

WHERE THE BATTLE OF THE LITTLE BIG HORN BEGAN
CELEBRATING THE PRESERVATION OF WESTERN HISTORY

CUSTER BATTLEFIELD MUSEUM

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Freedom of Information Act Office
Bureau of Land Management
5001 Southgate Drive
Billings, MT 59101

RE: FOIA request re: Robert W. Weaver (dob unknown dod 12/31/2016)

Dear FOIA officer:

This is a Freedom of Information Act request all information your agency has concerning the investigation or prosecution of the following named individual or entities: Robert W. Weaver (dob unknown dod 12/31/2016)

Your agency and agents were involved in the investigation, sting, and raid of Mr. Weaver, who resided in Cody, Wyoming.

Your response should include all agent's notes, reports, and Operations Plans, including all email communications within, to or from your agents and agency concerning any aspect of Robert Weaver and the investigation. The information requested includes, but is not limited to all information, investigation notes, laboratory tests and results, emails, phone conversation notes of every type involved in the matters identified above regarding the person or businesses of Robert Weaver. Further identification and information received from any all informants and information sources providing information of any type whatsoever in the matter requested.

This information is part of an exploration and investigation into the activities of yours and other agents and agencies believed to be involved it the related matter(s).

In understand that fee policy is that as a result of EACH request "*agencies must provide the first one hundred pages of publication, as well as the first two hours of search time, without cost to the requester.*" See 5 U.S.C. § 552(a)(4)(A)(iv)(II).

If you do not understand any part of this FOIA request, then please contact me for further information where available.

Requestor Category:

"An agency's determination of the appropriate category for an individual requester is dependent upon the intended use of the information sought..." My intended use is NOT commercial.

I am the Executive Director of a museum and a member of various organizations and associated with other museum that have collections that include artifacts. The Robert Weaver investigation and the taking of his own life has drawn the interest of several museums and collectors throughout our nation. Many of the matters associated with his interaction with the federal agencies involved also likely impact others in this complex and imprecise area of law and federal law enforcement.

I intend to review and research the issues presented in the federal investigation and law enforcement activities related to Robert Weaver and to report my review of the facts and issues to my peers to help educate them as to the potential problems they also may face in dealing with people and matters related to the Archaeological Resource Protection Act (ARPA).

Further I intend to editorially deal with the matters related to his interaction with the federal agencies and federal agents to news organizations for the purpose of communicating a distinct work to an audience by various means of written and electronic communications. I have previously interacted with both print and electronic media for the purpose of disseminating news to the general public. There is definitely a segment of the general public that will have an interest in his experience with the Bureau of Land Management and the information I am seeking access to.

Therefore, this is not being a commercial purpose as specified in 5 U.S.C § 552. And while this information may possibly be used in the furtherance of requestor's possible legal claim(s), there is no commercial intent attached to such a use of requested information. See *McClellan Ecological Seepage Situation v. Carlucci* 835 F.2d 1282, 1285 (9th Cir. 1987).

The Custer Battlefield Museum is, inter alia, an educational institution, having the purpose of educating the public on the western migration expansion of the United States and to the events and circumstances surrounding the events commonly known as the Battle of the Little Big Horn. The education function is accomplished by displays, electronic publication, and Internet dissemination through the facilities of the museum. Each summer, several docents representing various colleges from around the United States spend time – 100 or more days -- earning college credit at the museum. In addition, representatives of various military educational organizations, including the Fort Mead Officer's Candidate School have had their students study at the Garryowen location of the museum for several years. The Regiment is an extension of the Training and Doctrine Command (TRADOC) and The Army School System (TASS).

News organization:

The museum regularly disseminates news and information through electronically and on the Internet. The requestor meets the standard set forth in OMB Fee statutory guideline. It is not necessary to qualify the museum as a news organization, only that the requestor would qualify as a freelance journalist, considered to be a representative of the news media if the requestor 'can demonstrate a solid basis for expecting publication through [a news media] entity, whether or not the journalist is actually employed by the entity. See 52 Fed.Reg. @ 10.018

Type of Fee:

As an educational institution or a news organization, the requestor is entitled to a waiver of all search fees above the two hours specified for each of the FOIA requests as set forth above. The only fee to which the requestor may be subject is for duplication costs unless the information is provided to the requester in electronic form.

Request for fee waiver:

Disclosure of the information requested is in the Public Interest because it is like likely to contribute significantly to public understanding of the operations or activities of the federal government. The four criteria are:

- (1) The subject of the request does concern the operations and/or activities of the federal government in the operation and enforcement of ARPA; and
- (2) The law regulating this area of activity is complex, dynamic and subject to various and inconsistent interpretation and enforcement; and
- (3) Understanding of the actions and policies of the various federal agencies and federal agents involved are like to benefit a significant segment of the general public, contributing to the public understanding; and
- (4) Given the recent activities of many of these same federal agencies in similar issues in and around the State of Utah, involving literally hundreds of people in and out of law enforcement, disclosure of the requested information is likely to contribute significantly to the public understanding of government operation and/or activities, already at the cost of lives; and
- (5) That there is NO commercial interest, as set forth in the rules and regulations for this request; and
- (6) NO possible commercial purpose of the requestor would be sufficiently large, in comparison with the public interest in disclosure such that disclosure is "primarily in the commercial interest of the requester." A fee waiver or reduction is justified where the public interest standard is satisfied and that public interest is greater in magnitude than that of any identified commercial interest in disclosure.

The requestor in this matter submits that this request meets the federal criteria for waiver of all fees and costs associated with this FOIA request.

Therefore, the requestor respectfully requests that all fees be waived as provided for by law and public policy, in the public interest. In the event the foregoing request for waiver of fees and costs is not granted, I hereby agree to pay fees, if necessary, to process my FOIA request. If the costs associated with the FOIA request are above \$100, I understand the FOIA Officer will call/contact me first.

Thank you for your prompt attention to this request.

Sincerely,

Christopher Kortlander
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Garryowen, MT 59031
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