



REQUEST UNDER THE DELAWARE FREEDOM OF INFORMATION ACT

February 25, 2015

Lawrence White
Vice President and General Counsel
124C Hullihen Hall
University of Delaware
Newark, DE 19716

BY ELECTRONIC MAIL -- lawwhite@udel.edu

Dear Mr. White/University FOIA Officer,

On behalf of the Free Market Environmental Law Clinic, the Energy & Environment Legal Institute and the Caesar Rodney Institute, all non-profit public policy institutes including one incorporated and resident in Delaware, pursuant to Delaware's Freedom of Information Act, Title 29, Chapter 100 §§ 10001 *et. seq.*, ("FOIA"), we write to request the University provide us copies of documents meeting the following descriptions within the time prescribed by §10003(h):

1. All documents describing the University of Delaware's policy or policies relating to disclosure that apply to Dr. Byrne;
2. All records in the University's possession relating to outside funding, grants, or other contributions made to support Dr. John Byrne's work at or relating to the Center for Energy and Environmental Policy.
3. Please provide all records reflecting Dr. Byrne's sources of external funding. For purposes of this request, "outside funding" includes, but is in no way limited to, consulting fees, promotional considerations, speaking fees, honoraria, travel expenses, salary and other compensation or monies given to Dr. Byrne which did not originate with the University itself. Please include:
 - a. The source of funding;
 - b. The amount of funding;
 - c. The reason for receiving the funding;;
 - d. For grants, a description of the research proposal and copy of the funded grant;
 - e. Communications regarding the funding.
3. Please provide all financial disclosure forms in which Dr. Byrne lists the University of Delaware or the State of Delaware as his affiliation.
4. Please provide records reflecting Dr. Byrne's total annual compensation for each year at Delaware.

Records responsive to ## 1-3 above will be dated from January 1, 2013 through the date you process this request. Records responsive to #4 will be dated from January 1, 2007 to the present.

We request copies of the above items in electronic format if available. Requesters note that providing electronic copies will minimize the University's administrative burdens as well as costs incurred in fulfilling this request.

Release of these records is very much in the public interest. A recent *New York Times* article highlighted relevant issues,¹ which Rep. Raul Grijalva, the ranking member of the House Committee on Natural Resources, asserts prompted him to send a similar request for University records regarding another faculty member performing related work, Dr. David Legates.²

As such, the above request no doubt reads very familiarly to you. The sole distinctions are, first, that we far more narrowly tailor our request in comparison to Rep. Grijalva's; second, our request is made pursuant to statutory authority, implementing the legislature's determination that, for institutions including the University of Delaware, "it is vital that citizens have easy access to public records in order that the society remain free and democratic". FOIA § 10001 (while contrary to processing FOIA requests, responding to Rep. Grijalva is discretionary).

We incorporate by reference Rep. Grijalva's assertions of the importance to the public interest that information of this nature be available regarding those who inform this important issue, and request waiver of our fees out of the same courtesy that the University no doubt will afford Rep. Grijalva should it decide to satisfy that request out of its discretion. Requesters have been classified as media for FOIA purposes by federal agencies and have general public policy research missions; none of the requesters has any commercial purpose for the requested records.

¹ See, Justin Gillis and John Schwartz, "Deeper Ties to Corporate Cash for a Doubtful Climate Scientist", *New York Times*, February 21, 2015, <http://www.nytimes.com/2015/02/22/us/ties-to-corporate-cash-for-climate-change-researcher-Wei-Hock-Soon.html>.

² See, e.g., "The other professors who are targets of Grijalva's letters are: David Legates of the University of Delaware; John Christy of the University of Alabama; Richard Lindzen of the Massachusetts Institute of Technology; Robert Balling of Arizona State University; and Steven Hayward of Pepperdine University." Ben Geman, "Democratic Congressman Draws Backlash Over Climate Funding Probe Rep. Raul Grijalva wants to know if climate skeptics at several universities got industry funding. But is he engaged in a witch hunt?" *National Journal*, February 25, 2015, <http://www.nationaljournal.com/energy/democratic-congressman-draws-backlash-over-climate-funding-probe-20150225>.

We agree to pay up to \$200 in processing costs. Should costs exceed that amount, please contact undersigned counsel. We hereby give notice that if costs are prohibitive, we may instead choose to exercise our right under § 10003 (a) to inspect records in person.

If you have any questions please do not hesitate to contact Chris Horner, undersigned, contact information provided in our transmittal email.

Respectfully submitted,



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for the Free Market Environmental Law Clinic

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