



April 3, 2020

BY EMAIL: FOIA@usss.dhs.gov

United States Secret Service
Information Appeal, Deputy Director
Communications Center
245 Murray Lane, S.W., Building T-5
Washington, D.C. 20223

Re: Appeal of FOIA Request No. 2020-IGFO-00097

Dear Deputy Director:

Citizens for Responsibility and Ethics in Washington (“CREW”) hereby appeals the initial determination by the U.S. Department of Homeland Security’s (“DHS”) Office of Inspector General (“OIG”) concerning CREW’s request under the Freedom of Information Act (“FOIA”) for an unredacted copy of OIG Report Number OIG-20-18, United States Secret Service Expenses Incurred at Trump Turnberry Resort (“OIG Report”). As set forth below, the OIG—at the request of the Secret Service—improperly asserted FOIA Exemptions 7(E) and 7(F) to withhold certain costs incurred by the Secret Service for President Trump’s visit to his own resort.

On March 24, 2020, CREW submitted to the DHS OIG by email a request for the unredacted OIG Report, which details the expenses the Secret Service incurred for President Trump’s trip to his Trump Turnberry Resort in Scotland on July 14-15, 2018. For your convenience a copy of this request is enclosed. On April 1, 2020, the DHS OIG advised CREW that, at the request of the Secret Service, it was continuing to withhold the redacted information pursuant to FOIA Exemptions 7(E) and 7(F). A copy of this response also is enclosed. For the reasons outlined below, neither exemption applies here.

As a threshold matter, the OIG has failed to comply with its obligation to produce to CREW the requested record with markings indicating both the deletions and the exemptions claimed for each deletion. *See* 5 U.S.C. § 552(b). *See also* Department of Justice Guidance, Segregating and Marking Documents for Release in Accordance with the Open Government Act, <https://www.justice.gov/oip/blog/foia-post-2008-oip-guidance-segregating-and-marking-documents-release-accordance-open> (“As a result of the OPEN Government Act, agencies must now also mark the document to show the exemption under which the deletion is being made”).

Here, the OIG failed to provide any document whatsoever, much less the requested report with each deletion and the claimed exemption marked. Nor can the OIG rely instead on the notations placed on the publicly released OIG Report. As CREW noted in its request, while the cover of the report contains a “Law Enforcement Sensitive Warning,” that warning is crossed-out. Further, the public version of the report was not produced pursuant to the FOIA and, as a result, its redactions include no accompanying explanation for why the information is being withheld from the public and what, if any, FOIA exemptions protect the redacted material. This is not a mere technical flaw; without the required markings CREW has no way to determine which of the two claimed exemptions pertain to which redaction. Simply stated, the previously produced public report is not an adequate substitute for the version the FOIA requires DHS to make to CREW in response to its FOIA request.

Further, even without the required markings the claimed exemptions make no sense. DHS has indiscriminately invoked Exemptions 7(E)—which protects law enforcement information that would disclose law enforcement techniques and procedures—and 7(F)—which protects records and information

compiled for law enforcement purposes where disclosure “could reasonably be expected to endanger the life or physical safety of any individual.” 5 U.S.C. §§ 552(b)(7)(E) and (F). First, DHS cannot satisfy even the threshold requirement that the records be compiled for a law enforcement purpose. As the report itself states, the audit was prepared in response to a request from members of Congress, and not for any law enforcement purpose of the OIG. *See* OIG Report at 1.

Second, the redacted material consists of dollar figures for certain, but not all, expenses the Secret Service incurred from President Trump’s visit to his resort in Scotland. They redacted figures include the following:

- (1) the total estimated costs of the trip;
- (2) the number of Secret Service personnel who incurred the costs;
- (3) the estimated total costs for meals and incidentals;
- (4) the purpose of expenditures in the amount of \$2,530 and \$1,100; and
- (5) the nightly rate the Secret Service paid for single and double occupancy rooms.

It is impossible to fathom how providing the total costs of the trip and the component costs of meals, incidentals, and hotel rooms could reasonably be expected to endanger an individual’s life or safety, or how revealing those dollar amounts would disclose a law enforcement technique or procedure. This conclusion is strengthened by the fact that other costs such as rental cars, commercial airfare, logistical support, and golf cart rental were not redacted. There is no meaningful distinction between the costs that were included in the OIG Report and those that were redacted. Indeed, many of the redacted costs were paid to a Trump property owned by the President, suggesting the redactions were made to prevent Congress and the public from learning how President Trump personally benefitted—at the expense of the American taxpayers—from a trip he took to his own resort.

For all these reasons we request that you direct the DHS OIG to release immediately to CREW an unredacted copy of the OIG Report.

Sincerely,



Anne L. Weismann Chief FOIA Counsel

Encl.