

June 11, 2020

BY EMAIL: ngb.foia@mail.mil

NGB FOIA Office (NGB/JA-OIP)
111 South George Mason Drive, AH2
Arlington, VA 22204-1373

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:

1. All communications between the National Guard and the White House mentioning the Trump International Hotel Washington, D.C. or the Old Post Office building from May 25, 2020 to the present.
2. All communications between the National Guard and any representatives from the Trump Organization mentioning the Trump International Hotel Washington, D.C. or the Old Post Office building from May 25, 2020 to the present.
3. All communications within the National Guard mentioning the Trump International Hotel Washington, D.C. or the Old Post Office building from May 25, 2020 to the present.

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 June 4 the Washington Post reported that National Guard troops were stationed around the Trump International Hotel in downtown Washington, D.C. to guard the building during the recent protests over the death of George Floyd at the hand of Minneapolis police officers.¹ As people across the country began to protest police brutality against black Americans, the Trump Administration deployed National Guard troops around D.C. to squash the peaceful demonstrations.² According to the Washington Post, there were no troops stationed at any of the Smithsonian museums that are home to artifacts like the Hope Diamond and the Declaration of Independence or at any other D.C. landmarks, and that it appeared that the National Guard was protecting only the White House and the Trump Hotel.³

Since the hotel's opening in 2016 it has served as a hotspot for Republican government officials and lobbyists, and patronizing it often provides them access to President Trump himself. The requested records will help clarify who influenced the decision to station National Guard officers at the hotel President Trump still owns and profits from and what factors motivated the decision to do so.

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. The release of information obtained through this request is not in CREW's financial interest.

¹ Petula Dvorak, [Trump's militarization of D.C. is nothing but stagecraft](https://www.washingtonpost.com/local/trumps-militarization-of-dc-is-nothing-but-stagecraft/2020/06/04/98da1eae-a669-11ea-b473-04905b1af82b_story.html), *The Washington Post*, June 4, 2020, available at https://www.washingtonpost.com/local/trumps-militarization-of-dc-is-nothing-but-stagecraft/2020/06/04/98da1eae-a669-11ea-b473-04905b1af82b_story.html

² Ashley Collman, [Some of the National Guard troops tasked to police DC were just out of training and driving armored cars without military licenses, report says](https://www.businessinsider.com/national-guardsmen-basic-training-deployed-washington-dc-nyt-2020-6), *Business Insider*, June 11, 2020, available at <https://www.businessinsider.com/national-guardsmen-basic-training-deployed-washington-dc-nyt-2020-6>

³ *The Washington Post*, June 4, 2020

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 the 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 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