



CITIZENS FOR  
RESPONSIBILITY &  
ETHICS IN WASHINGTON

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March 1, 2022

**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 Justice (“DOJ”) regulations.

Specifically, CREW requests:

1. All records relating to U.S. Department of Interior Office of Inspector General (“Interior OIG”) referral to DOJ concerning its finding that former Secretary of the Interior Ryan Zinke: (1) failed to comply with ethical obligations not to manage services associated with the Great Northern Veterans Peace Park Foundation (“Foundation”) as set forth in his ethics agreement, recusal memorandum and accompanying documents; (2) provided incorrect, incomplete and misleading answers to DOI’s Designated Agency Ethics Official in July 2018 concerning his continued involvement with the Foundation and the 95 Karrow project; and (3) violated the Standards of Ethical Conduct when he misused his official position to direct his subordinates to perform activities that were not related to the performance of their official duties during normal working hours.<sup>1</sup>
2. All records relating to DOJ’s summer 2021 decision to decline prosecution of Ryan Zinke following Interior OIG’s referral, including but not limited to records reflecting the final decision not to prosecute Zinke and the rationale

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<sup>1</sup> Office of Inspector General U.S. Department of the Interior, [Former Secretary Did Not Comply with Ethical Obligations and Duty of Candor](https://www.oversight.gov/sites/default/files/oig-reports/DOI/WebReactFormerSecretaryEthicalNoncompliance.pdf), Feb. 16, 2022, <https://www.oversight.gov/sites/default/files/oig-reports/DOI/WebReactFormerSecretaryEthicalNoncompliance.pdf> (“Interior OIG report”).  
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for that decision.<sup>2</sup> Specifically, CREW requests records not covered by grand jury secrecy pursuant to Rule 6(e) of the Federal Rules of Criminal Procedure.

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, and anyone who was cc'ed or bcc'ed on any emails.

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 rights under FOIA. Accordingly, because litigation is reasonably foreseeable, the agency should institute an agency wide preservation hold on all documents potentially responsive to this request.

### **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 *id.* § 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 February 16, 2022, Interior OIG stated in a public report that DOJ declined to prosecute the former Secretary of the Interior following a referral by the Interior OIG concerning its investigation finding that Zinke misused his position to advance commercial development projects with which he was affiliated and failed to uphold his duty of candor when questioned by DOI ethics officials about the details of his involvement.<sup>3</sup> OIG's investigation uncovered emails showing that while serving as Secretary of the Interior, Zinke engaged in negotiations with developers of the 95 Karrow

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<sup>2</sup> *Id.*

<sup>3</sup> *Id.*; Rina Torchinsky, [U.S. investigation finds that former Interior Secretary Ryan Zinke misused position](https://www.npr.org/2022/02/16/1081180054/ryan-zinke-interior-investigation-ig-report), NPR, February 16, 2022, <https://www.npr.org/2022/02/16/1081180054/ryan-zinke-interior-investigation-ig-report>.

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project concerning the development of land belonging to the nonprofit Great Northern Veterans Peace Park Foundation, which Zinke helped to establish in 2007. As detailed in a July 2018 memorandum from DOI ethics officials, when questioned about his alleged involvement in the development project, Zinke provided “materially incorrect, incomplete, and misleading answers” about his role.<sup>4</sup> Further, OIG investigators found that Zinke misused his authority to direct subordinates to assist with the development project during work hours.<sup>5</sup> The requested records are likely to contribute to greater public awareness of alleged malfeasance and possible criminal behavior by the former Secretary and why, despite this apparent malfeasance, DOJ refused to prosecute Zinke.

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](http://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 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 disseminates information obtained through FOIA to the public in several ways. For example, CREW’s website receives hundreds 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. These reports frequently rely on government records obtained through FOIA. CREW also posts the documents it obtains through 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 [liheanachor@citizensforethics.org](mailto:liheanachor@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

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<sup>4</sup> *Interior OIG report*.

<sup>5</sup> *Id.*

requested records to me at either [liheanachor@citizensforethics.org](mailto:liheanachor@citizensforethics.org) or Laura Iheanachor, Citizens for Responsibility and Ethics in Washington, 1331 F St. NW, Suite 900, Washington, D.C. 20004.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura Iheanachor". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Laura Iheanachor  
Staff Counsel