

CREW | citizens for responsibility and ethics in washington

May 29, 2018

Via email (FOIA@fec.gov)

Federal Election Commission
Attn: FOIA Requester Service Center
Room 408
999 E. Street, N.W.
Washington, D.C. 20463

Re: Freedom of Information Act Request

Dear Freedom of Information 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, *et seq.*, and Federal Election Commission (“FEC”) regulations.

Specifically, CREW requests the audiotapes and any written transcripts of all executive committee meetings held on April 10 and 24, 2018 in MURs 7013 and 7015 (Conservative Solutions PAC and Nancy Watkins in her official capacity as treasurer).

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.

If it is your position that 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), *cert. denied*, 415 U.S. 977 (1974). 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*, 566 F.2d 242, 261 (D.C. Cir 1977).

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and FEC 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 will likely 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 is primarily and fundamentally for non-commercial purposes. *See McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

By letter dated April 27, 2018, the FEC informed CREW it had found no reason to believe that Conservative Solutions PAC and Nancy H. Watkins in her official capacity as treasurer had violated 52 U.S.C. § 30122, no reason to believe that IGX, LLC had violated 52 U.S.C. §§ 30102, 30103, 30104, and was equally divided on whether IGS, LLC and Andrew Duncan had violated 52 U.S.C. § 30122. This decision joins a growing list of MURs in which the FEC has failed to take action against blatant violations of the Federal Election Campaign Act, often in an equally divided vote. The requested documents will shed light on the functioning of the FEC and its commitment to enforce the provisions of the FECA at a time when there has been much public concern raised about the Commission's effectiveness and the extent to which it has failed to perform its central statutory mission.

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 and to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. 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 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. In addition, CREW posts the documents it receives under the FOIA on our website, which has 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 releasing fully the requested records on an expedited basis, please contact me at (202) 408-5565 or aweismann@citizensforethics.org. CREW also welcomes the opportunity to discuss with you whether and to what extent this request can be narrowed or modified to better enable the FEC to process it within the FOIA's deadlines. In addition, if CREW's request for a fee waiver is not granted in full, please contact our office immediately upon making such determination.

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Where possible, please produce records in electronic form. Please send the requested records to me either at aweismann@citizensforethics.org or to Anne L. Weismann, Citizens for Responsibility and Ethics in Washington, 455 Massachusetts Avenue, N.W, Washington, D.C. 20001. Thank you for your assistance in this matter.

Sincerely,



Anne L. Weismann
Chief FOIA Counsel