



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

June 11, 2021

Stefanie Jewett
U.S. Department of the Interior
Office of the Inspector General
MS-4428, MIB
1849 C Street, NW
Washington, DC 20240

Re: Freedom of Information Act Request

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) submits this request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and U.S. Department of the Interior (“Interior”) regulations.

Specifically, CREW requests the final, unredacted version of the Office of Inspector General’s report entitled *Special Review – Review of U.S. Park Police Actions at Lafayette Park*, Case No. OI-PI-20-0563-P, issued on June 8, 2021.¹

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).

Please be advised that CREW intends to pursue all legal remedies to enforce its right under the FOIA to access these documents. Accordingly, because litigation reasonably is foreseeable, the agency should institute an agency-wide preservation hold on documents potentially responsive to this request.

¹ The public, redacted version of the OIG report is available here:
https://www.doioig.gov/sites/doioig.gov/files/SpecialReview_USPPActionsAtLafayettePark_Public.pdf.

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 8, 2021, Interior's Office of Inspector General ("OIG") released a report entitled *Special Review – Review of U.S. Park Police Actions at Lafayette Park*, Case No. OI-PI-20-0563-P. The report does not claim to be a comprehensive account of the events of June 1, 2020; rather, the OIG "focused on the [U.S. Park Police's ("USPP")] conduct," and did "not seek to interview Attorney General William Barr, White House personnel, Federal Bureau of Prisons . . . officers, [D.C. Metropolitan Police Department] personnel, or Secret Service personnel regarding their independent decisions that did not involve the USPP."²

The OIG's report leaves many questions about the clearing of Lafayette Square unanswered; it also raises new questions.³ Most notably, the public version of the OIG's report redacts the identity of a government official who asked the USPP acting chief of police to "move up the timeline for clearing the park."⁴ The OIG similarly redacted the name(s) of official(s) who made "repeated requests" of the USPP acting chief of police "on June 2 and 3 to again clear H Street and extend the security perimeter to I Street."⁵ CREW seeks release of the redacted information because it does not appear to fit any FOIA exemption and because it includes new details about the Lafayette Square incident that are of considerable public interest.

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.

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

² OIG Report at 2.

³ See Philip Bump, *The lingering questions about the clearing of Lafayette Square*, *Washington Post*, June 10, 2021, <https://www.washingtonpost.com/politics/2021/06/10/lingering-questions-about-clearing-lafayette-square/>.

⁴ OIG Report at 10, 24.

⁵ *Id.* at 22.

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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 blogposts that report on and analyze 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.

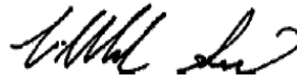
Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

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 nsus@citizensforethics.org. Also, if CREW's request for a fee waiver is denied, 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 nsus@citizensforethics.org or Nikhel Sus, Citizens for Responsibility and Ethics in Washington, 1101 K St., N.W., Suite 201, Washington, D.C. 20005.

Sincerely,

A handwritten signature in black ink, appearing to read "Nikhel Sus", written in a cursive style.

Nikhel Sus
Senior Counsel