

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

RICHARD BEHAR,

Plaintiff,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY,

Defendant.

Docket No. 1:17-cv-08153

COMPLAINT

Plaintiff Richard Behar, by his undersigned attorneys, alleges:

INTRODUCTION

1. This is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, challenging the U.S. Department of Homeland Security (“DHS”)’s failure to disclose Secret Service records cataloguing visitors to Donald Trump, his family members, and his campaign associates from November 2015, when then-candidate Trump and his family first received Secret Service protection, to President Trump’s inauguration.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 5 U.S.C. §§ 552(a)(4)(B) and 552(a)(6)(E)(iii). This Court also has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 5 U.S.C. §§ 701-06.

3. Venue is proper in this district under 5 U.S.C. § 552(a)(4)(B).

THE PARTIES

4. Plaintiff Richard Behar is the Contributing Editor of Investigations at *Forbes* magazine and a reporter for *The National Memo*. In 1992, Behar was awarded the

Conscience-in-Media Award for his 1991 *Time* magazine exposé on the Church of Scientology, *The Thriving Cult of Greed and Power*. He has also received the George Polk Award twice, the Gerald Loeb Award, the Daniel Pearl Award, the Overseas Press Club's Morton Frank and Ed Cunningham Awards, and, for *Forbes* magazine, the National Magazine Award for Public Interest. Over the past year, he has probed issues related to the Trump campaign and the Trump Administration, focusing in particular on President Trump's business dealings, financial entanglements, and links with Russia.¹

5. Defendant DHS is an agency of the United States within the meaning of 5 U.S.C. § 552(f)(1). The United States Secret Service is an entity within DHS. 6 U.S.C. § 381. On information and belief, DHS and its component Secret Service possess and control the requested records and are responsible for fulfilling Plaintiff's FOIA request.

FACTS

6. On June 16, 2015, Donald J. Trump announced that he would run for President of the United States of America.

7. In November 2015, then-candidate Trump received Secret Service protection. Over the course of the next year, additional members of the Trump family and individuals affiliated with the Trump campaign and Trump Organization also received Secret Service protection.

¹ See, e.g., Richard Behar, *Donald Trump and the Felon: Inside His Business Dealings with a Mob-Connected Hustler*, *Forbes* (Oct. 3, 2016), <http://www.forbes.com/sites/richardbehar/2016/10/03/donald-trump-and-the-felon-inside-his-business-dealings-with-a-mob-connected-hustler/#572299e72282>; Richard Behar, *The Kazakhstan Connection: Trump, Bayrock and Plenty of Questions*, *DCReport* (Sept. 12, 2017), <http://www.dcreport.org/2017/05/12/the-kazakhstan-connection-trump-bayrock-and-plenty-of-questions>; Richard Behar, *How Felix Sater — Former Mob-linked Hustler And Ex-Trump Adviser — Sought To 'Protect' Ukraine's Nuclear Plants*, *Nat'l Memo* (May 25, 2017), <http://www.nationalmemo.com/felix-sater-ex-trump-adviser-ukraines-nuclear-plants>.

8. In July 2016, Trump won the Republican Party's presidential nomination at the GOP Presidential Convention.

9. Throughout the 2015-2016 presidential campaign and prior to the inauguration, those associated with the Trump campaign reportedly had numerous contacts with Russian individuals, including individuals associated with the Russian government, as well as with representatives of industry insiders.

Reported Russia Contacts During the Campaign

10. Between March and September 2016, George Papadopoulos, a member of Trump's foreign policy team, reportedly sent repeated emails to Trump campaign officials in an attempt to arrange meetings with Russian officials.²

11. In April 2016, Jared Kushner met then-Russian Ambassador Sergei Kislyak at a campaign event.³

12. Between April and November 2016, Michael Flynn and other advisers to the Trump campaign conducted at least eighteen phone calls and emails with Russian officials, including six reported communications with Ambassador Kislyak.⁴

² Tom Hamburger et al., *Trump Campaign Emails Show Aide's Repeated Efforts To Set Up Russia Meetings*, Wash. Post (Aug. 14, 2017), http://www.washingtonpost.com/politics/trump-campaign-emails-show-aides-repeated-efforts-to-set-up-russia-meetings/2017/08/14/54d08da6-7dc2-11e7-83c7-5bd5460f0d7e_story.html?utm_term=.15f6f613e627.

³ *Read Jared Kushner's Prepared Remarks*, N.Y. Times (July 24, 2017), http://www.nytimes.com/interactive/2017/07/24/us/politics/document-Read-Jared-Kushner-s-Statement-to-Congressional.html?_r=0.

⁴ Ned Parker et al., *Exclusive: Trump Campaign Had At Least 18 Undisclosed Contacts With Russians: Sources*, Reuters (May 18, 2017, 5:04 AM), <http://www.reuters.com/article/us-usa-trump-russia-contacts/exclusive-trump-campaign-had-at-least-18-undisclosed-contacts-with-russians-sources-idUSKCN18E106>.

13. In June 2016, three top Trump campaign advisers—Donald Trump, Jr., Paul Manafort, and Jared Kushner—met with Russian lawyer Natalia Veselnitskaya regarding potentially incriminating details relating to Hillary Clinton’s presidential campaign.⁵

14. After Trump’s election on November 8, 2016, journalists broke the news about campaign’s contacts with Russian individuals as well as potential election interference, including the meeting with Veselnitskaya.⁶

15. Those discoveries, coupled with other revelations about Russian interference in the election more broadly and President Trump’s firing of former FBI Director James Comey, prompted both Congressional and U.S. Department of Justice (“DOJ”) investigations.

16. Currently, four ongoing Congressional investigations are looking into, among other issues, Russia’s interference in the election; collusion between the Trump campaign and Russia; and contacts between individuals working on the Trump campaign and Russian officials.⁷

⁵ Jo Becker et al., *Trump Team Met With Lawyer Linked to Kremlin During Campaign*, N.Y. TIMES (July 8, 2017), <http://www.nytimes.com/2017/07/08/us/politics/trump-russia-kushner-manafort.html>.

⁶ See, e.g., Philip Bump, *Every Contact Between Trump’s Team and Russian Actors, Graphed*, WASH. POST (Oct. 2, 2017), https://www.washingtonpost.com/news/politics/wp/2017/09/21/every-contact-between-trumps-team-and-russian-actors-graphed/?utm_term=.ee022b91bad4.

⁷ Kevin Uhrmacher & Kim Soffen, *A Guide to the Five Major Investigations of the Trump Campaign’s Possible Ties to Russia*, WASH. POST (June 17, 2017), http://www.washingtonpost.com/graphics/national/trump-russia-investigations/?utm_term=.7386a7afbcd1.

17. In addition, the Department of Justice is conducting an investigation into ties between the Trump campaign and Russian officials. The investigation is led by Robert Mueller, who was appointed as special counsel in May 2017.⁸

Reported Industry Contacts During the Campaign

18. In addition to contacts with Russian individuals, candidate Trump and those associated with the Trump campaign met with lobbyists for major corporations and special interest groups.

19. In April 2016, for instance, Trump privately met with representatives from approximately 12 special interest groups, including lobbyists and the chief executive of a major airline trade organization, in Washington, D.C. The meeting was kept secret, and attendees received invitations by phone.⁹

20. In June 2016, Trump attended an invitation-only fundraiser organized by a top coal industry executive, Robert Murray.¹⁰

Plaintiff's FOIA Request and the Denial of Expedited Processing

21. On September 22, 2017, Plaintiff submitted to Defendant a FOIA request (the "Request") for Secret Service records cataloguing victors to candidate Trump, family members, and campaign officials during the election and prior to the inauguration. A true and correct copy of this request is annexed as Exhibit A.

⁸ Rebecca R. Ruiz & Mark Landler, *Robert Mueller, Former F.B.I. Director, Is Name Special Counsel for Russia Investigation*, N.Y. Times (May 17, 2017), <http://www.nytimes.com/2017/05/17/us/politics/robert-mueller-special-counsel-russia-investigation.html>.

⁹ Maggie Haberman, *Donald Trump Met Secretly With Interest Groups*, N.Y. Times (Apr. 4, 2016), <http://www.nytimes.com/politics/first-draft/2016/04/04/donald-trump-met-secretly-with-interests-groups>.

¹⁰ Will Drabold, *Donald Trump Heads for Coal Industry Fundraiser in West Virginia*, Time (June 27, 2016), <http://time.com/4384957/donald-trump-coal-global-warming-murray>.

22. Limited to records of individuals screened or noted by the Secret Service between November 1, 2015, and January 21, 2017, the Request sought the following records:

- (1) Records identifying every individual who was screened and/or noted by the Secret Service because they (a) sought to visit any of the following individuals, and/or (b) sought access to any secured area where any of the following were present:
 - a. Donald Trump;
 - b. Eric Trump;
 - c. Donald Trump, Jr.;
 - d. Ivanka Trump;
 - e. Jared Kushner;
 - f. Paul Manafort;
 - g. Michael Flynn;
 - h. Corey Lewandowski;
 - i. Michael Cohen;
 - j. Stephen Bannon; and/or
 - k. Kellyanne Conway.

The information sought by this request includes, but is not limited to, any Worker and Visitor Entrance System (WAVES) records and Access Control Records (ACR). The request includes, but is not limited to, visitors to Trump Tower, Mar-a-Lago, Bedminster Golf Club, and, to the extent available, the twenty-eight fields of data that were previously released under the Obama Administration for White House visitors.

- (2) All records concerning any communication between the Secret Service and any individual employed by and/or affiliated with either the Trump Campaign and/or the Trump Organization regarding any individual screened and/or noted by the Secret Service identified in the records produced in response to request one.

Ex. A.

23. Emphasizing the time-sensitive nature of the information sought, given the “broad public interest in who the prospective president (and his colleagues) were meeting with prior to his inauguration,” Plaintiff requested expedited processing pursuant to 5 U.S.C.

§ 552(a)(6)(E) and 6 C.F.R. § 5.5(e)(1)(ii) (“urgency to inform the public about an actual or alleged federal government activity, if made by a person who is primarily engaged in disseminating information”); and § 5.5(e)(1)(iv) (“a matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity which affect public confidence”). Ex. A at 3.

24. Plaintiff submitted his Request on September 22, 2017, by email to the DHS FOIA privacy office, pursuant to 6 C.F.R. § 5.5(e)(2).¹¹ A true and correct copy of Plaintiff’s email exchanges with DHS are annexed as Exhibit B.

25. Plaintiff also submitted the Request to the FOIA officer of the United States Secret Service by email on September 22, 2017. A true and correct copy of Plaintiff’s email exchange with the U.S.S.S. FOIA office is annexed as Exhibit C.

26. Plaintiff, through his attorneys, also submitted the Request to DHS by U.S. mail on September 25, 2017.

27. On October 4, 2017, Plaintiff received an email from the DHS Privacy Office. The email informed him that his request had been transferred to the FOIA Officer for the Secret Service. A true and correct copy of this email is annexed as Exhibit D.

28. To date, Plaintiff has not received the requested records, nor has he received confirmation of his entitlement to expedited processing.

FIRST CAUSE OF ACTION

(Violation of FOIA for failing to expedite Plaintiff’s Request)

1. Plaintiff repeats, realleges, and incorporates the allegations in the foregoing paragraphs as though fully set forth herein.

¹¹ That provision requires FOIA requests containing a request for expedited processing under 6 C.F.R. § 5.5(e)(1)(iv) be submitted to the privacy office.

2. Defendant's refusal to expedite the processing of Plaintiff's Request violates FOIA, 5 U.S.C. § 552(a)(6)(E), and 6 C.F.R. § 5.5(e).

SECOND CAUSE OF ACTION
(Violation of FOIA for failure to disclose records)

3. Plaintiff repeats, realleges, and incorporates the allegations in the foregoing paragraphs as though fully set forth herein.

4. Defendant's failure to make available and to release the records requested by Plaintiff violates FOIA, 5 U.S.C. § 552(a)(3)(A), (a)(6)(A).

RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully prays that this Court:

- a. expedite consideration of this Complaint pursuant to 28 U.S.C. § 1657;¹²
- b. declare that Defendant violated FOIA by not granting expedited treatment to Plaintiff's September 22, 2017, FOIA Request, pursuant to FOIA and the Declaratory Judgment Act, 28 U.S.C. § 2201;
- c. enjoin Defendant to provide immediately the records sought in Plaintiff's September 22, 2017 FOIA Request;
- d. award Plaintiff the costs of this proceeding, including reasonable attorneys' fees and costs; and
- e. grant such other and further relief as the Court deems just and proper.

¹² Because of Plaintiff's urgent need to inform the public about potential conflicts of interest in the Trump Administration, and because his right under FOIA to do so will be violated every day that the government is not compelled by this Court to comply with the request, there is good cause for expedited treatment by this court under 28 U.S.C. § 1657.

Dated: October 23, 2017
New Haven, CT

Respectfully submitted,

MEDIA FREEDOM & INFORMATION
ACCESS CLINIC

/s/ John Langford

John Langford, supervising attorney

Charles Sims, supervising attorney

Eric Brooks, law student intern

Meenakshi Krishnan, law student intern

Adam Pan, law student intern

MEDIA FREEDOM AND INFORMATION
ACCESS CLINIC

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Attorneys for Plaintiff

EXHIBIT A

September 22, 2017

BY U.S. MAIL, E-MAIL, AND ONLINE PORTAL

James Holzer
Deputy, FOIA Officer
Building 410, Mail Stop #0655
245 Murray Lane, SW
Washington, DC 20528-0655
foia@hq.dhs.gov

Re: Expedited Freedom of Information Act Request

To whom it may concern:

My name is Richard Behar, and I am an award-winning¹ investigative journalist, and the Contributing Editor of Investigations at *Forbes* magazine.² In the past year, I have reported extensively on President Donald Trump.³ This letter is a request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552.

Background

Then-candidate Donald Trump received Secret Service protection in November 2015.⁴ At various points over the next several years, additional members of the Trump family and affiliates with the Trump Campaign and Trump Organization received Secret Service protection as well.⁵ This request seeks records of great and urgent public interest⁶—Secret Service records related to

¹ *Bio*, Richard Behar, <http://www.richardbehar.com/richard-behar-biography.html> (last visited Sept. 20, 2017).

² *Contributor: Richard Behar*, *Forbes*, <https://www.forbes.com/sites/richardbehar/#3aec44817705> (last visited Sept. 20, 2017).

³ See Richard Behar, *Donald Trump and the Felon: Inside His Business Dealings with a Mob-Connected Hustler*, *Forbes* (Oct. 3, 2016), <https://www.forbes.com/sites/richardbehar/2016/10/03/donald-trump-and-the-felon-inside-his-business-dealings-with-a-mob-connected-hustler/#572299e72282>; Richard Behar, *The Kazakhstan Connection: Trump, Bayrock and Plenty of Questions*, *DCReport* (Sept. 12, 2017), <https://www.dcreport.org/2017/05/12/the-kazakhstan-connection-trump-bayrock-and-plenty-of-questions/>; Richard Behar, *How Felix Sater — Former Mob-linked Hustler And Ex-Trump Adviser — Sought To ‘Protect’ Ukraine’s Nuclear Plants*, *Nat’l Memo* (May 25, 2017), <http://www.nationalmemo.com/felix-sater-ex-trump-adviser-ukraines-nuclear-plants/>.

⁴ Jim Acosta & Jeremy Diamond, *Donald Trump, Ben Carson Getting Secret Service Protection*, *CNN* (Nov. 5, 2015), <http://www.cnn.com/2015/11/05/politics/donald-trump-ben-carson-secret-service/index.html>.

⁵ See, e.g., Tom Llamas et al., *Ivanka Trump Receiving Her Own Secret Service Protection*, *ABC News* (Sept. 19, 2016), <http://abcnews.go.com/Politics/ivanka-trump-secret-service-protection/story?id=42196407>; Anna Wener et al., *The Cost to Taxpayers of Protecting Trump’s Kids on Overseas Business Trips*, *CBS News* (Feb. 27, 2017), <https://www.cbsnews.com/news/how-much-does-protecting-trumps-children-on-overseas-business-trips-cost-taxpayers>.

⁶ See *infra* Application for Expedited Processing.

visitors to Donald Trump and his affiliates during the time when they were under Secret Service Protection prior to President Trump's inauguration.

Requested Records

I request the following records:

(1) Records identifying every individual who was screened and/or noted by the Secret Service because they (a) sought to visit any of the following individuals, and/or (b) sought access to any secured area where any of the following were present:

- a. Donald Trump;
- b. Eric Trump;
- c. Donald Trump, Jr.;
- d. Ivanka Trump;
- e. Jared Kushner;
- f. Paul Manafort;
- g. Michael Flynn;
- h. Corey Lewandowski;
- i. Michael Cohen;
- j. Stephen Bannon; and/or
- k. Kellyanne Conway.

The information sought by this request includes, but is not limited to, any Worker and Visitor Entrance System (WAVES) records and Access Control Records (ACR). The request includes, but is not limited to, visitors to Trump Tower, Mar-a-Lago, Bedminster Golf Club, and, to the extent available, the twenty-eight fields of data that were previously released under the Obama Administration for White House visitors.⁷

⁷ See *White House Visitor Records*, The White House, <http://obamawhitehouse.archives.gov/goodgovernment/tools/visitor-records> [<http://perma.cc/EL2T-5XC4>] (last visited Sept. 20, 2017). The twenty-eight fields consist of the following:

- NAMELAST
- NAMEFIRST
- NAMEMID
- UIN
- BDGNBR
- ACCESS_TYPE
- TOA
- POA
- TOD
- POD
- APPT_MADE_DATE
- APPT_START_DATE
- APPT_END_DATE
- APPT_CANCEL_DATE
- Total_People
- LAST_UPDATEDBY

- (2) All records concerning any communication between the Secret Service and any individual employed by and/or affiliated with either the Trump Campaign and/or the Trump Organization regarding any individual screened and/or noted by the Secret Service identified in the records produced in response to request one.

Time Period

Both requests are limited to records of individuals screened or noted by the Secret Service between November 1, 2015, and January 21, 2017. Both include, but are not limited to, records related to visitors to Mar-a-Lago and Trump Tower

Form

With respect to the form of production for both requests, *see* 5 U.S.C. § 552(a)(3)(B), the I request that responsive electronic records be provided electronically in their native file format, if possible. Alternatively, the I request that the records be provided electronically in a text searchable, static image format (PDF), in the best image quality in the agency's possession, and that the records be provided in separate, Bates stamped files.

Application for Expedited Processing

Pursuant to 5 U.S.C. § 552(a)(6)(E) and 6 C.F.R. § 5.5(e)(1)(ii), I request expedited processing for this request because it involves an urgency to inform the public about actual federal government activity and I am making it as a reporter primarily engaged in disseminating information.⁸ Specifically, I am making this request so as to disseminate this information to the public, in light of the broad public interest in who the prospective president (and his colleagues) were meeting with prior to his inauguration. Furthermore, the subject of this request concerns a matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence. 6 C.F.R. § 5.5(e)(1)(iv).

The subject of this request is a matter of widespread and exceptional media interest. Since the Obama Administration, White House visitor logs have been available to the public, and

-
- POST
 - LASTENTRYDATE
 - TERMINAL_SUFFIX
 - visitee_namelast
 - visitee_namefirst
 - MEETING_LOC
 - MEETING_ROOM
 - CALLER_NAME_LAST
 - CALLER_NAME_FIRST
 - CALLER_ROOM
 - DESCRIPTION
 - Release_Date

⁸ In the past year, I have reported extensively on President Donald Trump. *See supra* note 3.

have proven to be an invaluable resource in determining the outside influences on the President. The Trump Administration, however, has refused to release those records.⁹ This issue is the subject of headline-making litigation and has been covered by media publications including *CNN*,¹⁰ *The Washington Post*,¹¹ *Time*,¹² *Politico*,¹³ and *The New York Times*.¹⁴ Furthermore, on March 6, 2017, eight Senators sent letters to the President and the Secret Service urging the public release of the WAVES data.¹⁵ On July 14, 2017, in response to a suit filed by several government watchdog groups, a federal judge ruled that the Secret Service had to release certain Mar-a-Lago visitor logs.¹⁶ Despite this, the Secret Service has withheld almost all Mar-a-Lago visitor logs, releasing only 22 names of foreign dignitaries and staffers related to Japanese Prime Minister Shinzo Abe's February trip.¹⁷ On August 17, 2017, the public interest group Public Citizen filed a lawsuit against the Secret Service demanding public access to visitor logs for several agencies located in the White House.¹⁸

The need for information extends to logs taken before the President's inauguration as significant media attention has been focused on the propriety of the Trump campaign's actions

⁹ See Dave Boyer, *Trump Won't Release White House Visitor Logs, Reverses Obama Policy*, Wash. Post (April 14, 2017), https://www.washingtonpost.com/local/public-safety/trump-white-house-withholding-the-limited-visitor-logs-it-vowed-to-release-watchdog-group-says/2017/08/17/64ccf94e-82c0-11e7-902a-2a9f2d808496_story.html; Spencer S. Hsu, *Trump White House is Still Holding Back Visitor Information, Watchdog Group Says*, Wash. Post (Aug. 17, 2017), https://www.washingtonpost.com/local/public-safety/trump-white-house-withholding-the-limited-visitor-logs-it-vowed-to-release-watchdog-group-says/2017/08/17/64ccf94e-82c0-11e7-902a-2a9f2d808496_story.html.

¹⁰ See, e.g., Laura Jarrett and Cristina Alesci, *Trump Administration Withholds Almost All Mar-a-Lago Visitor Logs*, CNN (Sept. 15, 2017), <http://www.cnn.com/2017/09/15/politics/secret-service-maralago-logs/index.html>.

¹¹ See, e.g., *The White House's Secretiveness Is Getting So Bad, It's Probably Illegal*, Wash. Post (Aug. 20, 2017), https://www.washingtonpost.com/opinions/the-white-houses-secretiveness-is-getting-so-bad-its-probably-illegal/2017/08/20/18c92786-8453-11e7-902a-2a9f2d808496_story.html.

¹² See, e.g., Zeke J. Miller, *The White House Will Keep Its Visitor Logs Secret*, Time (Apr. 14, 2017), <http://time.com/4740499/white-house-visitor-logs-public-record-trump/>.

¹³ See, e.g., Josh Dawsey and Nolan D. McCaskill, *White House Says it Won't Make Visitor Logs Public*, Politico (April 14, 2017), <http://www.politico.com/story/2017/04/white-house-says-it-wont-make-visitor-logs-public-237235>.

¹⁴ See, e.g., Eric Lipton, *Trump Declines to Release List of His Mar-a-Lago Visitors*, N.Y. Times (Sept. 15, 2017), <https://www.nytimes.com/2017/09/15/us/politics/trump-declines-to-release-list-of-his-visitors-at-mar-a-lago.html>.

¹⁵ See, e.g., *Wyden Calls on Trump to Release White House Visitor Logs*, News Channel 21 (Mar. 7, 2017), <http://www.ktvz.com/news/wyden-calls-on-trump-to-release-white-house-visitor-logs/381476106>.

¹⁶ Adam Edelman, *Trump Must Release Mar-a-Lago Visitor Logs, Judge Rules*, NBC News (July 17, 2017), <https://www.nbcnews.com/politics/donald-trump/trump-must-release-mar-lago-visitor-logs-judge-rules-n783686>.

¹⁷ Laura Jarrett and Christina Alesci, *Trump Administration Withholds Almost All Mar-a-Lago Visitor Logs*, CNN Politics (Sept. 15, 2017), <http://www.cnn.com/2017/09/15/politics/secret-service-maralago-logs/index.html>.

¹⁸ Josh Gerstein, *Suit Demands Visitor Logs for Parts of White House*, Politico (Aug. 17, 2017), <http://www.politico.com/blogs/under-the-radar/2017/08/17/lawsuit-trump-white-house-visitor-logs-241744>.

on behalf of the President's friends and supporters.¹⁹ Furthermore, the need for information extends to visitor logs pertaining to not only the President, but members of the President's campaign, who are likely to further influence the President. This need is exemplified by numerous publications reporting on Robert Mueller's investigation of the Trump campaign's ties to Russia,²⁰ meetings between members of the President's family and a Russian lawyer shortly after the president's Republican nomination,²¹ and allegations of corruption extending before the President's inauguration.²²

Moreover, the need for this information is underlined by recent concerns raised about the President's use of his properties, such as Trump National Golf Club and Mar-a-Lago,²³ as well as significant financial stakes in "more than 500 businesses."²⁴

I certify that the information above is true and correct to the best of my knowledge, pursuant to 6 C.F.R. § 5.5(e)(3).

Application for Fee Waiver

I request that the Secret Service waive the search, review, and duplication fees associated with this request. The requested records are not sought for commercial use. I am a journalist, and seek these records for use in my reporting. I am therefore entitled to a waiver of search fees and review fees, and a waiver or reduction of duplication fees, pursuant to 5 U.S.C. § 552(a)(4)(A)(ii) and 6 C.F.R. § 5.11(6).

I certify that the information above is true and correct to the best of my knowledge.

¹⁹ Amanda Terkel, *Hillary Clinton Won't Rule Out Questioning the Legitimacy of Donald Trump's Election*, HuffPost (Sept. 18, 2017), http://www.huffingtonpost.com/entry/hillary-clinton-trump-legitimacy_us_59c01f2de4b0f22c4a8bcb71; Matt Ferner, *Rep. John Lewis: Trump Is Not A 'Legitimate President'*, HuffPost (Jan. 13, 2017), http://www.huffingtonpost.com/entry/john-lewis-trump-not-legitimate_us_58792bfee4b0b3c7a7b1303a.

²⁰ *With Russia Investigation, Plenty to See Here*, USA Today (Sept. 18, 2017), <https://www.usatoday.com/story/opinion/2017/09/18/russia-investigation-plenty-see-here-editorials-debates/674777001/>.

²¹ *See, e.g.*, Mark Lander and Maggie Haberman, *With Glare on Trump Children, Political Gets Personal for President*, N.Y. Times (July 12, 2017), <https://www.nytimes.com/2017/07/12/us/politics/trump-says-son-is-innocent-amid-reports-of-russia-meeting.html?mcubz=0>; Darren Samuelsohn, *Russia Probes Pose Loyalty Test for Team Trump*, Politico (Sept. 9, 2017), <http://www.politico.com/story/2017/09/12/trump-russia-investigation-loyalty-242570>.

²² Adam Davidson, *Trump's Business of Corruption*, New Yorker (Aug. 21, 2017), <https://www.newyorker.com/magazine/2017/08/21/trumps-business-of-corruption>.

²³ *See, e.g.*, Brad Heath et. al., *Trump Gets Millions from Golf Members. CEOs and Lobbyists Get Access to President*, USA Today (Sept. 6, 2017), <https://www.usatoday.com/story/news/2017/09/06/trump-gets-millions-golf-members-ceos-and-lobbyists-get-access-president/632505001/>.

²⁴ *See, e.g.*, Sarah Posner, *What If Our System Can't Handle Trump's Out-of-control Self-dealing?*, Wash. Post (Sept. 6, 2017), <https://www.washingtonpost.com/blogs/plum-line/wp/2017/09/06/what-if-our-system-cant-handle-trumps-out-of-control-self-dealing/>.

Conclusion

Thank you for your prompt attention to this matter. Please direct communications and furnish the applicable records to:

Richard Behar

P.O. Box 1205
New York, NY 10021
Behar@richardbehar.com
Rbehar@forbes.com

If the request is denied in whole or part, please justify all withholdings and redactions by reference to specific FOIA exemptions. Please release all segregable portions of otherwise exempt material, pursuant to 5 U.S.C. § 552(b).

Given the time sensitivity of this request, I ask that you communicate any questions you may have by phone or email, rather than regular mail. Also, if the requested records cannot be provided by email, please notify me as soon as they are available, and I will arrange to collect them by courier to avoid additional delay.

Your prompt attention to this request is greatly appreciated.

Respectfully,

/S/ Richard Behar
Richard Behar
Contributing Editor of
Investigations
Forbes magazine
New York
Behar@richardbehar.com
Rbehar@forbes.com

EXHIBIT B

From: **FOIA** <FOIA@hq.dhs.gov>
Date: Fri, Sep 22, 2017 at 3:04 PM
Subject: RE: EXPEDITED FOIA REQUEST (please see attached)
To: Richard Behar <behar@richardbehar.com>

Good Afternoon,

Thank you for contacting the Department of Homeland Security (DHS) Privacy Office. **Please be advised that we do not open attachments for security purposes.**

It appears your request should be directed to the USSS FOIA Officer. Please find their contact information here:

[United States Secret Service \(USSS\)](#)
Freedom of Information Act and Privacy Act Branch
[245 Murray Lane, SW Building T-5](#)
Washington, D.C. 20223
FOIA Officer/Public Liaison: Latita Payne
Phone: [202-406-6370](tel:202-406-6370)
Fax: [202-406-5586](tel:202-406-5586)
E-mail: FOIA@uss.s.dhs.gov
[USSS Website](#)

How to submit a FOIA request: <https://www.dhs.gov/dhs-foia-handbook>
USSS FOIA: <https://www.secretservice.gov/press/foia/>

DHS FOIA Office Contact Information: <https://www.dhs.gov/foia-contact-information>
DHS Operational and Support Components: <https://www.dhs.gov/operational-and-support-components>

Regards,

The Privacy Office U.S. Department of Homeland Security [245 Murray Lane SW](#) STOP-0655 Washington, D.C. 20528-0655 Phone: [202-343-1743](tel:202-343-1743) or [866-431-0486](tel:866-431-0486) Fax: [202-343-4011](tel:202-343-4011) E-mail: foia@hq.dhs.gov
Visit our [FOIA website](#)

This is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.



From: FOIA <FOIA@hq.dhs.gov>
Date: Mon, Sep 25, 2017 at 9:40 AM
Subject: RE: EXPEDITED FOIA REQUEST
To: Richard Behar <behar@richardbehar.com>

Good Morning,

Thank you for contacting the Department of Homeland Security (DHS) Privacy Office. ***Please be advised that we do not open attachments for security purposes.***

It appears your request should be directed to the USSS FOIA Officer. Please find their contact information here:

[United States Secret Service \(USSS\)](#)
Freedom of Information Act and Privacy Act Branch
[245 Murray Lane, SW Building T-5](#)
Washington, D.C. 20223
FOIA Officer/Public Liaison: Latita Payne
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How to submit a FOIA request: <https://www.dhs.gov/dhs-foia-handbook>
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From: Richard Behar [mailto:behar@richardbehar.com] **Sent:** Friday, September 22, 2017 3:21 PM **To:** FOIA <FOIA@HQ.DHS.GOV> **Cc:** rbehar@forbes.com **Subject:** EXPEDITED FOIA REQUEST

BY U.S. MAIL, E-MAIL, AND ONLINE PORTAL

James Holzer Deputy, FOIA Officer Building 410, Mail Stop #[0655 245 Murray Lane, SW Washington, DC 20528-0655](mailto:0655.245.Murray.Lane.SW.Washington.DC.20528-0655) foia@hq.dhs.gov

Re: Expedited Freedom of Information Act Request

To whom it may concern:

My name is Richard Behar, and I am an award-winning¹ investigative journalist, and the Contributing Editor of Investigations at *Forbes* magazine.² In the past year, I have reported extensively on President Donald Trump.³ This letter is a request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552.

Background

Then-candidate Donald Trump received Secret Service protection in November 2015.⁴ At various points over the next several years, additional members of the Trump family and affiliates with the Trump Campaign and Trump Organization received Secret Service protection as well.⁵ This request seeks records of great and urgent public interest⁶—Secret Service records related to

¹ *Bio*, Richard Behar, <http://www.richardbehar.com/richard-behar-biography.html> (last visited Sept. 20, 2017).

² *Contributor: Richard Behar*, *Forbes*, <https://www.forbes.com/sites/richardbehar/#3aec44817705> (last visited Sept. 20, 2017).

³ See Richard Behar, *Donald Trump and the Felon: Inside His Business Dealings with a Mob-Connected Hustler*, *Forbes* (Oct. 3, 2016), <https://www.forbes.com/sites/richardbehar/2016/10/03/donald-trump-and-the-felon-inside-his-business-dealings-with-a-mob-connected-hustler/#572299e72282>; Richard Behar, *The Kazakhstan Connection: Trump, Bayrock and Plenty of Questions*, *DCReport* (Sept. 12, 2017), <https://www.dcreport.org/2017/05/12/the-kazakhstan-connection-trump-bayrock-and-plenty-of-questions/>; Richard Behar, *How Felix Sater — Former Mob-linked Hustler And Ex-Trump Adviser — Sought To ‘Protect’ Ukraine’s Nuclear Plants*, *Nat’l Memo* (May 25, 2017), <http://www.nationalmemo.com/felix-sater-ex-trump-adviser-ukraines-nuclear-plants/>.

⁴ Jim Acosta & Jeremy Diamond, *Donald Trump, Ben Carson Getting Secret Service Protection*, *CNN* (Nov. 5, 2015), <http://www.cnn.com/2015/11/05/politics/donald-trump-ben-carson-secret-service/index.html>.

⁵ See, e.g., Tom Llamas et al., *Ivanka Trump Receiving Her Own Secret Service Protection*, *ABC News* (Sept. 19, 2016), <http://abcnews.go.com/Politics/ivanka-trump-secret-service-protection/story?id=42196407>; Anna Wener et al., *The Cost to Taxpayers of Protecting Trump’s Kids on Overseas Business Trips*, *CBS News* (Feb. 27, 2017), <https://www.cbsnews.com/news/how-much-does-protecting-trumps-children-on-overseas-business-trips-cost-taxpayers>.

⁶ See *infra* Application for Expedited Processing.

PAGE TWO:

September 22, 2017

visitors to Donald Trump and his affiliates during the time when they were under Secret Service Protection prior to President Trump’s inauguration.

Requested Records

I request the following records:

(1) Records identifying every individual who was screened and/or noted by the Secret Service because they (a) sought to visit any of the following individuals, and/or (b) sought access to any secured area where any of the following were present:

1. Donald Trump;
2. Eric Trump;
3. Donald Trump, Jr.;
4. Ivanka Trump;
5. Jared Kushner;
6. Paul Manafort;
7. Michael Flynn;
8. Corey Lewandowski;
9. Michael Cohen;
10. Stephen Bannon; and/or
11. Kellyanne Conway.

The information sought by this request includes, but is not limited to, any Worker and Visitor Entrance System (WAVES) records and Access Control Records (ACR). The request includes, but is not limited to, visitors to Trump Tower, Mar-a-Lago, Bedminster Golf Club, and, to the extent available, the twenty-eight fields of data that were previously released under the Obama Administration for White House visitors.⁷

⁷See *White House Visitor Records*, The White House, <http://obamawhitehouse.archives.gov/goodgovernment/tools/visitor-records> [<http://perma.cc/EL2T-5XC4>] (last visited Sept. 20, 2017). The twenty-eight fields consist of the following:

- NAMELAST
- NAMEFIRST
- NAMEMID
- UIN
- BDGNBR
- ACCESS_TYPE
- TOA
- POA
- TOD
- POD
- APPT_MADE_DATE
- APPT_START_DATE
- APPT_END_DATE
- APPT_CANCEL_DATE
- Total_People
- LAST_UPDATEDBY

PAGE THREE:

(2) All records concerning any communication between the Secret Service and any individual employed by and/or affiliated with either the Trump Campaign and/or the Trump Organization regarding any individual screened and/or noted by the Secret Service identified in the records produced in response to

request one.

Time Period

Both requests are limited to records of individuals screened or noted by the Secret Service between November 1, 2015, and January 21, 2017. Both include, but are not limited to, records related to visitors to Mar-a-Lago and Trump Tower

Form

With respect to the form of production for both requests, *see* 5 U.S.C. § 552(a)(3)(B), the I request that responsive electronic records be provided electronically in their native file format, if possible. Alternatively, the I request that the records be provided electronically in a text searchable, static image format (PDF), in the best image quality in the agency's possession, and that the records be provided in separate, Bates stamped files.

Application for Expedited Processing

Pursuant to 5 U.S.C. § 552(a)(6)(E) and 6 C.F.R. § 5.5(e)(1)(ii), I request expedited processing for this request because it involves an urgency to inform the public about actual federal government activity and I am making it as a reporter primarily engaged in disseminating information.⁸ Specifically, I am making this request so as to disseminate this information to the public, in light of the broad public interest in who the prospective president (and his colleagues) were meeting with prior to his inauguration. Furthermore, the subject of this request concerns a matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence. 6 C.F.R. § 5.5(e)(1)(iv).

The subject of this request is a matter of widespread and exceptional media interest. Since the Obama Administration, White House visitor logs have been available to the public, and

- POST
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- TERMINAL_SUFFIX
- visitee_namelast
- visitee_namefirst
- MEETING_LOC
- MEETING_ROOM
- CALLER_NAME_LAST
- CALLER_NAME_FIRST
- CALLER_ROOM
- DESCRIPTION
- Release_Date

⁸ In the past year, I have reported extensively on President Donald Trump. *See supra* note 3.

PAGE FOUR:

have proven to be an invaluable resource in determining the outside influences on the President. The Trump Administration, however, has refused to release those records.⁹ This issue is the subject of headline-making litigation and has been covered by media publications including *CNN*,¹⁰ *The Washington Post*,¹¹ *Time*,¹² *Politico*,¹³ and *The New York Times*.¹⁴ Furthermore, on March 6, 2017, eight Senators sent letters to the President and the Secret Service urging the public release of the WAVES data.¹⁵ On July 14,

2017, in response to a suit filed by several government watchdog groups, a federal judge ruled that the Secret Service had to release certain Mar-a-Lago visitor logs.¹⁶ Despite this, the Secret Service has withheld almost all Mar-a-Lago visitor logs, releasing only 22 names of foreign dignitaries and staffers related to Japanese Prime Minister Shinzo Abe's February trip.¹⁷ On August 17, 2017, the public interest group Public Citizen filed a lawsuit against the Secret Service demanding public access to visitor logs for several agencies located in the White House.¹⁸

The need for information extends to logs taken before the President's inauguration as significant media attention has been focused on the propriety of the Trump campaign's actions

⁹ See Dave Boyer, *Trump Won't Release White House Visitor Logs, Reverses Obama Policy*, Wash. Post (April 14, 2017), https://www.washingtonpost.com/local/public-safety/trump-white-house-withholding-the-limited-visitor-logs-it-vowed-to-release-watchdog-group-says/2017/08/17/64ccf94e-82c0-11e7-902a-2a9f2d808496_story.html; Spencer S. Hsu, *Trump White House is Still Holding Back Visitor Information, Watchdog Group Says*, Wash. Post (Aug. 17, 2017), https://www.washingtonpost.com/local/public-safety/trump-white-house-withholding-the-limited-visitor-logs-it-vowed-to-release-watchdog-group-says/2017/08/17/64ccf94e-82c0-11e7-902a-2a9f2d808496_story.html.

¹⁰ See, e.g., Laura Jarrett and Cristina Alesci, *Trump Administration Withholds Almost All Mar-a-Lago Visitor Logs*, CNN (Sept. 15, 2017), <http://www.cnn.com/2017/09/15/politics/secret-service-maralago-logs/index.html>.

¹¹ See, e.g., *The White House's Secretiveness Is Getting So Bad, It's Probably Illegal*, Wash. Post (Aug. 20, 2017), https://www.washingtonpost.com/opinions/the-white-houses-secretiveness-is-getting-so-bad-its-probably-illegal/2017/08/20/18c92786-8453-11e7-902a-2a9f2d808496_story.html.

¹² See, e.g., Zeke J. Miller, *The White House Will Keep Its Visitor Logs Secret*, Time (Apr. 14, 2017), <http://time.com/4740499/white-house-visitor-logs-public-record-trump/>.

¹³ See, e.g., Josh Dawsey and Nolan D. McCaskill, *White House Says it Won't Make Visitor Logs Public*, Politico (April 14, 2017), <http://www.politico.com/story/2017/04/white-house-says-it-wont-make-visitor-logs-public-237235>.

¹⁴ See, e.g., Eric Lipton, *Trump Declines to Release List of His Mar-a-Lago Visitors*, N.Y. Times (Sept. 15, 2017), <https://www.nytimes.com/2017/09/15/us/politics/trump-declines-to-release-list-of-his-visitors-at-mar-a-lago.html>.

¹⁵ See, e.g., *Wyden Calls on Trump to Release White House Visitor Logs*, News Channel 21 (Mar. 7, 2017), <http://www.ktvz.com/news/wyden-calls-on-trump-to-release-white-house-visitor-logs/381476106>.

¹⁶ Adam Edelman, *Trump Must Release Mar-a-Lago Visitor Logs, Judge Rules*, NBC News (July 17, 2017), <https://www.nbcnews.com/politics/donald-trump/trump-must-release-mar-lago-visitor-logs-judge-rules-n783686>.

¹⁷ Laura Jarrett and Christina Alesci, *Trump Administration Withholds Almost All Mar-a-Lago Visitor Logs*, CNN Politics (Sept. 15, 2017), <http://www.cnn.com/2017/09/15/politics/secret-service-maralago-logs/index.html>.

¹⁸ Josh Gerstein, *Suit Demands Visitor Logs for Parts of White House*, Politico (Aug. 17, 2017), <http://www.politico.com/blogs/under-the-radar/2017/08/17/lawsuit-trump-white-house-visitor-logs-241744>.

PAGE FIVE:

on behalf of the President's friends and supporters.¹⁹ Furthermore, the need for information extends to visitor logs pertaining to not only the President, but members of the President's campaign, who are likely to further influence the President. This need is exemplified by numerous publications reporting on Robert Mueller's investigation of the Trump campaign's ties to Russia,²⁰ meetings between members of the President's family and a Russian lawyer shortly after the president's Republican nomination,²¹ and allegations of corruption extending before the President's inauguration.²²

Moreover, the need for this information is underlined by recent concerns raised about the President's use of his properties, such as Trump National Golf Club and Mar-a-Lago,²³ as well as significant financial stakes in "more than 500 businesses."²⁴

I certify that the information above is true and correct to the best of my knowledge, pursuant to 6 C.F.R. §

5.5(e)(3).

Application for Fee Waiver

I request that the Secret Service waive the search, review, and duplication fees associated with this request. The requested records are not sought for commercial use. I am a journalist, and seek these records for use in my reporting. I am therefore entitled to a waiver of search fees and review fees, and a waiver or reduction of duplication fees, pursuant to 5 U.S.C. § 552(a)(4)(A)(ii) and 6 C.F.R. § 5.11(6). I certify that the information above is true and correct to the best of my knowledge.

¹⁹ Amanda Terkel, *Hillary Clinton Won't Rule Out Questioning the Legitimacy of Donald Trump's Election*, HuffPost (Sept. 18, 2017), http://www.huffingtonpost.com/entry/hillary-clinton-trump-legitimacy_us_59c01f2de4b0f22c4a8bcb71; Matt Ferner, *Rep. John Lewis: Trump Is Not A 'Legitimate President'*, HuffPost (Jan. 13, 2017), http://www.huffingtonpost.com/entry/john-lewis-trump-not-legitimate_us_58792bfee4b0b3c7a7b1303a.

²⁰ *With Russia Investigation, Plenty to See Here*, USA Today (Sept. 18, 2017), <https://www.usatoday.com/story/opinion/2017/09/18/russia-investigation-plenty-see-here-editorials-debates/674777001/>.

²¹ *See, e.g.*, Mark Lander and Maggie Haberman, *With Glare on Trump Children, Political Gets Personal for President*, N.Y. Times (July 12, 2017), <https://www.nytimes.com/2017/07/12/us/politics/trump-says-son-is-innocent-amid-reports-of-russia-meeting.html?mcubz=0>; Darren Samuelsohn, *Russia Probes Pose Loyalty Test for Team Trump*, Politico (Sept. 9, 2017), <http://www.politico.com/story/2017/09/12/trump-russia-investigation-loyalty-242570>.

²² Adam Davidson, *Trump's Business of Corruption*, New Yorker (Aug. 21, 2017), <https://www.newyorker.com/magazine/2017/08/21/trumps-business-of-corruption>.

²³ *See, e.g.*, Brad Heath et. al., *Trump Gets Millions from Golf Members. CEOs and Lobbyists Get Access to President*, USA Today (Sept. 6, 2017), <https://www.usatoday.com/story/news/2017/09/06/trump-gets-millions-golf-members-ceos-and-lobbyists-get-access-president/632505001/>.

²⁴ *See, e.g.*, Sarah Posner, *What If Our System Can't Handle Trump's Out-of-control Self-dealing?*, Wash. Post (Sept. 6, 2017), <https://www.washingtonpost.com/blogs/plum-line/wp/2017/09/06/what-if-our-system-cant-handle-trumps-out-of-control-self-dealing/>.

PAGE SIX:

Conclusion

Thank you for your prompt attention to this matter. Please direct communications and furnish the applicable records to:

Richard Behar

P.O. Box 1205 New York, NY 10021

Behar@richardbehar.com

Rbehar@forbes.com

If the request is denied in whole or part, please justify all withholdings and redactions by reference to specific FOIA exemptions. Please release all segregable portions of otherwise exempt material, pursuant to 5 U.S.C. § 552(b).

Given the time sensitivity of this request, I ask that you communicate any questions you may have by phone or email, rather than regular mail. Also, if the requested records cannot be provided by email,

please notify me as soon as they are available, and I will arrange to collect them by courier to avoid additional delay.

Your prompt attention to this request is greatly appreciated. Respectfully,

/S/ *Richard Behar* Richard Behar Contributing Editor of Investigations, *Forbes* magazine, New York

Behar@richardbehar.com

Rbehar@forbes.com

###

EXHIBIT C

[REDACTED]

[REDACTED]

----- Forwarded message -----
From: "Richard Behar" <behar@richardbehar.com>
Date: Sep 22, 2017 3:32 PM
Subject: EXPEDITED FOIA REQUEST
To: <FOIA@uss.s.dhs.gov>
Cc: "rbehar@forbes.com" <rbehar@forbes.com>

BY U.S. MAIL, E-MAIL, AND ONLINE PORTAL

James Holzer
Deputy, FOIA Officer Building 410, Mail Stop #0655 245 Murray Lane, SW Washington, DC 20528-0655 foia@hq.dhs.gov

Re: Expedited Freedom of Information Act Request

To whom it may concern:

My name is Richard Behar, and I am an award-winning¹ investigative journalist, and the Contributing Editor of Investigations at *Forbes* magazine.² In the past year, I have reported extensively on President Donald Trump.³ This letter is a request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552.

Background

Then-candidate Donald Trump received Secret Service protection in November 2015.⁴ At various points over the next several years, additional members of the Trump family and affiliates with the Trump Campaign and Trump Organization received Secret Service protection as well.⁵ This request seeks records of great and urgent public interest⁶—Secret Service records related to

[REDACTED]

¹ Bio, Richard Behar, <http://www.richardbehar.com/richard-behar-biography.html> (last visited Sept. 20, 2017).

² Contributor: Richard Behar, Forbes, <https://www.forbes.com/sites/richardbehar/#3aec44817705> (last visited Sept. 20, 2017).

³ See Richard Behar, *Donald Trump and the Felon: Inside His Business Dealings with a Mob-Connected Hustler*, Forbes (Oct. 3, 2016), <https://www.forbes.com/sites/richardbehar/2016/10/03/donald-trump-and-the-felon-inside-his-business-dealings-with-a-mob-connected-hustler/#572299e72282>; Richard Behar, *The Kazakhstan Connection: Trump, Bayrock and Plenty of Questions*, DCReport (Sept. 12, 2017), <https://www.dcreport.org/2017/05/12/the-kazakhstan-connection-trump-bayrock-and-plenty-of-questions/>; Richard Behar, *How Felix Sater — Former Mob-linked Hustler And Ex-Trump Adviser — Sought To ‘Protect’ Ukraine’s Nuclear Plants*, Nat’l Memo (May 25, 2017), <http://www.nationalmemo.com/felix-sater-ex-trump-adviser-ukraines-nuclear-plants/>.

⁴ Jim Acosta & Jeremy Diamond, *Donald Trump, Ben Carson Getting Secret Service Protection*, CNN (Nov. 5, 2015), <http://www.cnn.com/2015/11/05/politics/donald-trump-ben-carson-secret-service/index.html>.

⁵ See, e.g., Tom Llamas et al., *Ivanka Trump Receiving Her Own Secret Service Protection*, ABC News (Sept. 19, 2016), <http://abcnews.go.com/Politics/ivanka-trump-secret-service-protection/story?id=42196407>; Anna Wener et al., *The Cost to Taxpayers of Protecting Trump’s Kids on Overseas Business Trips*, CBS News (Feb. 27, 2017), <https://www.cbsnews.com/news/how-much-does-protecting-trumps-children-on-overseas-business-trips-cost-taxpayers>.

⁶ See *infra* Application for Expedited Processing.

PAGE TWO:

September 22, 2017

visitors to Donald Trump and his affiliates during the time when they were under Secret Service Protection prior to President Trump’s inauguration.

Requested Records

I request the following records:

(1) Records identifying every individual who was screened and/or noted by the Secret Service because they (a) sought to visit any of the following individuals, and/or (b) sought access to any secured area where any of the following were present:

- a. Donald Trump;
- b. Eric Trump;
- c. Donald Trump, Jr.;
- d. Ivanka Trump;
- e. Jared Kushner;
- f. Paul Manafort;
- g. Michael Flynn;

- h. Corey Lewandowski;
- i. Michael Cohen;
- j. Stephen Bannon; and/or
- k. Kellyanne Conway.

The information sought by this request includes, but is not limited to, any Worker and Visitor Entrance System (WAVES) records and Access Control Records (ACR). The request includes, but is not limited to, visitors to Trump Tower, Mar-a-Lago, Bedminster Golf Club, and, to the extent available, the twenty-eight fields of data that were previously released under the Obama Administration for White House visitors.⁷

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PAGE THREE:

(2) All records concerning any communication between the Secret Service and any individual employed by and/or affiliated with either the Trump Campaign and/or the Trump Organization regarding any individual screened and/or noted by the Secret Service identified in the records produced in response to request one.

Time Period

Both requests are limited to records of individuals screened or noted by the Secret Service between November 1, 2015, and January 21, 2017. Both include, but are not limited to, records related to visitors to Mar-a-Lago and Trump Tower

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Application for Expedited Processing

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The subject of this request is a matter of widespread and exceptional media interest. Since the Obama Administration, White House visitor logs have been available to the public, and

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- LASTENTRYDATE
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- visitee_namelast
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- CALLER_NAME_LAST
- CALLER_NAME_FIRST
- CALLER_ROOM
- DESCRIPTION
- Release_Date

⁸ In the past year, I have reported extensively on President Donald Trump. *See supra* note 3.

PAGE FOUR:

have proven to be an invaluable resource in determining the outside influences on the President. The Trump Administration, however, has refused to release those records.⁹ This issue is the subject of headline-making litigation and has been covered by media publications including *CNN*,¹⁰ *The Washington Post*,¹¹ *Time*,¹² *Politico*,¹³ and *The New York Times*.¹⁴ Furthermore, on March 6, 2017, eight Senators sent letters to the President and the Secret Service urging the public release of the WAVES data.¹⁵ On July 14, 2017, in response to a suit filed by several government watchdog groups, a federal judge ruled that the Secret Service had to release certain Mar-a-Lago visitor logs.¹⁶ Despite this, the Secret Service has withheld almost all Mar-a-Lago visitor logs, releasing only 22 names of foreign dignitaries and staffers related to Japanese Prime Minister Shinzo Abe's February trip.¹⁷ On August 17, 2017, the public interest group Public Citizen filed a lawsuit against the Secret Service demanding public access to visitor logs for several agencies located in the White House.¹⁸

The need for information extends to logs taken before the President's inauguration as significant media attention has been focused on the propriety of the Trump campaign's actions

⁹ See Dave Boyer, *Trump Won't Release White House Visitor Logs, Reverses Obama Policy*, Wash. Post (April 14, 2017), https://www.washingtonpost.com/local/public-safety/trump-white-house-withholding-the-limited-visitor-logs-it-vowed-to-release-watchdog-group-says/2017/08/17/64ccf94e-82c0-11e7-902a-2a9f2d808496_story.html; Spencer S. Hsu, *Trump White House is Still Holding Back Visitor Information, Watchdog Group Says*, Wash. Post (Aug. 17, 2017), https://www.washingtonpost.com/local/public-safety/trump-white-house-withholding-the-limited-visitor-logs-it-vowed-to-release-watchdog-group-says/2017/08/17/64ccf94e-82c0-11e7-902a-2a9f2d808496_story.html.

¹⁰ See, e.g., Laura Jarrett and Cristina Alesci, *Trump Administration Withholds Almost All Mar-a-Lago Visitor Logs*, CNN (Sept. 15, 2017), <http://www.cnn.com/2017/09/15/politics/secret-service-maralago-logs/index.html>.

¹¹ See, e.g., *The White House's Secretiveness Is Getting So Bad, It's Probably Illegal*, Wash. Post (Aug. 20, 2017), https://www.washingtonpost.com/opinions/the-white-houses-secretiveness-is-getting-so-bad-its-probably-illegal/2017/08/20/18c92786-8453-11e7-902a-2a9f2d808496_story.html.

¹² See, e.g., Zeke J. Miller, *The White House Will Keep Its Visitor Logs Secret*, Time (Apr. 14, 2017), <http://time.com/4740499/white-house-visitor-logs-public-record-trump/>.

¹³ See, e.g., Josh Dawsey and Nolan D. McCaskill, *White House Says it Won't Make Visitor Logs Public*, Politico (April 14, 2017), <http://www.politico.com/story/2017/04/white-house-says-it-wont-make-visitor-logs-public-237235>.

¹⁴ See, e.g., Eric Lipton, *Trump Declines to Release List of His Mar-a-Lago Visitors*, N.Y. Times (Sept. 15, 2017), <https://www.nytimes.com/2017/09/15/us/politics/trump-declines-to-release-list-of-his-visitors-at-mar-a-lago.html>.

¹⁵ See, e.g., *Wyden Calls on Trump to Release White House Visitor Logs*, News Channel 21 (Mar. 7, 2017), <http://www.ktvz.com/news/wyden-calls-on-trump-to-release-white-house-visitor-logs/381476106>.

¹⁶ Adam Edelman, *Trump Must Release Mar-a-Lago Visitor Logs, Judge Rules*, NBC News (July 17, 2017), <https://www.nbcnews.com/politics/donald-trump/trump-must-release-mar-lago-visitor-logs-judge-rules-n783686>.

¹⁷ Laura Jarrett and Christina Alesci, *Trump Administration Withholds Almost All Mar-a-Lago Visitor Logs*, CNN Politics (Sept. 15, 2017), <http://www.cnn.com/2017/09/15/politics/secret-service-maralago-logs/index.html>.

¹⁸ Josh Gerstein, *Suit Demands Visitor Logs for Parts of White House*, Politico (Aug. 17, 2017), <http://www.politico.com/blogs/>

under-the-radar/2017/08/17/lawsuit-trump-white-house-visitor-logs-241744.

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on behalf of the President's friends and supporters.¹⁹ Furthermore, the need for information extends to visitor logs pertaining to not only the President, but members of the President's campaign, who are likely to further influence the President. This need is exemplified by numerous publications reporting on Robert Mueller's investigation of the Trump campaign's ties to Russia,²⁰ meetings between members of the President's family and a Russian lawyer shortly after the president's Republican nomination,²¹ and allegations of corruption extending before the President's inauguration.²²

Moreover, the need for this information is underlined by recent concerns raised about the President's use of his properties, such as Trump National Golf Club and Mar-a-Lago,²³ as well as significant financial stakes in "more than 500 businesses."²⁴

I certify that the information above is true and correct to the best of my knowledge, pursuant to 6 C.F.R. § 5.5(e)(3).

Application for Fee Waiver

I request that the Secret Service waive the search, review, and duplication fees associated with this request. The requested records are not sought for commercial use. I am a journalist, and seek these records for use in my reporting. I am therefore entitled to a waiver of search fees and review fees, and a waiver or reduction of duplication fees, pursuant to 5 U.S.C. § 552(a)(4)(A)(ii) and 6 C.F.R. § 5.11(6).

I certify that the information above is true and correct to the best of my knowledge.

¹⁹ Amanda Terkel, *Hillary Clinton Won't Rule Out Questioning the Legitimacy of Donald Trump's Election*, HuffPost (Sept. 18, 2017), http://www.huffingtonpost.com/entry/hillary-clinton-trump-legitimacy_us_59c01f2de4b0f22c4a8bcb71; Matt Ferner, *Rep. John Lewis: Trump Is Not A 'Legitimate President'*, HuffPost (Jan. 13, 2017), http://www.huffingtonpost.com/entry/john-lewis-trump-not-legitimate_us_58792bfee4b0b3c7a7b1303a.

²⁰ *With Russia Investigation, Plenty to See Here*, USA Today (Sept. 18, 2017), <https://www.usatoday.com/story/opinion/2017/09/18/russia-investigation-plenty-see-here-editorials-debates/674777001/>.

²¹ *See, e.g.*, Mark Lander and Maggie Haberman, *With Glare on Trump Children, Political Gets Personal for President*, N.Y. Times (July 12, 2017), <https://www.nytimes.com/2017/07/12/us/politics/trump-says-son-is-innocent-amid-reports-of-russia-meeting.html?mcubz=0>; Darren Samuelsohn, *Russia Probes Pose Loyalty Test for Team Trump*, Politico (Sept. 9, 2017), <http://www.politico.com/story/2017/09/12/trump-russia-investigation-loyalty-242570>.

²² Adam Davidson, *Trump's Business of Corruption*, New Yorker (Aug. 21, 2017), <https://www.newyorker.com/magazine/2017/08/21/trumps-business-of-corruption>.

²³ *See, e.g.*, Brad Heath et. al., *Trump Gets Millions from Golf Members. CEOs and Lobbyists Get Access to President*, USA Today (Sept. 6, 2017), <https://www.usatoday.com/story/news/2017/09/06/trump-gets-millions-golf-members-ceos-and-lobbyists-get-access-president/632505001/>.

²⁴ *See, e.g.*, Sarah Posner, *What If Our System Can't Handle Trump's Out-of-control Self-dealing?*, Wash. Post (Sept. 6, 2017), <https://www.washingtonpost.com/blogs/plum-line/wp/2017/09/06/what-if-our-system-cant-handle-trumps-out-of-control-self-dealing/>.

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Conclusion

Thank you for your prompt attention to this matter. Please direct communications and furnish the applicable records to:

Richard Behar

P.O. Box 1205
New York, NY 10021

Behar@richardbehar.com

Rbehar@forbes.com

If the request is denied in whole or part, please justify all withholdings and redactions by reference to specific FOIA exemptions. Please release all segregable portions of otherwise exempt material, pursuant to 5 U.S.C. § 552(b).

Given the time sensitivity of this request, I ask that you communicate any questions you may have by phone or email, rather than regular mail. Also, if the requested records cannot be provided by email, please notify me as soon as they are available, and I will arrange to collect them by courier to avoid additional delay.

Your prompt attention to this request is greatly appreciated. Respectfully,

/S/ *Richard Behar* Richard Behar Contributing Editor of Investigations, *Forbes* magazine, New York

Behar@richardbehar.com

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###

EXHIBIT D



**Homeland
Security**

Privacy Office, Mail Stop 0655

October 4, 2017

SENT VIA EMAIL TO: Behar@richardbehar.com

Richard Behar
Contributing Editor of Investigations
Forbes Magazine
P.O. BOX 1205
New York, NY 10021

Re: **2018-HQFO-00026**

Dear Mr. Behar:

This letters acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), Privacy Office, dated September 22, 2017, and received in this office on October 3, 2017. You requested documents regarding identifying every individual who was screened and/or noted by the Secret Service because they sought-to visit any of the following individuals, and/or sought access to any secured area where any of the following were present: Donald Trump; Eric Trump; Donald Trump, Jr.; Ivanka Trump; Jared Kushner; Paul Manafort; Michael Flynn; Corey Lewandowski; Michael Cohen; Stephen Bannon; and/or Kellyanne Conway. The information sought by this request includes, but is not limited to, any Worker and Visitor Entrance System (WAVES) records and Access Control Records (ACR). The request includes, but is not limited to, visitors to Trump Tower, Mar-a-Lago, Bedminster Golf Club, and, to the extent available, the twenty-eight fields of data that were previously released under the Obama Administration for White House visitors (Date Range for Record Search: From 11/1/2015 To 1/21/2017).

Due to the subject matter of your request, I am transferring this request to the FOIA Officer for USSS. Please find the contact information below.

[United States Secret Service \(USSS\)](#)

Freedom of Information Act and Privacy Act Branch
245 Murray Lane, SW Building T-5
Washington, D.C. 20223
FOIA Officer/Public Liaison: Latita Payne
Phone: 202-406-6370
Fax: 202-406-5586
E-mail: FOIA@uss.s.dhs.gov

If you need to contact our office again about this matter, please refer to **2018-HQFO-00026**.
You may contact this office at 1-866-431-0486 or 202-343-1743.

Sincerely,

/s/

Claudia Cisneros
FOIA Program Specialist