

February 24, 2020

BY EMAIL: FOIA@uss.dhs.gov

Latita Payne
United States Secret Service
Freedom of Information Act and Privacy Act Branch
245 Murray Lane, SW Building T-5
Washington, D.C. 20223

Re: Freedom of Information Act Request

Dear Ms. Payne:

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 all communications between January 1, 2019 and the present that relate to or support President Trump’s assertion that the Secret Service wanted him to stay at the Trump International Hotel Las Vegas during his trip to western states.

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 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).

On February 18th Trump told reporters that the Secret Service sets the schedule for his travels, and that he had “nothing to do with” plans to stay at his Las Vegas hotel during a trip to western states.¹ Last week Trump made a four-day trip to Nevada, California, Arizona, and Colorado, where he returned each night to stay at the Trump International Hotel Las Vegas. While speaking to members of the press before his departure for the trip, one reporter asked why he “wanted to fly back to Las Vegas” each night. Trump replied succinctly, “the schedule is set by the Secret Service. We do what they want us to do.”² A White House official told the press soon after that they were staying at the hotel to save money and for “security reasons.”³

Trump made a similar claim in August of last year when he told reporters that of all the possible locations for this year’s Group of Seven summit, to be hosted by the United States, the Secret Service preferred the Trump National Doral resort in Miami.⁴ Records later obtained by CREW undermined these claims, showing that the Secret Service was reluctant about the property, and that it was added to their list at the last minute.⁵

Trump and members of his administration have notoriously used their government positions to advertise his properties, from which he continues to profit.⁶ Given previous evidence that Trump has used his presidency to promote his business interests, the public has a compelling interest in learning about the Secret Service’s role in Trump’s stay at the hotel.

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,

¹ S.V. Date, *Trump Costing Taxpayers And Putting Money In His Pocket With Stay At His Own Hotel*, *Huffington Post*, February 21, 2020, available at https://www.huffpost.com/entry/trump-las-vegas-hotel_n_5e4fe0dfc5b629695f596f0b

² Remarks by President Trump Before Air Force One Departure | Joint Base Andrews, MD, *White House*, February 18, 2020, available at <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-air-force-one-departure-joint-base-andrews-md-2/>

³ Ashley Parker, *A buoyant Trump out West, cheerful about his acquittal and eager to mock his Democratic opponents*, *Washington Post*, February 21, 2020, available at https://www.washingtonpost.com/politics/a-buoyant-trump-out-west-cheerful-about-his-acquittal-and-eager-to-mock-his-democratic-opponents/2020/02/20/925bcdbe-5454-11ea-9e47-59804bedc1dcfb_story.html

⁴ *Trump shares his justification for holding next G7 at Trump National Doral Miami*, *MSNBC*, August 26, 2019, available at <https://www.msnbc.com/msnbc/watch/trump-shares-his-justification-for-holding-next-g7-at-trump-national-doral-miami-67460677657>.

⁵ *Secret Service Records Contradict Trump’s Claim on Doral G-7*, *Citizens for Responsibility and Ethics in Washington*, November 15, 2019, available at <https://www.citizensforethics.org/secret-service-docs-contradict-trump-doral-g-7/>

⁶ *Tracking President Trump’s Unprecedented Conflicts of Interest*, *Citizens for Responsibility and Ethics in Washington*, available at <https://www.citizensforethics.org/trump-conflicts-of-interest-tracking/>

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 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 documents it receives under the FOIA on its website, and that site has been visited hundreds of thousands of times.

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

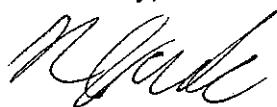
Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at (202) 408-5565 or rjacobs@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 at either rjacobs@citizensforethics.org or Rebecca Jacobs, Citizens for Responsibility and Ethics in Washington, 1101 K St., N.W., Suite 201, Washington, D.C. 20005.

Thank you for your assistance.

Sincerely,



Rebecca Jacobs
Research Associate