

December 20, 2016

By email: <https://foiaonline.regulations.gov/foia/action/public/home>

Laurie Day
Chief, Initial Request Staff
Office of Information Policy
Department of Justice
Suite 11050
1425 New York Avenue, N.W.
Washington, D.C. 20530-0001

Re: Freedom of Information Act Request

Dear FOIA Officer:

On behalf of the Center for Individual Freedom (hereinafter "CFIF"), I submit this request for records, regardless of format, medium, or physical characteristics, and including electronic records and information, audiotapes, videotapes and photographs, pursuant to the Freedom of Information Act, 5 U.S.C. § 552, *et seq.*

Background

The debate over the Dakota Access Pipeline is one of the largest and most pressing public policy issues of 2016. It's a battle over a multi-billion dollar project that would cross multiple states and change the landscape of U.S. domestic oil production, resulting in a significant economic boon for the nation.

There is growing concern about the relationship between Dave Archambault II's sister, Jodi Gillette, and the Obama Administration. Mr. Archambault is the chairman of the Standing Rock Sioux Tribe (SRST) and a critic of the project. Ms. Gillette is a former senior advisor to the President and Secretary of the Interior, and is currently a lobbyist on behalf of the Standing Rock Sioux with Sonosky, Chambers, Chambers, Endreson & Perry, LLP. We seek to ensure that Mr. Archambault and Ms. Gillette haven't wielded improper influence over the Administration's policies that have resulted in delays in the completion of the Dakota Access Pipeline project.

Records Requested

I request access to and copies of all records since February 1, 2016, related in any way to the Dakota Access Pipeline (DAPL) and Jodi Gillette. This request includes, but is not limited to, all emails, other correspondence, correspondence logs, records of meetings, records of appointments and visitor logs.

I also request all other FOIA request letters seeking any of the information being sought in this request, all other communications related to the requests and all responsive materials provided to requestors.

Where possible, please produce records electronically, in PDF or TIF format on a CD-ROM. I seek records of any kind, including electronic records, audiotapes, videotapes and photographs. This request includes any letters, emails, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. This request also includes any attachments to these records.

If it is your position that any portion of the requested records is exempt from disclosure, CFIF requests 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 (1972). As you are aware, a *Vaughn* index must describe each document claimed as exempt with sufficient specificity “to permit a reasoned judgment as to whether the material is actually exempt under FOIA.” *Founding Church of Scientology v. Bell*, 603 F.2d 945, 949 (D.C. Cir. 1979). Moreover, the *Vaughn* index must “describe each document or portion thereof withheld, and for **each** withholding it must discuss the consequences of supplying the sought-after information.” *King v. U.S. Dep’t of Justice*, 830 F.2d 210, 223-24 (D.C. Cir. 1987) (emphasis added). Further, “the withholding agency must supply ‘a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.’” *Id.* at 224 (citing *Mead Data Central v. U.S. Dep’t of the Air Force*, 566 F.2d 242, 251 (D.C. Cir. 1977)).

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. *Mead Data Central*, 566 F.2d at 261. Claims of nonsegregability must be made with the same degree of detail as required for claims of exemptions in a *Vaughn* index. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

I request a waiver of the costs associated with fulfilling this request pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). Disclosure of the requested records will further the “public interest because it is likely to contribute significantly to public understanding of the operations or activities of the

government and is not primarily in the commercial interest” of the Center for Individual Freedom (CFIF).

Specifically, CFIF intends to use the requested materials about this pressing public policy issue to educate its supporters and activists, the general public and the media.

Finally, I welcome the opportunity to discuss with you whether and to what extent this request can be narrowed or modified to better enable the DOI to process it within the FOIA’s deadlines. I can be reached at (703) 535-5836. If possible, please send the requested records to me via email at info@cfif.org. Otherwise, please mail them to CFIF, 815 King Street, Suite 303, Alexandria, VA 22314.

Thank you for your prompt attention to this matter.

Sincerely,

/s/

Timothy H. Lee

Senior Vice President of Legal and Public Affairs