

July 3, 2019

BY EMAIL: 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 Ms. Julka,

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

Specifically, CREW requests copies of all documents and communications concerning Phantom Fireworks’ donation of fireworks to President Trump’s Independence Day celebrations, including any records related to DOI’s invocation of its gift acceptance authority under applicable law.¹ Please search for records created between January 1, 2019 to the date DOI conducts the search.

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). 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).

¹ Devin Dwyer and Stephanie Ebbs, [July 4th fireworks donor lobbied President Trump on tariffs and won a reprieve](https://abcn.ws/2JhI8NO), *ABC News*, July 3, 2019, available at <https://abcn.ws/2JhI8NO>.

Fee Waiver Request

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

The requested records are likely to contribute to greater public understanding of why and how the donation was arranged as well as whether DOI followed appropriate procedures in accepting the gift. According to public reporting, the President's Fourth of July celebration will feature \$750,000 of fireworks donated from an Ohio retailer that recently lobbied the White House against expanded tariffs on Chinese imports.² Last week, the same day that Phantom Fireworks' donation was announced, Trump "decided to hold off on his threatened \$300 billion in tariffs on Chinese goods, which include fireworks."³ There is significant public interest in these records given reporting about President Trump's unusual Independence Day celebration and how they will be funded.⁴

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

² Devin Dwyer and Stephanie Ebbs, [July 4th fireworks donor lobbied President Trump on tariffs and won a reprieve](https://abcn.ws/2JhI8NO), *ABC News*, July 3, 2019, available at <https://abcn.ws/2JhI8NO>.

³ *Id.*

⁴ Juliet Eilperin, Josh Dawsey and Dan Lamothe, [Park Service diverts \\$2.5 million in fees for Trump's July Fourth extravaganza](https://wapo.st/30cUrSb), *Washington Post*, July 2, 2019, available at <https://wapo.st/30cUrSb>; Kevin Liptak and Sarah Westwood, [Trump's political allies receive VIP tickets for July 4th show](https://cnn.it/307l37d), *CNN*, July 3, 2019, available at <https://cnn.it/307l37d>; Walter Shaub, [How Trump's 4th of July Hijacking Could Violate the Hatch Act](https://bit.ly/2XCZf63), CREW, June 25, 2019, available at <https://bit.ly/2XCZf63>.

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 documents it receives under the FOIA on its website, 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 ([REDACTED]). 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 [REDACTED] Citizens for Responsibility and Ethics in Washington, 1101 K Street, N.W., Suite 201, Washington, D.C. 20005. Thank you for your assistance in this matter.

Sincerely,

[REDACTED]

Research Associate