



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

February 1, 2023

IN REPLY REFER TO:
DOI-ASIA-2022-004125

David Bossie
Citizens United
1006 Pennsylvania Ave., SE
Washington, DC 20003
Email Address: info@citizensunited.org

Dear Mr. Bossie:

The Assistant Secretary - Indian Affairs (AS-IA) Immediate office received your Freedom of Information Act (FOIA) request, dated June 7, 2022, and assigned it control number **DOI-ASIA-2022-004125**. Please cite the control number in any future communications with our office regarding this request.

In your request you asked for the following: *“For the period of January 20, 2021, to the present, please provide copies of:*

- *Any emails or text messages to or from Interior Department White House Liaison Maggie Thompson or Deputy White House Liaison Amber Gaither and any employee of the Executive Office of the President mentioning “Hatch Act” and/or Executive Order 14019 (“Executive Order on Promoting Access to Voting”).*
- *Any emails or text messages to or from the following Interior Department staff: Maggie Thompson, Amber Gaither, Tommy Beaudreau, Bryan Newland, Robert Anderson, Ruchi Jain, Ann Marie Bledsoe Downes, Scott de la Vega, Eric Shepard, Matthew Kelly, Heather Gottry, Monica Garcia, Edward McDonnell, Jennifer Van der Heide, Rachael Taylor, Joel West Williams, Tracy Goodluck, Elizabeth Klein, Andrew Wallace, and/or Kate Kelly mentioning “Hatch Act” in the context of Executive Order 14019 (“Executive Order on Promoting Access to Voting”).*
- *Any emails or text messages to or from any Office of Special Counsel employee, including but not limited to, Ana Galindo-Marrone and Erica Hamrick, and the following Interior Department staff: Maggie Thompson, Amber Gaither, Tommy Beaudreau, Bryan Newland, Robert Anderson, Ruchi Jain, Ann Marie Bledsoe Downes, Scott de la Vega, Eric Shepard, Matthew Kelly, Heather Gottry, Monica Garcia, Jennifer Van der Heide, Rachael Taylor, Joel West Williams, Tracy Goodluck, Elizabeth Klein, Monica Garcia, Andrew Wallace, and/or Kate Kelly*

mentioning “Hatch Act” in the context of Executive Order 14019 (“Executive Order on Promoting Access to Voting”).”

We have enclosed one file in portable document format (PDF) containing 10 pages, which are being released to you in part as described below. Please note the red text near some of the attachments in the cover email and the note on page 4 of the production. We have removed duplicate attachments as well as those found to not be responsive to your request.

Exemption 5—[43 C.F.R. §§ 2.23, .24](#)

Exemption 5 allows an agency to withhold “inter-agency or intra-agency memorandums or letters which would not be available by law to a party ... in litigation with the agency.” [5 U.S.C. § 552\(b\)\(5\)](#). Exemption 5 therefore incorporates the privileges that protect materials from discovery in litigation, including the deliberative process, attorney work-product, attorney-client, and commercial information privileges. We are withholding two pages in part under Exemption 5 because they qualify to be withheld both because they meet the Exemption 5 threshold of being inter-agency or intra-agency and under the following privileges:

Presidential Communications Privilege

The presidential communications privilege “preserves the President’s ability to obtain candid and informed opinions from his advisors and to make decisions confidentially.” *Loving v. Dep’t of Def.*, 550 F.3d 32, 37 (D.C. Cir. 2008); see also *In re Sealed Case*, 121 F.3d 729, 750 (D.C. Cir. 1997) (“[T]he privilege itself is rooted in the need for confidentiality to ensure that presidential decision-making is of the highest caliber, informed by honest advice and full knowledge.”). Unlike the deliberative process privilege, the presidential communications privilege “applies to documents in their entirety and covers final and post-decisional materials as well as pre-deliberative ones.” *In re Sealed Case*, 121 F.3d at 745.

We reasonably foresee that disclosure would harm an interest protected by exemption 5. The materials that have been withheld under the presidential communications privilege of Exemption 5 reflect confidential presidential decision-making and deliberations and were solicited and received by White House advisers and their staff in the course of performing their function of advising the President on official government matters. The materials are the result of frank and open discussions and their contents have been held confidential by all parties. Public dissemination of these materials would expose the presidential decision-making process in such a way as to discourage candid discussion, and thereby undermine presidential decision-making.

Deliberative Process Privilege

The deliberative process privilege protects the decision-making process of government agencies and encourages the frank exchange of ideas on legal or policy matters by ensuring agencies are not forced to operate in a fish bowl. A number of policy purposes have been attributed to the deliberative process privilege, such as: (1) assuring that subordinates will feel free to provide the decisionmaker with their uninhibited opinions and recommendations; (2)

protecting against premature disclosure of proposed policies; and (3) protecting against confusing the issues and misleading the public.

The deliberative process privilege protects materials that are both predecisional and deliberative. The privilege covers records that reflect the give-and-take of the consultative process and may include recommendations, draft documents, proposals, suggestions, and other subjective documents which reflect the personal opinions of the writer rather than the policy of the agency.

The materials that have been withheld under the deliberative process privilege of Exemption 5 are both predecisional and deliberative. They do not contain or represent formal or informal agency policies or decisions. They are the result of frank and open discussions among employees of the Department of the Interior. Their contents have been held confidential by all parties and public dissemination of this information would have a chilling effect on the agency's deliberative processes; expose the agency's decision-making process in such a way as to discourage candid discussion within the agency, and thereby undermine its ability to perform its mandated functions.

The deliberative process privilege does not apply to records created 25 years or more before the date on which the records were requested.

We reasonably foresee that disclosure would harm an interest protected by one or more of the nine exemptions to the FOIA's general rule of disclosure.

Justin Davis, AS-IA FOIA Officer, is responsible for this partial denial. Leah Bernhardt, Attorney-Advisor, in the Office of the Solicitor was consulted.

We do not bill requesters for FOIA processing fees when their fees are less than \$50.00, because the cost of collection would be greater than the fee collected. See 43 CFR § 2.37(g). Therefore, there is no billable fee for the processing of this request.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. See [5 U.S.C. 552\(c\)](#). This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

This letter completes our response to your request. If you have any questions, you may contact Heather Garcia by phone at 202-208-3135, by email at as-ia_foia@bia.gov or by mail at 1849 C Street, N.W., MS-4660-MIB, Washington, D.C. 20240.

Sincerely,

JUSTIN Digitally signed
by JUSTIN DAVIS
DAVIS Date: 2023.02.01
08:59:22 -05'00'

Justin Davis
FOIA Officer
Office of the Assistant Secretary – Indian Affairs

From: [Todacheene, Heidi J](#)
To: [Briefing Book](#)
Cc: [Germain, Naomie E](#); [Newland, Bryan](#); [Garriott, Wizipan](#); [Taylor, Rachael S](#)
Subject: BB - SH Mtg Memo re Issue Briefing: BSI, NIAC, and Voting Rights
Date: Wednesday, December 29, 2021 11:47:59 PM
Attachments: [21.12.30 Sec Mtg Memo_BSI-NIAC-Voting Rights.docx](#)
[Albuquerque Indian School Summarized Elements 20211214.pdf](#) attachment removed, not responsive
[BIE and Tribally Operated Schools.xlsx](#)
[DOI Interim Strategic Plan - Access to Voting \(updated 9-20-21\) \(1\).pdf](#) attachment removed, duplicate

Hello,

Please find the Secretary's meeting memo for the issue briefing taking place tomorrow at 12:00 PM – 1:30 PM ET. The three issues that will be discussed are the: 1) Federal Indian Boarding School Initiative; 2) Not Invisible Act Commission; and 3) DOI Voting Rights Interim Report and next steps. Attachments are also provided.

Thank you,

Heidi Todacheene
Senior Advisor
Office of the Secretary
U.S. Department of the Interior
Heidi_Todacheene@ios.doi.gov

Meeting Memo – Issue Briefing: Federal Boarding School Initiative, Not Invisible Act Commission, and DOI Voting Rights Interim Report

MEETING MEMO
Thursday, December 30

MEMORANDUM FOR THE SECRETARY

FROM: Heidi Todacheene, Senior Advisor for the Secretary;
Heidi.Todacheene@ios.doi.gov

SUBJECT: Issue Briefing: Federal Boarding School Initiative, Not Invisible Act Commission, and DOI Voting Rights Interim Report

EVENT DATE: Thursday, December 30

TIME: 12:00 PM ET – 1:30 PM ET

VIRTUAL: TEAMS

DAY OF STAFF: Bryan Newland, Assistant Secretary – Indian Affairs
Wizi Garriott, Principal Deputy Assistant Secretary – Indian Affairs
Heidi Todacheene, Senior Advisor for the Secretary

MEETING PURPOSE


The purpose of this meeting is to provide the Secretary with an overview and update of the following issues relating to the Department’s Indian Country issues including the: 1) Federal Boarding School Initiative; 2) Not Invisible Act Commission; and 3) DOI Voting Rights Interim Report and next steps.

BACKGROUND

1) Federal Boarding School Initiative

The Interior Department is investigating the loss of human life and the lasting consequences of residential Indian boarding schools as outlined in Secretary Haaland’s [memo](#) of June 22nd. Through November, the Department engaged in Tribal consultation with Indigenous communities, including Tribal governments, Alaska Native Corporations, and Native Hawaiian organizations, to gather feedback on key issues for inclusion in the Department’s report and help lay the foundation for future site work to protect potential burial sites and other sensitive information. Topics that were discussed during the consultations included appropriate protocols on

handling sensitive information in existing records; potential repatriation of human remains; and management of sites of former boarding schools. Leadership from the Department of Health and Human Services also supported these consultations by providing opening remarks. There were a total of 502 people who registered for the event, and the Department is currently compiling the numerous written comments that were received by the December 23 deadline. During this meeting, the team will discuss the next steps of the Initiative, including the status of the Secretarial report that's due on April 1, 2022, and the monthly DOI Work Group meeting that is taking place this afternoon. (b) (5)



2) **Not Invisible Act Commission (NIAC)**

The Not Invisible Act, sponsored by Secretary Deb Haaland when she served in Congress, mandates the creation of a Commission that includes representatives of Tribal, state, and local law enforcement; Tribal judges; health care and mental health practitioners with experience working with Indian survivors of trafficking and sexual assault; urban Indian organizations focused on violence against women and children; Indian survivors of human trafficking; and family members of missing and murdered Indian people. Once established the Not Invisible Act Commission will work to increase intergovernmental coordination to identify and combat violent crime against Indians and on Indian lands by establishing an advisory committee composed of law enforcement, tribal leaders, federal partners, service providers, and most importantly — survivors. The Commission's purpose is to make recommendations to the Department of the Interior and Department of Justice to improve intergovernmental coordination and establish best practices for state-tribal-federal law enforcement to combat the epidemic of missing persons, murder, and trafficking of Native Americans and Alaska Natives. This Committee will be the hub of coordination for the MMIP efforts overall. Attorney General Garland's team at the Department of Justice and our team here at the Interior meet weekly to coordinate the Commission to work together on the establishment of the Commission and next steps.

3) DOI Voting Rights Interim Report and next steps

In October, the Department submitted the Interior's (Department) Interim Strategic Plan for the Implementation of Executive Order 14019, Access to Voting to the White House. The Plan aims to increase (b) (5) voter registration and participation in the United States through and proposed Departmental action to achieve these objectives. Out of the stated objectives in the Plan, the White House suggested (b) (5)

ATTACHMENTS

- **ATTACHMENT 1:** Boarding School - "Skinny" Profile EXAMPLE
- **ATTACHMENT 2:** DOI Voting Rights Interim Report
- **ATTACHMENT 3:** Voting Rights – list of BIE schools

Note from AS-IA FOIA: These 3 attachments are the same as the last 3 attachments in the cover email titled *BB - SH Mtg Memo re Issue Briefing: BSI, NIAC, and Voting Rights* - Attachment 1 was removed as not responsive and Attachment 2 was removed as a duplicate.

<u>IHS Area</u>	<u>State</u>	<u>BIE Operated or Tribally Controlled School (TCS)</u>	<u>School Name</u>
Albuquerque	NM	BIE	San Felipe Pueblo Elementary School
Albuquerque	NM	BIE	San Ildefonso Day School
Albuquerque	NM	BIE	Jemez Day School
Albuquerque	NM	BIE	Taos Day School
Albuquerque	NM	BIE	T'siya Day School (Zia)
Albuquerque	NM	BIE	Southwest Indian Polytechnical Institute
Albuquerque	NM	Tribally Controlled	Alamo Navajo Community School
Albuquerque	NM	Tribally Controlled	Isleta Elementary School
Albuquerque	NM	Tribally Controlled	Jicarilla Dormitory
Albuquerque	NM	Tribally Controlled	Kha'p'o Community School
Albuquerque	NM	Tribally Controlled	Laguna Elementary School
Albuquerque	NM	Tribally Controlled	Laguna Middle School
Albuquerque	NM	Tribally Controlled	Mescalero Apache School
Albuquerque??	NM	Tribally Controlled	Na' Neelzhiin Ji'Olta
Albuquerque	NM	Tribally Controlled	Ohkay Owingeh Community School
Albuquerque	NM	Tribally Controlled	Pine Hill Schools
Albuquerque	NM	Tribally Controlled	Santa Fe Indian School
Albuquerque	NM	Tribally Controlled	Te Tsu Geh Oweenge Day School

Albuquerque	NM	Tribally Controlled	To'hajiilee Day School
Bemidji	MN	Tribally Controlled	Bug-O-Nay-Ge-Shig
Bemidji	MN	Tribally Controlled	Circle of Life Academy
Bemidji	MN	Tribally Controlled	Fond du Lac Ojibwe School
Bemidji	MI	Tribally Controlled	Hannahville Indian School
Bemidji	MI	Tribally Controlled	JKL Bahweting Anishnabe School
Bemidji	WI	Tribally Controlled	Lac Courte Oreilles Ojibwa School
Bemidji	WI	Tribally Controlled	Menominee Tribal School
Bemidji	MN	Tribally Controlled	Nay-Ah-Shing School/Pine Grove
Bemidji	WI	Tribally Controlled	Oneida Nation School
Billings	MT	BIE	Blackfeet Dormitory
Billings	WY	Tribally Controlled	St. Stephens Indian School
Billings	MT	Tribally Controlled	Two Eagle River School
California	CA	Tribally Controlled	Noli School
Great Plains	ND	BIE	Dunseith Day School
Great Plains	ND	BIE	Ojibwa Indian School
Great Plains	ND	BIE	Turtle Mountain Elementary
Great Plains	ND	BIE	Turtle Mountain Middle School
Great Plains	SD	BIE	Cheyenne-Eagle Butte School
Great Plains	SD	BIE	Flandreau Indian Boarding School
Great Plains	SD	BIE	Pine Ridge School
Great Plains	SD	Tribally Controlled	American Horse School

Great Plains	ND	Tribally Controlled	Circle of Nations
Great Plains	SD	Tribally Controlled	Crazy Horse School
Great Plains	SD	Tribally Controlled	Crow Creek Reservation High School
Great Plains	SD	Tribally Controlled	Crow Creek Sioux Tribal Elem School
Great Plains	SD	Tribally Controlled	Enemy Swim Day School
Great Plains	SD	Tribally Controlled	Little Wound School
Great Plains	SD	Tribally Controlled	Loneman Day School
Great Plains	SD	Tribally Controlled	Lower Brule Day School
Great Plains	ND	Tribally Controlled	Mandaree Day School
Great Plains	SD	Tribally Controlled	Marty Indian School
Great Plains	IA	Tribally Controlled	Meskwaki Settlement School
Great Plains	SD	Tribally Controlled	Pierre Indian Learning Center
Great Plains	SD	Tribally Controlled	Porcupine Day School
Great Plains	SD	Tribally Controlled	Rock Creek Grant School
Great Plains	SD	Tribally Controlled	Sicangu Owayawa Oti (Rosebud Dorm)
Great Plains	SD	Tribally Controlled	Sitting Bull School (Little Eagle Grant School)
Great Plains	SD	Tribally Controlled	St. Francis Indian School
Great Plains	ND	Tribally Controlled	Standing Rock Community School
Great Plains	SD	Tribally Controlled	Takini School
Great Plains	ND	Tribally Controlled	Tate Topa Tribal School
Great Plains	ND	Tribally Controlled	Theodore Jamerson Elementary
Great Plains	SD	Tribally Controlled	Tiospa Zina Tribal School
Great Plains	SD	Tribally Controlled	Tiospaye Topa School
Great Plains	ND	Tribally Controlled	Twin Buttes Day School
Great Plains	ND	Tribally Controlled	White Shield School
Great Plains	SD	Tribally Controlled	Wounded Knee District School
Nashville	FL	Tribally Controlled	Ahfachkee Day School
Nashville	ME	Tribally Controlled	Beatrice Rafferty School
Nashville	MS	Tribally Controlled	Bogue Chitto Elementary School
Nashville	NC	Tribally Controlled	Cherokee Central Elementary School
Nashville	NC	Tribally Controlled	Cherokee Central High School
Nashville	LA	Tribally Controlled	Chitimacha Tribal School
Nashville	MS	Tribally Controlled	Choctaw Central High School
Nashville	MS	Tribally Controlled	Choctaw Central Middle School
Nashville	MS	Tribally Controlled	Conehatta Elementary School
Nashville	ME	Tribally Controlled	Indian Island School
Nashville	ME	Tribally Controlled	Indian Township School
Nashville	FL	Tribally Controlled	Miccosukee Indian School
Nashville	MS	Tribally Controlled	Pearl River Elementary School
Nashville	MS	Tribally Controlled	Red Water Elentary School
Nashville	MS	Tribally Controlled	Standing Pine Elementary School
Nashville	MS	Tribally Controlled	Tucker Elementary School
Navajo	NM	BIE	Bread Springs Day School
Navajo	NM	BIE	Chi Chil'tah Community School
Navajo	NM	BIE	Crystal Boarding School
Navajo	NM	BIE	Pine Springs Day School
Navajo	NM	BIE	Wingate Elementary School
Navajo	NM	BIE	Wingate High School

Navajo	NM	BIE	Baca/Dlo'ay Azhi Community School
Navajo	NM	BIE	Lake Valley Navajo School
Navajo	NM	BIE	Mariano Lake Community School
Navajo		BIE	Ojo Encino Day School
Navajo	NM	BIE	Pueblo Pintado Community School
Navajo	NM	BIE	T'iis Ts'ozi Bi'Olta' (Crownpoint)
Navajo	NM	BIE	Tohaali' Community School
Navajo	NM	BIE	Tse'ii'ahi' Community School (Standing Rock)
Navajo	UT	Tribally Controlled	Aneth Community School
Navajo	NM	Tribally Controlled	Beclabito Day School
Navajo	AZ	BIE	Cove Day School
Navajo	AZ	BIE	Kayenta Boarding School
Navajo	NM	BIE	Nenahnezad Community School
Navajo	AZ	BIE	Red Rock Day School
Navajo	NM	BIE	Sanostee Day School
Navajo	AZ	BIE	T'iis Nazbas Community School
Navajo	AZ	BIE	Cottonwood Day School
Navajo	AZ	BIE	Dennehotso Boarding School
Navajo	AZ	BIE	Jeehdeez'a Elementary School
Navajo	AZ	BIE	Many Farms High School
Navajo	AZ	BIE	Kaibeto Boarding School
Navajo	AZ	BIE	Rocky Ridge Boarding School
Navajo	AZ	BIE	Seba Dalkai Boarding School
Navajo	AZ	BIE	Tuba City Boarding School
Navajo	AZ	BIE	Tonalea Day School
Navajo	NM	Tribally Controlled	Atsa Biyaazh Community School

Navajo	NM	Tribally Controlled	Borrego Pass (Dibe Yazhi Habitiin Olta)
Navajo	NM	Tribally Controlled	Ch'ooshgai Community School
Navajo	AZ	Tribally Controlled	Dilcon Community School
Navajo	NM	Tribally Controlled	Dzilh-Na-O-Dith-Hle Community School
Navajo	AZ	Tribally Controlled	Greasewood Springs Community School, Inc
Navajo	AZ	Tribally Controlled	Greyhills Academy High School
Navajo	NM	Tribally Controlled	Hanaa'dli Community School
Navajo	AZ	Tribally Controlled	Hunters Point Boarding School
Navajo	AZ	Tribally Controlled	Kin Dah Lichi'i Olta
Navajo	AZ	Tribally Controlled	KinLani Bordertown Dormitory
Navajo	NM	Tribally Controlled	Kinteel Residential Campus
Navajo	AZ	Tribally Controlled	Leupp School, Inc.
Navajo	AZ	Tribally Controlled	Little Singer Community School
Navajo	AZ	Tribally Controlled	Lukachukai Community School
Navajo	AZ	Tribally Controlled	Many Farms Community School
Navajo	AZ	Tribally Controlled	Moencopi Day School
Navajo	AZ	Tribally Controlled	Naa Tsis'Aan Community School
Navajo	AZ	Tribally Controlled	Navajo Preparatory School
Navajo	AZ	Tribally Controlled	Nazlini Community School
Navajo	NM	Tribally Controlled	Shiprock Northwest High School
Navajo	AZ	Tribally Controlled	Pinon Community School
Navajo	UT	Tribally Controlled	Richfield Residential Hall
Navajo	AZ	Tribally Controlled	Rock Point Community School
Navajo	AZ	Tribally Controlled	Rough Rock Community School
Navajo	NM	Tribally Controlled	Shiprock Associated Dormitory
Navajo	AZ	Tribally Controlled	Shonto Preparatory School
Navajo	AZ	Tribally Controlled	T'iisyaakin Residential Hall
Navajo	AZ	Tribally Controlled	Wide Ruins Community School
Navajo	AZ	Tribally Controlled	Winslow Residential Hall
Oklahoma City	OK	BIE	Riverside Indian School
Oklahoma City	KS	BIE	Haskell Indian Nations University
Oklahoma City	OK	Tribally Controlled	Eufaula Dormitory
Oklahoma City	OK	Tribally Controlled	Jones Academy
Oklahoma City	KS	Tribally Controlled	Kickapoo Nation School
Oklahoma City	OK	Tribally Controlled	Sequoyah High School
Oklahoma City	OK	Tribally Controlled	Sequoyah High School
Phoenix	AZ	BIE	Havasupai Elementary School
Phoenix	AZ	BIE	John F. Kennedy Day School
Phoenix	CA	BIE	Sherman Indian High School
Navajo	AZ	Tribally Controlled	Black Mesa Community School
Phoenix	AZ	Tribally Controlled	Blackwater Community School
Phoenix	AZ	Tribally Controlled	Casa Blanca Community School
Navajo	AZ	Tribally Controlled	Chilchinbeto Community School
Phoenix	AZ	Tribally Controlled	Dishchii'bikoh Community School
Phoenix	AZ	Tribally Controlled	First Mesa Elementary School
Phoenix	AZ	Tribally Controlled	Gila Crossing Community School
Phoenix	AZ	Tribally Controlled	Hopi Day School
Phoenix	AZ	Tribally Controlled	Hopi Jr/Sr High School
Phoenix	AZ	Tribally Controlled	Hotevilla Bacavi Community School
Phoenix	NV	Tribally Controlled	Pyramid Lake High School
Phoenix	AZ	Tribally Controlled	Salt River Elementary School
Phoenix	AZ	Tribally Controlled	Second Mesa Day School
Phoenix	AZ	Tribally Controlled	Theodore Roosevelt School
Portland	WA	Tribally Controlled	Chief Leschi School

Portland	ID	Tribally Controlled	Coeur d' Alene Tribal School
Portland	WA	Tribally Controlled	Lummi Elementary School
Portland	WA	Tribally Controlled	Lummi High School
Portland	WA	Tribally Controlled	Muckleshoot Tribal School
Portland	WA	Tribally Controlled	Paschal Sherman Indian School
Portland	WA	Tribally Controlled	Quileute Tribal School
Portland	ID	Tribally Controlled	Shoshone-Bannock School District No 512
Portland	WA	Tribally Controlled	Wa He Lut Indian School
Portland	WA	Tribally Controlled	Yakama Nation Tribal School
Tucson	AZ	BIE	San Simon School
Tucson	AZ	BIE	Santa Rosa Day School
Tucson	AZ	BIE	Santa Rosa Ranch School
Tucson	AZ	BIE	Tohono O'odham High School
	x	Tribally Controlled	Sevier-Richfield