. We were back in the dining room

¹ White House, Press Briefing by Acting Chief of Staff Mick Mulvaney, Oct. 17, 2019, <https://www.whitehouse.gov/briefings-statements/press-briefing-acting-chief-staff-mick-mulvaney/> ("Mulvaney Transcript").

² *Id.* ("So we use the same set of criteria that previous administrations have used. We started with a list of about a dozen, just on paper.").

³ *Id.* ("And we sent an advance team out to actually visit 10 locations in several states. We visited California, Colorado, Florida, Hawaii, Michigan, North Carolina, Tennessee, and Utah.").

⁴ *Id.*

and I was going over it with a couple of our advance team. We had the list, and he goes, ‘What about Doral?’ And it was like, ‘That’s not the craziest idea. It makes perfect sense.’”⁵

Mr. Mulvaney also described certain details about the cost of the procurement. He claimed that using Trump National Doral would achieve a “roughly 50 percent savings” compared to the other finalists.⁶ He further indicated that Trump National Doral would host the G7 Summit “at cost,” apparently due to concerns related to the Constitution’s Emoluments Clauses.⁷ The White House later offered a novel funding proposal to try to avoid potential violations of the Emoluments Clauses: U.S. taxpayers would pay for the foreign delegations’ stay at Trump National Doral while private donations would be used to pay for the U.S. government delegation.⁸ Mr. Mulvaney’s announcement prompted a wave of public outrage, and the selection of President Trump’s resort was rescinded two days later.⁹

President Trump has indicated that at least some components of DOD were involved in this procurement. For example, on August 26, 2019, President Trump described how the military participated in the assessment of possible venues for the G7 Summit:

“When my people came back—they took tours, they went to different places. I won’t mention places but you’ll have a list because they’re going to give a presentation on it fairly soon. They went to places all over the country. And they came back and they said, ‘This is where we would like to be.’ Now we had military people doing it. We had Secret Service people doing it. We had people who really understand what it’s about. It’s not about me. It’s about getting the right location.”¹⁰

The requested records will shed light on DOD’s involvement in the selection of a venue for the G7 Summit. The selection of President Trump’s own property has created a compelling need for the release of records that will enable the public to evaluate the possibility of corruption or undue influence with regard to a governmental activity that the public has a right to expect will be carried out objectively, free of undue influence by an interested official—especially when that official is the head of the executive branch. Although the selection of Trump National Doral was rescinded, the public still lacks information about how this serious legal and ethical lapse occurred.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal

⁵ *Id.*

⁶ *Id.* (“[I]t was millions of dollars cheaper by doing it at Doral than it was at another facility. And that was roughly 50 percent savings.”).

⁷ *Id.*

⁸ S.V. Date, Trump’s Elaborate Scheme to Get Around His Emoluments Problem Proves He Has One, *HuffPost*, Oct. 21, 2019, https://www.huffpost.com/entry/trump-doral-emoluments_n_5dae2607e4b0f34e3a7ad880.

⁹ Toluse Olorunnipa, Josh Dawsey, and David A. Fahrenthold, Trump Reversed Course on Hosting G-7 at His Club After Learning that Impeachment-Wearied Republicans Were Tired of Defending Him, *Washington Post*, Oct. 20, 2019, <https://wapo.st/2pwrTqh>.

¹⁰ Trump Shares His Justification for Holding Next G7 at His Own Country Club, *MSNBC*, Aug. 26, 2019, <https://www.msn.com/en-us/health/health-news/trump-shares-his-justification-for-holding-next-g-7-at-his-own-country-club/vp-AAGm2gf>.

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 documents it receives under the FOIA on its website, 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 jlutkenhaus@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 jlutkenhaus@citizensforethics.org or at Jessica Lutkenhaus, 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,

Jessica Lutkenhaus
Legal Fellow

