CREW

CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

May 22, 2024

SUBMITTED VIA FOIAXpress

Shannon Wolery
Bureau of Land Management
OR/WA State Office
1220 SW 3rd Avenue
Portland, OR 97204
United States

Re: Freedom of Information Act Request

Dear Ms. Wolery:

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 the Department of the Interior ("DOI") regulations.

Specifically, CREW requests:

1. All communications from June 8, 2020 to the date this request is processed between Bureau of Land Management ("BLM") Oregon-Washington State Division Director Barry Bushue and any individual from the following organizations:
    a. The Heritage Foundation (@heritage.org),
    b. Alabama Policy Institute (@alabamapolicy.org),
    c. Alliance Defending Freedom (@adflegal.org)
    d. American Compass (@americancompass.org),
    e. The American Conservative (@theamericanconservative.com),
    f. America First Legal Foundation (@aflegal.org),
    g. American Accountability Foundation (american-af.org),
    h. American Center for Law and Justice (@email.aclj.org),
    i. American Cornerstone Institute (@americancornerstone.org),
    j. American Council of Trustees and Alumni (@goacta.org),
    k. American Legislative Exchange Council (@alec.org),
    l. The American Main Street Initiative (@americanmainstreet.org),
    m. American Moment (@americanmoment.org),
    n. American Principles Project (@americanprinciplesproject.org)
    o. Center for Equal Opportunity (@ceousa.org)
    p. Center for Family and Human Rights (@c-fam.org)
    q. Center for Immigration Studies (@cis.org)

[redacted] [redacted]
[redacted]

r. Center for Renewing America(@americarenewing.org)
s. Claremont Institute (@claremont.org)
t. Coalition for a Prosperous America (@prosperousamerica.org)
u. Competitive Enterprise Institute (@cei.org)
v. Conservative Partnership Institute (@conservativepartnership.org)
w. Concerned Women for America (@cwfa.org)
x. Defense of Freedom Institute (@dfipolicy.org)
y. Ethics and Public Policy Center (@eppc.org)
z. Family Policy Alliance (@familypolicyalliance.com)
aa. Family Research Council (@washingtonstand.org)
bb. First Liberty Institute (@firstliberty.org)
cc. Forge Leadership Network (@forgeleadership.org)
dd. Foundation for Defense of Democracies (@fdd.org)
ee. Foundation for Government Accountability (@thefga.org)
ff. FreedomWorks (@freedomworks.org)
gg. Hillsdale College (@hillsdale.edu)
hh. Honest Elections Project (@honestelections.org)
ii. Independent Women's Forum (@iwf.org)
jj. Institute for the American Worker (@fbg.com)
kk. Institute for Energy Research (@ierdc.org)
ll. Institute for Women's Health (@theIWH.org)
mm. Intercollegiate Studies Institute (@isi.org)
nn. James Madison Institute (@jamesmadison.org)
oo. Keystone Policy Center (@keystone.org)
pp. The Leadership Institute (@leadershipinstitute.org)
qq. Liberty University (@liberty.edu)
rr. National Association of Scholars (@nas.org)
ss. National Center for Public Policy Research (@nationalcenter.org)
tt. Pacific Research Institute (@pacificresearch.org)
uu. Patrick Henry College (@phc.org)
vv. Personnel Policy Operations (@personnelpolicyops.org)
ww. Recovery for America Now Foundation (@recoveryforamerica.org)
xx. 1792 Exchange (@1792exchange.com)
yy. Susan B. Anthony Pro-Life America (@sbaprolife.org)
zz. Texas Public Policy Foundation (@TexasPolicy.com)
aaa. Teneo Network (@teneonetwork.com)
bbb. Young America's Foundation (@yaf.org)

2. All communications from June 8, 2020 to the date this request is processed between Director Bushue with other DOI employees mentioning any of the following terms:
    a. Any of the terms listed above in item 1.
    b. "Heritage Foundation"
    c. "Project 2025"
    d. "Schedule F"
    e. "2025 Presidential Transition Project"
    f. "Mandate for Leadership"

The above request excludes agency records consisting solely of news articles, press clippings, and other publicly-available material, so long as the records include no accompanying discussion by agency officials.

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).

By way of background, last April the New York Times released reporting detailing how conservative think tank The Heritage Foundation is currently working on "Project 2025," a project led by former Trump officials that aims to reshape the executive branch by firing as many as 50,000 federal employees who do not align with the incoming president's agenda and replace them with people more eager to institutionalize it.[1] Heritage released a nearly 1,000 page document outlining its plan to reshape the federal government and "flood the

[1] Jonathan Swan, Maggie Haberman, Heritage Foundation Makes Plans to Staff Next G.O.P. Administration, *The New York Times*, April 20, 2023 https://www.nytimes.com/2023/04/20/us/politics/republican-president-2024-heritage-foundation.html

zone with conservatives."[2] The think tank looks to have a "government-in-waiting" by January 2025 and create a unitary executive branch.[3]

There are currently several Trump Administration appointees serving in career civil service positions through a controversial process known as "burrowing."[4] One of those employees is Barry Bushue, who in June 2020 was appointed as Director of the Oregon/Washington Division of the Bureau of Land Management after serving as State Executive Director of the Oregon Farm Service Agency of the U.S. Department of Agriculture.[5] The controversy around burrowing lies with the assumption that appointees will "infuse ideology into decisions" and work to implement the Trump agenda.[6] The public deserves to know what, if any, role these political appointees might be playing in the implementation of Project 2025 and reveal undue influence from groups like the Heritage Foundation.

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 blog posts 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

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[2] Lisa Mascaro, Conservatives aim to restructure U.S. government and replace it with Trump's vision, *PBS News Hour*, August 29, 2023 https://www.pbs.org/newshour/politics/conservatives-aim-to-restructure-u-s-government-and-replace-it-with-trumps-vision

[3] *Id.*

[4] Lydia DePillis, How dozens of Trump's political appointees will stay in government after Biden takes over, *ProPublica*, December 3, 2020, https://www.propublica.org/article/how-dozens-of-trumps-political-appointees-will-stay-in-government-after-biden-takes-over

[5] *Id.*

[6] *Id.*

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 email me at rjacobs@citizensforethics.org and foia@citizensforethics.org or call me at (202) 408-5565. 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 rjacobs@citizensforethics.org and foia@citizensforethics.org or by mail to Bella Jasper [redacted]

Sincerely,

Rebecca Jacobs
Research Manager