

May 10, 2017

Ms. Melissa Golden
Lead Paralegal and FOIA Specialist
Office of Legal Counsel
Department of Justice
Room 5511, 950 Pennsylvania Avenue, NW
Washington, DC 20530-0001
usdoj-officeoflegalcounsel@usdoj.gov

Dear Ms. Golden:

This is a request under the Freedom of Information Act.

The United States Department of Justice's Office of Legal Counsel (OLC) exercises the Attorney General's authority under the Judiciary Act of 1789: It provides controlling legal advice to the President and all the Executive Branch agencies on matters of law that are centrally important to the functioning of our Federal Government. The American people rely on OLC's long history of providing this advice with professionalism and integrity from administration to administration without regard to political pressures of the moment. In 1938, the United States Attorney General issued a formal opinion recognizing important limitations on the President's authority over federal lands. *Proposed Abolishment of Castle Pinckney National Monument*, 39 Op. Att'y Gen. 185 (1938). Political opponents of this opinion who hope to expand the President's authority to rescind important protections, now describe the opinion as a hurdle and are calling for it to be reexamined. Understanding the motivations and methods behind any such re-examination is central to the public understanding of the operations and activities of the Government; I am requesting the following documents to inform that understanding, and as part of a larger investigation into hidden Administration activities that undermine protections for public lands and resources. We will use the information obtained through this investigation to further public education and awareness of Government activities.

I request 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:

1. 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@pacifical.org and/or any email address associated with Todd F. Gaziano)
 - Pacific Legal Foundation staff (@pacifical.org)
 - American Enterprise Institute staff (@aei.org)

2. 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).
3. 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 referenced above.

In order to help determine my status for purposes of assessing the applicability of any fees, please know that I am asking on behalf of the Center for American Progress, a non-profit organization, for analytical and noncommercial purposes.

I request a waiver of all fees for this request. Disclosure of the requested information to me is in 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 my commercial interest.

Please provide the records requested above regardless of your fee waiver decision. In order to expedite a response, the Center for American Progress will, if necessary, pay fees in accordance with FOIA regulations for all or a portion of the requested records. Please contact me before doing anything that would cause the fee to exceed \$300.

I request that the information be provided in electronic format, when possible.

I have also included a telephone number where I can be contacted during standard business hours, if necessary, to discuss any aspect of my request.

Thank you for your consideration of this request.

Sincerely,

Mary Ellen Kustin
Director of Policy, Public Lands
Phone: 202-682-1611

Center for American Progress
1333 H. Street, NW, 10th Floor
Washington, DC 20005