



citizens for responsibility  
and ethics in washington

December 3, 2019

**BY EMAIL:** [usoge@oge.gov](mailto:usoge@oge.gov)

OGE FOIA Officer  
Office of Government Ethics  
Suite 500  
1201 New York Avenue, NW  
Washington, DC 20005-3917

Re: Freedom of Information Act Request

Dear Freedom of Information 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 OGE regulations at 5 C.F.R. part 2604.

Specifically, CREW requests copies of all communications and other records that mention “The 45 Alliance” or “45 Alliance.”

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.

If it is your position that 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 agency 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).

A media outlet recently reported that The 45 Alliance invited Trump appointees to a cocktail reception at Trump International Hotel, a hotel owned by President Trump that leases a government building from the General Services Administration.<sup>1</sup> The reporter described the organization as “a nonprofit with major funding from pro-Trump dark money group America First Policies” that was “established to support Executive Branch appointees during [their] public service.”<sup>2</sup> It is unclear what type of support this organization gives government employees or the extent to which such support complies with government ethics rules. Two former Trump appointees who are subject to post-employment ethics restrictions may have been identified as members of the organization’s board in materials related to the event at Trump International Hotel.<sup>3</sup> In addition, the reporter indicated that “[t]he alliance received \$150,000 for ‘issue support,’” which suggests that The 45 Alliance may be a prohibited source for gifts to White House appointees.<sup>4</sup> The requested information will serve to educate the public as to whether either representatives of this organization, the White House Counsel’s office, Trump appointees, or other individuals sought ethics advice related to any benefits or gifts the organization may have provided Trump appointees. The public has a strong interest in receiving this information because the reporting raises questions about compliance with ethics requirements by current and former administration appointees. The government’s compliance with anticorruption mechanisms is of significant interest to the public. As the U.S. Department of Justice has explained,

One purpose that the FOIA was designed for is to “check against corruption and to hold the governors accountable to the governed.” Indeed, information that would inform the public of violations of the public trust has a strong public interest and is accorded great weight in the balancing process.<sup>5</sup>

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.

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<sup>1</sup> Zach Everson, Political appointees celebrated themselves at their patron’s hotel with a non-profit funded in part by a pro-Trump dark money group, *1100 Pennsylvania*, Dec. 2, 2019, <https://bit.ly/2P91ojD>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> U.S. Department of Justice, Freedom of Information Act Guide, May 2004 (internal citations omitted), <https://bit.ly/2JxXc8H>.

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 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) 897-1845 or [mlerner@citizensforethics.org](mailto:mlerner@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 [mlerner@citizensforethics.org](mailto:mlerner@citizensforethics.org) or at Meredith Lerner, 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,



Meredith Lerner  
Research Associate