



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

Stefanie Jewett- FOIA Officer
Office of the Inspector General (OIG)
U.S. Department of the Interior
1849 C Street, NW,
Room MS-4428, MIB
Washington, DC 20240
foia@doioig.gov

September 7, 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 Interior (“DOI”) regulations.

Specifically, CREW requests:

1. All unredacted records relating to the U.S. Department of Interior Office of Inspector General’s (“Interior OIG”) August 24, 2022 report finding that former Secretary of the Interior Ryan Zinke and his Chief of Staff failed to comply with their duty of candor by providing incorrect, incomplete, and misleading answers to OIG investigators in response to questions about their involvement in key DOI decisions concerning two Native American tribes’ plan to jointly construct and operate a casino on native lands in Connecticut.

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

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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 August 24, 2022, Interior OIG stated in a public report that its findings that “from the spring of 2017, lobbyists, a political consultant and a U.S. senator spoke repeatedly with [former Secretary] Zinke and his chief of staff urging them to reject the amendments” proposed by the Mashantucket Pequot and Mohegan tribes stating their desire to jointly operate a casino facility in conformance with already established gambling agreements.¹ OIG’s report found that following the lobbying campaign by competing casino executives against the tribe’s amendments, Zinke took no action on the tribes’ requests, against the recommendations of career staff within Interior urging the secretary to approve the amendments.² When confronted by investigators about his decision to take no action, Zinke claimed that he was following the recommendations of his staff and denied meeting with individuals who lobbied for him to deny the tribes’ application. However, Zinke’s statements were refuted by emails, text messages, and other documents gathered by OIG investigators. OIG’s findings were referred to the Department of Justice for criminal investigation in 2018, however, the department declined prosecution in 2021.³ The requested records are likely to contribute to a greater public awareness of alleged malfeasance and possible criminal behavior by the former Secretary.

¹ Lisa Rein and Anna Phillips, *Ex-interior secretary Zinke lied to investigators in casino case, watchdog finds*, The Washington Post, Aug. 24, 2022, <https://www.washingtonpost.com/climate-environment/2022/08/24/ryan-zinke-misled-investigator-s-watchdog-report/>.

² *Id.*

³ Former Secretary and Chief of Staff Did Not Comply With Their Duty of Candor (Report No. 18-0480), Office of Inspector General U.S. Department of the Interior, <https://www.doioig.gov/reports/investigation/former-secretary-and-chief-staff-did-not-comply-their-duty-candor>.

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 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. 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 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", written in a cursive style.

Laura Iheanachor
Staff Counsel