



**citizens for responsibility  
and ethics in washington**

July 15, 2008

**By U.S. Mail**

United States Secret Service  
Communications Center (FOI/PA)  
245 Murray Drive  
Building T-5  
Washington, D.C. 20223

**Re: Freedom of Information Act Request**

Dear Sir/Madam:

Citizens for Ethics and Responsibility in Washington (“CREW”) makes this request for records, regardless of format, medium, or physical characteristics, and including electronic records and information, pursuant to the Freedom of Information Act (“FOIA”) and U.S. Department of Homeland Security (“DHS”) regulations, 6 C.F.R. Part 5.

Specifically, CREW seeks all records relating to any visit that Stephen Payne made to the White House or the residence of the Vice President from January 1, 2001, to the present. As used herein, the term “White House” includes, but is not limited to, any office within the Executive Office of the President, the residence of the President, the Old and New Executive Office Buildings, and any other office or space on the grounds of the White House.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any and all kind, including electronic records, audiotapes, videotapes, photographs, and computer print-outs. Our request includes any telephone messages, voice mail messages, and daily agenda and calendars and information about scheduled meetings.

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), *cert. denied*, 415 U.S. 977 (1972). As you are aware, a Vaughn index must describe each document claimed as exempt with sufficient specificity “to permit a reasoned judgment as to whether the material is actually exempt under FOIA.” Founding Church of Scientology v. Bell, 603 F.2d 945, 959 (D.C. Cir. 1979). Moreover, the Vaughn index must “describe each document or portion thereof withheld, and for each withholding it must discuss the consequences of supplying the sought-after information.” King v. U.S. Dep’t of Justice, 830 F.2d 210, 223-24 (D.C. Cir. 1987).

In the event that 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); Schiller v. Nat'l Labor Relations Bd., 969 F.2d 1205, 1209 (D.C. Cir. 1992). If it is your position that a document contains non-exempt segments and that those non-exempt segments are so dispersed throughout the documents as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed through the document. Mead Data Central v. U.S. Dep't of the Air Force, 455 F.2d 242, 261 (D.C. Cir. 1977). Claims of non-segregability must be made with the same detail as required for claims of exemptions in a Vaughn index. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

### **Fee Waiver Request**

In accordance with 5 U.S.C. §552(a)(4)(A)(iii) and 6 C.F.R. § 5.11(d), 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 will likely contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes, pursuant to 5 U.S.C. §552(a)(4)(A)(iii). *See, e.g., McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9<sup>th</sup> Cir. 1987). Specifically, the requested records are likely to contribute to the public's understanding of the influence that lobbyist Stephen Payne has had, or attempted to have, on the President in the exercise of his authority and the extent to which Stephen Payne has generated contributions to the Bush library by selling access to the president and other top administration officials.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue code. CREW is committed to protecting the citizens' right to be aware of the activities of government officials and to ensuring the integrity of those officials. CREW is dedicated to empowering citizens to have an influential voice in government decisions and in the government decision-making process. CREW uses a combination of research, litigation, and advocacy to advance its mission. The release of information garnered through this request is not in CREW's financial interest. CREW will analyze the information responsive to this request and intends to share its analysis with the public, either through memoranda, reports, or press releases. CREW has an established record of carrying out these types of activities, as evidenced through its website, [www.citizensforethics.org](http://www.citizensforethics.org). Currently, the CREW website contains links to thousands of pages of documents acquired from multiple FOIA requests. See <http://citizensforethics.org/activities/foia.php>. Visitors to CREW's website can peruse the FOIA request letters, the responses from government agencies, and a growing number of documents responding to FOIA requests. CREW's virtual reading room provides around-the-clock access to anyone interested in learning about the government activities that were the focus of CREW's FOIA requests. The CREW website also includes documents relating to CREW's FOIA litigation, Internal Revenue Service complaints, Federal Election Commission complaints and requests for investigation, such as the one CREW recently made Attorney General Michael B. Mukasey relating to Mr. Payne's activities. In addition, CREW will disseminate any documents it acquires from its request to the public through [www.governmentdocs.org](http://www.governmentdocs.org), an interactive

website CREW founded that includes thousands of pages of public documents from a number of organizations in addition to CREW.

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

### **Request for Expedition**

Pursuant to 5 U.S.C. § 552(a)(6)(E)(1) and 6 C.F.R. § 5.5(d)(ii), CREW requests that the Secret Service expedite the processing of this request in light of the urgency to inform the public about the activities of Stephen Payne as they relate to top White House officials, including President Bush. As explained above, CREW is a non-profit corporation engaged primarily in disseminating information it gathers from a variety of sources, including the FOIA, and seeks the information requested in this FOIA request for the express purpose of disseminating it to the public. Further, as outlined above, CREW's website contains numerous examples of its efforts in this regard, including a letter CREW sent last week to the attorney general requesting that the Department of Justice initiate an investigation into whether lobbyist Stephen Payne violated any criminal laws by offering to arrange meetings with top administration officials in return for contributions to the Bush library. It is CREW's hope that by disseminating this type of information, the public will be better able to evaluate the actions of our public officials and will have a more effective voice, including in the voting booth.

As with the Electronic Privacy Information Center and the ACLU, two organizations that the courts have found satisfy the criteria necessary to qualify for expedition,<sup>1</sup> CREW “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct word, and distributes that work to an audience.” ACLU, 321 F.Supp.2d at 30 n.5, *quoting EPIC*, 241 F.Supp.2d at 11.

There is a particular urgency in informing the public about the degree of influence Stephen Payne has and has attempted to wield with the president and other top administration officials and the extent to which he has used that influence by arranging for meetings with top administration officials in return for contributions to the Bush library. The *Times of London* has reported that a *Times* investigator asked Mr. Payne to arrange meetings in Washington for an exiled former central Asian president. Daniel Foggo, President George W. Bush lobbyist in ‘cash for access’ row, *Times of London*, July 13, 2008 (attached). Mr. Payne, who is a top Bush donor and a member of the U.S. Homeland Security Advisory Council, can be seen on videotape saying that such meetings can be arranged for “somewhere between \$600,000 and \$750,000, with a third of it going directly to the Bush Library,” and the balance to Mr. Payne's lobbying firm, Worldwide Strategic Partners. *Id.* The public needs to know the true facts behind this conduct, particularly in light of the mounting pressure on President Bush to obtain funds for his library as his administration comes to a close. Accordingly, CREW requests that this request be expedited.

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<sup>1</sup> See ACLU v. U.S. Dep't of Justice, 321 F.Supp.2d 24, 30 (D.D.C. 2004); EPIC v. Dep't of Defense, 241 F.Supp.2d 5, 11 (D.D.C. 2003).

In addition, the undersigned hereby certifies that the following is true and correct to the best of my knowledge and belief.

If you have any questions about this request, or foresee any problems in releasing fully the requested records on an expedited basis, please call Anne Weismann at (202) 408-5565. Also, if CREW's request for a fee waiver is not granted in full, please contact our office immediately upon making such a determination. Please send the requested documents to Anne Weismann, Citizens for Responsibility and Ethics in Washington, 1400 Eye Street, N.W., Suite 450, Washington, D.C. 20005.

Sincerely,



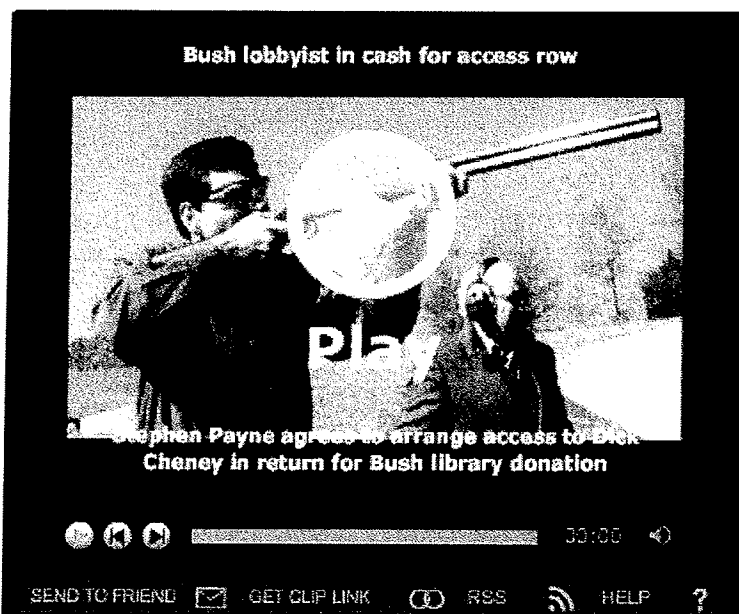
ANNE L. WEISMANN  
Chief Counsel  
Citizens for Responsibility and Ethics  
in Washington

# TIMES ONLINE

From The Sunday Times

July 13, 2008

## President George W Bush lobbyist in 'cash for access' row



Daniel Foggo

[Click here for a brochure on Stephen Payne's company Worldwide Strategic Partners](#)

A lobbyist with close ties to the White House is offering access to key figures in George W Bush's administration in return for six-figure donations to the private library being set up to commemorate Bush's presidency.

Stephen Payne, who claims to have raised more than \$1m for the president's Republican party in recent years, said he would arrange meetings with Dick Cheney, the vice-president, Condoleezza Rice, the secretary of state, and other senior officials in return for a payment of \$250,000 (£126,000) towards the library in Texas.

Payne, who has accompanied Bush and Cheney on several foreign trips, also said he would try to secure a meeting with the president himself.

The revelation confirms long-held suspicions that favours are being offered in return for donations to the libraries which outgoing presidents set up to house their archives and safeguard their political legacies.

Unlike campaign donations, there is no requirement to disclose the donors to the libraries, no limit on the amount that can be pledged and no restrictions on foreigners contributing.

During an undercover investigation by The Sunday Times, Payne was asked to arrange meetings in Washington for an exiled former central Asian president. He outlined the cost of facilitating such access.

"The exact budget I will come up with, but it will be somewhere between \$600,000 and \$750,000, with about a third of it going directly to the Bush library," said Payne, who sits on the US homeland security advisory council.

He said initially that the "family" of the Asian politician should make the donation. He later added that if all the money was paid to him he would make the payment to the Bush library. Publicly, it would appear to have been made in the politician's name "unless he wants to be anonymous for some reason".

Payne said the balance of the \$750,000 would go to his own lobbying company, Worldwide Strategic Partners (WSP).

Asked by an undercover reporter who the politician would be able to meet for that price, Payne said: "Cheney's possible, definitely the national security adviser [Stephen Hadley], definitely either Dr Rice or . . . I think a meeting with Dr Rice or the deputy secretary [John Negroponte] is possible . . .

"The main thing is that he [the Asian politician] comes, and he's well received, that he meets with high-level people . . . and we send positive statements made back from the administration about 'This guy wasn't such a bad guy, many people have done worse'."

Payne said that he would use the services of Mark Pritchard, a Conservative MP who chairs the House of Commons all-party Russia group and was last week on the brink of signing as a paid "adviser" to WSP. Pritchard issued a statement saying that he had not done any work for WSP.

When confronted, Payne said that there would be "no quid pro quo" for any donation and added that his firm was "always above board".

The White House said it would not be influenced by such donations.

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