

CREW | citizens for responsibility and ethics in washington

April 25, 2017

BY EMAIL: cwatts@nps.gov

Christopher Watts
National Park Service
1100 Ohio Drive, S.W.
Washington, D.C. 20242

Re: Freedom of Information Act Request

Dear Mr. Watts:

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

Specifically, CREW requests the following:

(1) copies of all communications from January 20, 2017 to the present between any White House official and the National Park Service ("NPS") concerning the President's donation of his first-quarter salary to the NPS;

(2) documents reflecting any conditions, limitations or other terms of use by the NPS of the President's donated first-quarter salary; and

(3) documents reflecting the receipt by the NPS of the donated salary from President Trump, including the donation amount the NPS received, and the date of that receipt.

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.

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).

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and Interior Department 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).

At a daily White House press briefing on April 3, 2017, White House Press Secretary Sean Spicer presented Interior Secretary Ryan Zinke a check, signed by President Trump, for \$78,333.32. This amount represents the President's first-quarter salary, and was donated in fulfillment of his promise to work without pay.¹ The President's donation differed from the process the White House previously had announced, namely that the President would make a donation at the end of the year to a charity selected by reporters.²

The requested records would shed light on the extent, if any, to which the President attached conditions or limitations on the donation and the factors that led to the President's selection of the NPS as a recipient. At a time when President Trump has so commingled his business interests with the interests of the government, the public deserves to know whether this donation also was made in furtherance of his business interests.

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

¹ *See, e.g.,* Peter Baker, [Trump Donates First-Quarter Salary to National Park Service](https://www.nytimes.com/2017/04/03/us/politics/national-park-service-trump-salary.html?_r=0), *New York Times*, Apr. 3, 2017, available at https://www.nytimes.com/2017/04/03/us/politics/national-park-service-trump-salary.html?_r=0.

² *Id.*

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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 a blog that reports on and analyzes 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 all documents it receives under the FOIA at www.scribd.com, and those documents have been visited hundreds of thousands of times.

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 aweismann@citizensforethics.org. Also, if CREW’s request for a fee waiver is not granted in full, 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 either at aweismann@citizensforethics.org or at Anne L. Weismann, Citizens for Responsibility and Ethics in Washington, 455 Massachusetts Ave., N.W., 6th Floor, Washington, D.C. 20001. Thank you for your assistance in this matter.

Sincerely,



Anne L. Weismann
Chief FOIA Counsel