

October 19, 2018

BY ELECTRONIC MAIL: FOIA@doioig.gov

FOIA Officer
Office of Inspector General
U.S. Department of the Interior
1849 C Street, N.W.
MS-4428
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 U.S. Department of the Interior regulations.

Specifically, CREW requests all communications for the time period December 2017 through October 12, 2018, to or from anyone within the Office of Inspector General concerning the selection of HUD Assistant Secretary for Administration Suzanne Israel Tufts as acting inspector general for the Interior Department.

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.

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).

Days ago, it was announced that HUD Assistant Secretary for Administration Suzanne Israel Tufts was being moved to the Interior Department to serve as the acting inspector general.¹ This appointment has raised concerns given the fact that Ms. Tufts is a political appointee being assigned to an independent oversight position in what the *Washington Post* has described as “one of the government’s most active watchdog offices.”² This appointment comes at a time when Interior Secretary Ryan Zinke is under active investigation on numerous fronts by his agency’s inspector general.³ Reportedly Ms. Tufts has no background in either government investigations or Interior Department policies and regulations.⁴

Ms. Tufts’ appointment raises serious and significant questions about whether it was made to influence the outcome of pending investigations of Secretary Zinke. The public has a particularly strong interest in the extent to which the Interior Department may have been involved in or given advance notice of the appointment decision, and whether the normal protocols for this type of appointment were followed, especially given Ms. Tufts’ apparent lack of qualifications for this position, which requires independence and the highest level of professionalism.

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”).

¹ *See, e.g.*, Lisa Rein, Robert O’Harrow Jr. and Juliet Eilperin, HUD Appointee Abruptly Moved to Lead Interior Dept.’s Watchdog Unit Amid Zinke Probe, *Washington Post*, Oct. 16, 2018, available at https://www.washingtonpost.com/politics/hud-political-appointee-abruptly-moved-to-lead-interiors-watchdog-office-amid-ongoing-investigations-into-zinke/2018/10/16/30de03b4-d164-11e8-83d6-291fced2ab1_story.html?utm_term=.847cf3c4ab31.

² *Id.*

³ *Id.* *See also* Matthew Daily, Email: Political Appointee Tapped to Lead Interior Watchdog, *Associated Press*, Oct. 17, 2018, available at <https://www.apnews.com/936df53f0fa463aacca6773af621216>.

⁴ Rein, O’Harrow Jr. and Eilperin, *Washington Post*, Oct. 16, 2018.

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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 the documents it receives under the FOIA on its 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 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 Anne L. Weismann, 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,



Anne L. Weismann
Chief FOIA Counsel