



February 10, 2019

Sent via email: EDFOIAManager@ed.gov

U.S. Department of Education
Office of Management
Office of the Chief Privacy Officer
400 Maryland Ave., S.W.
LBJ 2W218-32
Washington, D.C. 20202-4536

Attn: FOIA Public Liaison

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 Education (“ED”) regulations.

First, CREW seeks any and all communications to or from Johnathan Holifield, Executive Director of the White House Initiative on Historically Black Colleges and Universities, to or from, Darrell Scott, Kareem Lanier, Chiquita D. Stephenson, or any employee or representative of the Urban Revitalization Coalition, between November 1, 2019 and February 10, 2020.

Second, CREW seeks any and all communications to or from Johnathan Holifield, Executive Director of the White House Initiative on Historically Black Colleges and Universities regarding any event hosted by the Urban Revitalization Coalition, between November 1, 2019 and February 10, 2020.

Third, CREW seeks any and all communications to or from Marcella Goodridge-Keiller, Designated Agency Ethics Official regarding Johnathan Holifield’s attendance at any event hosted or sponsored by the Urban Revitalization Coalition, between November 1, 2019 and February 10, 2020.

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 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).

In January 2020, Virginia Union University (VUU) canceled an event planned by the non-profit organization, Urban Revitalization Coalition (URC) to honor President Trump on Martin Luther King Jr. Day.¹ A promotional flier for the event posted on social media said that the event was “invitation-only” and would include a “\$30,000 cash giveaway.”² The guests scheduled to be honored by the organization included President Donald Trump, Senior Advisor Jared Kushner, VUU President Hakim J. Lucas and Executive Director of the White House Initiative on Historically Black Colleges and Universities Johnathan Holifield.³ In a statement regarding the cancellation, VUU said that it “was not a part of the planning for this event” and that its campus “was not the appropriate space” for it.⁴ The VUU statement states that university officials were told that the event would be an “economic development discussion” that included cash giveaways for local residents.⁵

¹ NBC12 Newsroom, [VUU cancels event that planned to honor President Trump on MLK Day](https://www.nbc12.com/2020/01/14/vuu-cancels-event-that-planned-honor-president-trump-mlk-day/), *NBC12*, Jan. 14, 2020, available at <https://www.nbc12.com/2020/01/14/vuu-cancels-event-that-planned-honor-president-trump-mlk-day/>.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

The now-cancelled URC event was part of the organization's strategy to offer cash giveaways for black voters while inviting them to listen to Trump supporters "lavish" praise on the President and Trump Administration policies.⁶ The organization held a similar event in Cleveland, OH in December that was reportedly attended by White House official Ja'Ron Smith.⁷ Urban Revitalization Coalition and its founders have both public and private ties to President Trump's re-election efforts.⁸ The attendance of administration officials at these "cash giveaway" events by an organization seemingly promoting the President's re-election raises concerns they may be in violation of the Hatch Act, which prohibits the use of their official authority for partisan politics. Gathering information regarding Mr. Holifield's communications with representatives of the Urban Revitalization Coalition and ethics officials' communications about this event will help the public understand whether and how Department of Education officials complied with the law.

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 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 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 aweismann@citizensforethics.org or Anne L. Weismann, Citizens for

⁶ Ben Schreckinger, *Trump Allies are Handing Out Cash to Black Voters*, *Politico*, Jan. 29, 2020, available at <https://www.politico.com/news/2020/01/29/trump-black-voters-cash-giveaways-108072>.

⁷ *Id.*

⁸ *See e.g.*, Urban Revitalization Coalition, 2019 Midterm Report, available at <http://urcamerica.com/wp-content/uploads/2019/06/2019MidtermReport.pdf>, accessed Feb. 10, 2020; *see also* Urban Revitalization Coalition, Co-Founders, <http://urcamerica.com/co-founders/>, accessed Feb. 10, 2020.

FOIA Public Liaison
February 10, 2020
Page 4

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,

A handwritten signature in black ink, appearing to read "Anne L. Weismann". The signature is fluid and cursive, with a prominent initial "A" and a long, sweeping tail.

Anne L. Weismann
Chief FOIA Counsel