

March 11, 2020

BY EMAIL: osfoia@ios.doi.gov

Leah Fairman
Acting FOIA Officer
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. Fairman,

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.

First, CREW seeks any and all communications to or from Associate Deputy Secretary of Interior James Cason, that refer or relate to the Urban Revitalization Coalition (URC), Darrell Scott, Kareem Lanier, Chiquita D. Stephenson, and/or any representative of the URC.

Second, CREW seeks all records related to a February 14, 2018 meeting on Mr. Cason’s calendar with Mr. Scott and Mr. Lanier of the URC, including but not limited to all briefing documents and follow up items, that was described as relating to “Mashpee policy issues.”

Third, CREW seeks any and all communications to or from Solicitor of the Interior Daniel Jorjani, who previously served as Principal Deputy Solicitor for Interior, that refer or relate to the URC, Mr. Scott, Mr. Lanier, Ms. Stephenson, and/or any representative of the URC.

Fourth, CREW seeks all records related to an April 5, 2018 on Mr. Jorjani’s calendar with Mr. Scott and Mr. Lanier of the URC, including but not limited to all briefing documents and follow up items, that was described as an “Intro mtg.”

Please search for records created between January 1, 2018 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).

Fee Waiver Request

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

URC is a non-profit organization founded by two political allies of President Trump, who have both public and private ties to the president's re-election efforts.¹ Its activities have raised legal and ethical questions. In December 2019, URC hosted an event in Cleveland, OH, that featured a "\$25,000 cash giveaway" directed at a predominantly African-American audience and included the presentation of awards for officials from the White House and the Department of Housing and Urban Development.² The 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.³ The attendance of administration officials at "cash giveaway" events by an organization seemingly promoting the President's re-election raises concerns about potential violations of the Hatch Act, which prohibits the use of their official authority for partisan politics.⁴ The requested records will shed light on whether

¹ Andrew J. Tobias, [Charity founded by Trump allies plans follow-up cash giveaway events in Cleveland, elsewhere, Cleveland.com](https://www.cleveland.com/open/2020/01/charity-founded-by-trump-allies-plans-follow-up-cash-giveaway-events-in-cleveland-elsewhere.html), Jan. 30, 2020, available at <https://www.cleveland.com/open/2020/01/charity-founded-by-trump-allies-plans-follow-up-cash-giveaway-events-in-cleveland-elsewhere.html>; *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.

² Tobias, *Cleveland.com*, Jan. 30, 2020.

³ Ben Schreckinger, [Trump Allies are Handing Out Cash to Black Voters, Politico](https://www.politico.com/news/2020/01/29/trump-black-voters-cash-giveaways-108072), Jan. 29, 2020, available at <https://www.politico.com/news/2020/01/29/trump-black-voters-cash-giveaways-108072>.

⁴ Donald K. Sherman, [A Trump ally's '\\$25,000 cash giveaway' for black voters could mean legal trouble, Washington Post](https://www.washingtonpost.com/outlook/2020/02/03/trump-allys-25000-cash-giveaway-black-voters-could-mean-legal-trouble/), Feb. 3, 2020, available at <https://www.washingtonpost.com/outlook/2020/02/03/trump-allys-25000-cash-giveaway-black-voters-could-mean-legal-trouble/>.

URC sought to host Interior officials like Mr. Cason and Mr. Jorjani at similar events, and if so, how the Department of Interior assessed any potential ethical issues with participation in such events.

On its website, URC describes the purpose of the organization as seeking “to Educate and Empower The Urban Community About Legislation, Opportunity Zones, Opportunity Funds & The First Step Act That Are Now Available To The Community To Revitalize People In Low-income Neighborhoods.”⁵ It is unclear how this policy agenda interacts with the work of the Department of Interior, particularly “Mashpee policy issues” that were said to be the topic of the meeting between Mr. Cason and the URC representatives scheduled on February, 14, 2018, according to a copy of Mr. Cason’s calendar released under FOIA.⁶ A search of the URC website for the word “Mashpee” returns zero results.⁷ Representatives of URC were scheduled to meet with Mr. Jorjani on April 5, 2018, according to a copy of Mr. Jorjani’s calendar released under FOIA.⁸ The meeting was only described as an “intro mtg” on Mr. Jorjani’s calendar.

At the time of the meetings between the Interior Department officials and URC representatives, the Mashpee Wampanoag tribe of Massachusetts was awaiting a decision by the Department of Interior regarding the fate of the Mashpee’s rights to 130 hectares of land in trust on which the tribe hoped to build a casino resort, which had been challenged by rival casino developers.⁹ Both the Mashpee Wampanoag tribe and its rivals have spent significant sums on lobbyists, including some with close ties to the Trump administration, to promote their interests in the land fight.¹⁰ The requested records would clarify what policy positions URC was promoting related to the Mashpee tribe and the group’s representatives were advocating for any particular interests in their communications with the Interior Department on the issue.

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

⁵ See <http://urcamerica.com/purpose/>.

⁶ See

https://www.doi.gov/sites/doi.gov/files/uploads/casons_calendar_jan_24_2018_thru_nov_21_2018_18-01021_etc_redacted_fixed_after_posted_with_4_web_call_links_still_unredacted.pdf.

⁷ See <https://www.documentcloud.org/documents/6807562-Urcamerica-Com-Mashpee-Google-Search.html>.

⁸ See <https://assets.documentcloud.org/documents/6595667/SOL-2019-00280-Jorjani-Calendar-May-13-2017-to.pdf>.

⁹ Cecily Hilleary, *Massachusetts Native American Tribe Battles to Keep Land*, *Voice of America*, Apr. 16, 2018, available at <https://www.voanews.com/usa/massachusetts-native-american-tribe-battles-keep-land>.

¹⁰ Tanner Stening, *Lobbyists battle it out over Mashpee tribe’s casino plan*, *Cape Cod Times*, Oct. 19, 2018, available at

<https://www.capecodtimes.com/news/20181019/lobbyists-battle-it-out-over-mashpee-tribes-casino-plan>; Marc Fisher, *A riddle in New England: A casino, 321 acres of Indian tribal land and a presidential tweet*, *Washington Post*, May 13, 2019, available at

https://www.washingtonpost.com/politics/a-riddle-in-new-england-a-casino-321-acres-of-indian-tribal-land-and-a-presidential-tweet/2019/05/13/dfcc6dd8-7354-11e9-9f06-5fc2ee80027a_story.html.

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 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 (202) 408-5565 or mcorley@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 mcorley@citizensforethics.org or at Matt Corley, 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,



Matthew Corley
Chief Investigator