

September 12, 2017

BY ELECTRONIC MAIL: os_foia@ios.doi.gov

Clarice Julka
Office of the Secretary
U.S. Department of the Interior
MS-7328, MIB
1849 C Street, N.W.
Washington, D.C. 20240

Re: Freedom of Information Act Request

Dear FOIA Officer:

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.

First, CREW requests copies of all records concerning Secretary of the Interior Ryan Zinke’s travel to Colorado from July 19 to July 23, 2017, including but not limited to information on whether he used a government plane for the flight, billed incidental expenses for the trip, itineraries of his travel, and who accompanied Secretary Zinke on the trip.

Second, CREW requests copies of all records concerning Secretary Zinke’s travel to his home state of Montana since his appointment as Secretary of the Interior, including but not limited to information on whether he used a government plane for the flights, billed incidental expenses for the trips, itineraries of his travel, and who accompanied Secretary Zinke on the trips, which include but are not limited to the following dates:

- August 24, 2017
- June 27, 2017
- May 12, 2017
- May 6, 2017

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, as well as those who were 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). In the event 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 Department of the Interior 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).

Secretary Zinke's Twitter account documents at least 20 separate domestic trips since his confirmation on March 1, 2017.¹ For instance, on July 20, 2017, Secretary Zinke retweeted a picture of himself from the American Legislative Exchange Council (ALEC)'s 45th annual meeting reception in Colorado. He followed the picture with subsequent tweets from the Rocky Mountain National Park on July 21 and 22.² Secretary Zinke's Twitter account also documents at least four trips to his home state of Montana. Prior to taking office, Secretary Zinke allegedly used government resources to travel to his home in Montana. Secretary Zinke has confirmed that he "improperly billed the government for travel to his home in Montana when he was a midlevel SEAL Team 6 officer."³

The requested records would shed light on whether Secretary Zinke again improperly used government funds to travel to his home state for personal reasons. At a time of expected deep cuts to the federal budget, the taxpayers have a significant interest in learning the extent to which Secretary Zinke has used government funds for travel, and the justification for that use.

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 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 of the documents it receives under the FOIA on its website, which has been visited hundreds of thousands of times.

¹ *See* <https://twitter.com/SecretaryZinke>.

² *See* <https://twitter.com/SecretaryZinke/status/888214619713552384>; <https://twitter.com/SecretaryZinke/status/888495932827811840>; <https://twitter.com/SecretaryZinke/status/888853227998822402>.

³ Christopher Drew and Sean D. Naylor, *Interior Nominee Promotes Navy SEAL Career, While Playing Down 'Bad Judgement'*, *New York Times*, January 16, 2017, available at <https://www.nytimes.com/2017/01/16/us/politics/ryan-zinke-navy-seal.html?mcubz=0>.

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 mgold@citizensforethics.org. Also, if CREW's request for expedition and/or 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 mgold@citizensforethics.org or at Maya Gold, Citizens for Responsibility and Ethics in Washington, 455 Massachusetts Ave., N.W, Washington, D.C. 20001. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'MG' with a long horizontal stroke extending to the right.

Maya Gold

Research Associate