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Whitefish, MT 59937  
406-438-1918

FOIA Officer  
Office of Legal Counsel  
Department of Justice  
Room 5511, 950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001  
usdoj-officeoflegalcounsel@usdoj.gov

May 31, 2017

## **FOIA REQUEST**

Dear Records Request Officer:

Pursuant to the Freedom of Information Act, Western Values Project requests access to and copies of all documents or correspondence and/or records of correspondence – including email and any associated attachments, calendar appointments in any format, voicemails and/or voicemail transcriptions, and/or call logs sent or received between January 20, 2017 and the date of your search that fall into one or more of the following categories:

- Communications between OLC and any of the following people or institutions
  - John Yoo (jyoo@law.berkeley.edu and/or any email address associated with John C. Yoo)
  - Todd Gaziano (tfg@pacificlegal.org and/or any email address associated with Todd F. Gaziano)
  - Pacific Legal Foundation staff (@pacificlegal.org)
  - American Enterprise Institute staff (@aei.org)
  
- All documents that discuss, summarize, or analyze, or include/included as an attachment the American Enterprise Institute's report entitled, "Presidential Authority to Revoke or Reduce National Monument Designations," by John Yoo and Todd Gaziano, dated March 2017. Unmarked and unedited copies of the final report as it appears on the AEI website need not be included (e.g., where the report as published is attached to a series of emails, we exclude that attachment from our request).
  
- All documents that contain, mention, describe, refer to, or relate to a request or effort to revisit rescind, amend, or revoke the 1938 Attorney General Opinion

titled *Proposed Abolishment of Castle Pinckney National Monument*, 39 Op. Att’y Gen. 185 (1938).

### **Fee Waiver Request**

Western Values Project 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 will likely contribute to a better understanding of relevant government procedures by the public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes. 5 U.S.C. § 552(a)(4)(A)(iii).<sup>1</sup>

Western Values Project requests a waiver of fees because disclosure of the requested information is “in the public interest because it is likely to contribute significantly to public understanding” of government operations and is not “primarily in the commercial interest of the requester.”<sup>2</sup> The disclosure of the information sought under this request will document and reveal the operations of the federal government, including how public funds are spent and how officials conduct the public’s business.

This request seeks to understand the motivations and arguments offered by individuals engaging in public debate on Presidential authority surrounding national monuments. Amid the US Department of the Interior’s review of national monument designations, the public has a specific interest in the conduct and work of OLC surrounding various monument-related issues.

This request is primarily and fundamentally for non-commercial purposes. As a project of a 501(c)(3) organization, Western Values Project does not have a commercial purpose and the release of the information requested is not in Western Values Project’s financial interest. Western Values Project’s mission is to give a voice to Western values in the national conversation about resource development and public lands conservation, a space too often dominated by industry lobbyists and their government allies. Western Values Project will use the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. Western Values Project will also make materials it gathers available on our public website <http://www.westernvaluesproject.org/>.

Accordingly, Western Values Project qualifies for a fee waiver.

### **Conclusion**

If possible, I would prefer to receive this information electronically via e-mail at [csaeger@westernvaluesproject.org](mailto:csaeger@westernvaluesproject.org).

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<sup>1</sup> See, e.g., *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

<sup>2</sup> 5 U.S.C. § 552(a)(4)(A)(iii)

If you have questions or need additional information from me, please feel free to call me at 406-438-1918.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. If any documents are withheld based on the Agency's interpretation of any exemption, we request that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). Specifically, this *Vaughn* index should describe withheld documents with enough specificity as to determine whether the material is exempt under the act and must describe each document or portion withheld.

Thank you for your assistance.

Sincerely,

Chris Saeger  
Executive Director  
Western Values Project