

August 28, 2020

Submitted via FOIAOnline

Christopher Watts
FOIA Officer
U.S. National Park Service
National Capital Region
1100 Ohio Drive, SW
Washington, DC 20242

Re: Freedom of Information Act Request

Dear FOIA Officer:

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

Specifically, CREW requests:

1. Records sufficient to show the total amount of government funds and resources expended in connection with the aerial fireworks display on the Washington Monument grounds hosted by the Republican National Convention (“RNC”) on August 27, 2020, as approved by the National Park Service (“NPS”) in Public Gathering Permit No. 20-1063, issued on August 24, 2020 (the “RNC Fireworks Display”). This request includes without limitation all receipts, invoices, timesheets, inventories, or other records reflecting such expenditures by NPS.
2. All records reflecting the terms of any agreement under which the RNC or any other party will reimburse the NPS for costs incurred as a result of the RNC Fireworks Display.
3. All communications regarding the RNC Fireworks Display between the NPS and the following: the RNC, President Trump, the White House (including any individual with an *.eop.gov email address), or the Office of the Secretary of the Interior.
4. All records reflecting any complaints, analysis, inquiries, opinions, or determinations regarding whether the federal government’s involvement in the RNC Fireworks Display complied with applicable federal laws, including without limitation the Hatch Act.
5. All records reflecting any discussion of (1) either the RNC Fireworks Display or the video entitled “Protecting our National Parks, Public Lands for Future Generations,” <https://www.doi.gov/video/protecting-our-national-parks-public-lands-future->

[generations](#) (posted August 6, 2020), and (2) President Trump's donation of his presidential salary to the NPS.

This request includes without limitation responsive correspondence, memoranda, 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 responsive attachments to emails and other records, and anyone who was 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).

Please be advised that CREW intends to pursue all legal remedies to enforce its right under FOIA to access these documents. Thus, because litigation is reasonably foreseeable, the NPS should institute an agency-wide preservation hold on documents potentially responsive to this request.

Fee Waiver Request

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

During his time in office, President Trump has repeatedly misused Interior and NPS resources for partisan political purposes.¹ The most recent example was the hosting of an elaborate fireworks display on the Washington Monument grounds following President Trump's final RNC acceptance speech, culminating in fireworks spelling out "Trump 2020" over the National Mall.² The NPS approved the RNC Fireworks Display by permit issued August 24,

¹ See Linnaea Honl-Stuenkel, [It's Not Just USPS: Trump is Hijacking the Park Service to Boost his Re-election, Too](https://www.citizensforethics.org/its-not-just-usps-trump-is-hijacking-the-park-service-to-boost-his-re-election-too/), *CREW*, Aug. 25, 2020, <https://www.citizensforethics.org/its-not-just-usps-trump-is-hijacking-the-park-service-to-boost-his-re-election-too/>.

² Sophia Ankel, [The RNC ended with a firework display over the Washington Monument spelling out 'TRUMP'](https://www.businessinsider.com/last-night-rnc-ends-with-trump-fireworks-over-washington-monument-2020-8), *Business Insider*, Aug. 28, 2020, <https://www.businessinsider.com/last-night-rnc-ends-with-trump-fireworks-over-washington-monument-2020-8>.

2020.³ The RNC reportedly will reimburse the NPS for the costs of the display, but a heavily redacted copy of the permit makes it unclear what those expenses are or how they will be calculated.⁴

The requested records would shed light on the total amount of government funds expended on the RNC Fireworks Display, the terms of any reimbursement agreement with the RNC, whether the NPS communicated with the White House or other political appointees regarding the display, whether the NPS considered legal issues concerning the display (including its compliance with the Hatch Act), and whether the NPS engaged in any communications about the fireworks display or other activities designed to promote President Trump in connection with President Trump's donation of his presidential salary to the NPS.

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 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 its website.

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 nsus@citizensforethics.org. Also, if

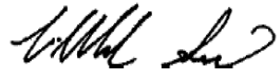
³ Elliot Henney, *Park Service approves RNC request for fireworks on National Mall Thursday*, *ABC7 WJLA*, Aug. 26, 2020, <https://wjla.com/news/local/rnc-fireworks-national-mall>.

⁴ Rebecca Beitsch, *Park Service under fire for role in GOP convention*, *The Hill*, Aug. 27, 2020, <https://thehill.com/policy/energy-environment/513856-park-service-under-fire-for-role-in-gop-convention>.

CREW's request for a fee waiver is denied, 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 at either nsus@citizensforethics.org or Nikhel Sus, Citizens for Responsibility and Ethics in Washington, 1101 K St., N.W., Suite 201, Washington, D.C. 20005.

Sincerely,

A handwritten signature in black ink, appearing to read "Nikhel Sus", written in a cursive style.

Nikhel Sus
Senior Counsel