Environmental Law Center American Tradition Institute

REQUEST UNDER THE FREEDOM OF INFORMATION ACT

June 7, 2012

Freedom of Information Officer
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, D.C. 20585

RE: FOIA Request – Seeking certain *work-related emails* from Jonathan Silver private email account

By Regular and Electronic Mail -- alexander.morris@hq.doe.gov, FOIA Officer

Dear Mr. Morris,

On behalf of the American Tradition Institute (ATI), a non-profit public policy institute, please provide copies of all records satisfying the following search terms.

This Request requires a search of only one email account and, particularly with the precise search parameters provided for DOE, represents a "simple" Request. Please note that due to the high public importance of this matter we request expedited treatment and intend to protect and pursue our appellate rights at each stage immediately upon the applicable deadline(s) passing.

We seek certain email correspondence reflecting DOE work-related matters held by, sent to, from or copied to (including as "bcc:") former Executive Director of DOE's Loan Programs Office Jonathan Silver at [redacted] during the period he was employed by the federal government (we note that DOE must ask Mr. Silver for and Mr. Silver must provide copies of all responsive records on private accounts). This means:

1) all emails held on, sent to, from or copied to (including as "bcc:") [redacted] an account Mr. Silver used for work-related matters;

2) Filtered on: (Time Message Sent Later Than 11/01/2009 12:00:01 AM
and Time Message Sent Earlier Than 10/06/2011 11:59:59 PM;

3) and (Display "To:" Contains @NRDC.org
or (Body Contains Brightsource

or Body Contains Bryson
or Body Contains Woolard
or Body contains energy
or Body contains NRDC
or Body Contains loan
or Body Contains guarantee.

Note about DOE's and Mr. Silver's continuing legal obligations

Information in the public domain reveals that Mr. Silver did use his personal email account with the address [redacted] in the conduct of his public business. He is required by law and regulation to copy DOE on all such email, either electronically or in paper format (under separate cover we request copies of any emails that were copied to or obtained by DOE to date).

Information in the public domain as well as our knowledge and belief indicate that Mr. Silver did not do so, as required. We understand Mr. Silver left the Department in October 2011. Mr. Silver has a continuing obligation to provide those records, having taken the taxpayer's money for performance of his duties during the period of his employ with this condition and understanding.

Further, we are aware of DOE's obligation to secure copies of all such records 1) under federal law and regulation to satisfy its record-keeping obligations, as well as 2) now to satisfy this Request under the Freedom of Information Act.

In short, Mr. Silver's departure and any failure to date by DOE do not relieve him or DOE of their obligations and do not abrogate the conditions of Mr. Silver's public employment.

To claim otherwise would be to argue for moral hazard, e.g., a system enabling an agency and employee to collude in conducting (and documenting) certain activities only on private email accounts, without DoE regularly obtaining copies as required, and avoiding required disclosure upon revelation or suspicion of this activity by ensuring the employee leaves, but before DoE is formally asked to obtain/produce copies of those records as required. By gutting relevant law, that interpretation would not stand.

We are confident the Department has no intention to make such an argument but note this for the record, given increasing evidence of a widespread pattern of federal government employees using private emails and computers to evade record-keeping and other transparency laws (including the Federal Records Act and FOIA), and aware of an administration claim in response to one such incident, "A White House spokeswoman said [private] e-mails are not subject to the FOIA."[1]

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1 Jessica Guynn, "Watchdog Group Requests White House Official's E-mail After Google Buzz Mishap," *Los Angeles Times* Technology Blog, April 1, 2010, http://www.consumerwatchdog.org/story/watchdog-group-requests-white-house-officials-e-mail-after-google-buzz-mishap.

This is simply not true. It is well-established that an employee who chooses to perform public business on private accounts or equipment thereby makes that account or equipment subject to FOIA. DOE, having adopted regulations implementing the National Archives Records Administration (NARA) rules, is fully aware of this.

Federal government employees are expected, according to agency policy, to forward all work-related emails to their government-issued accounts, or otherwise to make and maintain copies for the agency's access, with paper copies being deemed the gold standard of record preservation.

Still, as the House Committee on Oversight and Government Reform has noted, "The technological innovations of the last decade have provided tools that make it too easy for federal employees to circumvent the law and engage in prohibited activities."[2]

It seems that occurred in the present case. By promptly fulfilling its obligations to obtain all copies of responsive records DOE can work to minimize the chances for further violation.

Per NARA and the Government Accountability Office, "[A]gencies are required to establish policies and procedures that provide for appropriate retention and disposition of electronic records. In addition . . . agency procedures must specifically address e-mail records: that is, the creation, maintenance and use, and disposition of federal records created by individuals using electronic mail systems."[3] "Agencies are also required to address the use of external e-mail systems that are not controlled by the agency (such as private e-mail accounts on commercial systems such as Gmail, Hotmail, .Mac, etc.). Where agency staff have access to external systems, agencies must ensure that federal records sent or received on such systems are preserved in the appropriate recordkeeping system and that reasonable steps are taken to capture available transmission and receipt data needed by the agency for recordkeeping purposes."[4]

As DOE acknowledges, fulfillment of these requirements which originate in the Federal Records Act of 1950 44 U.S.C. 3101 et seq., the E-Government Act of 2002 and other legislation, means that DOE must "**Capture and manage records created or received via social media platforms, including websites and portals, or from personal email used for Department**

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2 Statement, House Committee on Oversight and Government Reform, "The Hatch Act: The Challenges of Separating Politics from Policy," June 21, 2011, http://oversight.house.gov/hearing/the-hatch-act-the-challenges-of-separating-politics-from-policy/. This statement was made in the context of a law precluding federal employees from using taxpayer-provided resources, including time, phones, computers, etc., to engage in certain unofficial activity, specifically politicking. It seems nearly everyone in Washington has their own anecdotal stories of observing Hatch Act violations, federal employees using private email accounts to perform political activity on official time.

3 Government Accountability Office, "Federal Records: National Archives and Selected Agencies Need to Strengthen E-Mail Management," GAO-08-742, June 2008, http://www.gao.gov/assets/280/276561.pdf, p. 6.

4 Ibid., at p. 37.

business", and "**Ensure that departing Federal employees identify and transfer any records in their custody to an appropriate custodian**, or the person assuming responsibility for the work".[5] (emphases added) Mr. Silver having departed does not alter these requirements.

DOE must establish safeguards against the removal or loss of records and making requirements and penalties known to agency officials and employees (44 U.S.C. 3105); it also must notify the National Archivist of any actual, impending, or threatened unlawful destruction of records and assist in their recovery (44 U.S.C. 3105).

DOE's responsibilities also include "To provide for...Adequate and proper documentation of DOE activities, organizations, functions, policies, business processes, decisions and essential transactions," which means to "Establish recordkeeping requirements as prescribed by laws, regulations, directives, and processes, and reflect adequate and proper documentation of the Department's organizations, missions, functions, policies, and decisions. 44 U.S.C., Chapters 21, 29, 31, 33, and 35; 36 Code of Federal Regulations (CFR), Subchapter B, Records Management, and all applicable National Archives and Records Administration (NARA) mandated guidance."[6]

Although information in the public record indicates otherwise, we are confident that DOE has taken notice that Obama administration employees have been found to be regularly using private email to conduct public business, taking necessary steps in response to ensure that DOE comes into compliance with FRA and also that this FOIA Request is readily satisfied.

For example, not only has the *New York Times* acknowledged the practice of using private email accounts as the preferred means of contacting lobbyists,[7] we also see that employees deciding to use unofficial email accounts for public business also choose, to little surprise, to not forward

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[5] "Your Records Management Responsibilities", U.S. Department of Energy, Office of IT Planning, Architecture, and E-Government, Office of the Chief Information Officer, July 2010, available at http://energy.gov/sites/prod/files/cioprod/documents/Your_Records_Management_Responsiiblities__2_.pdf. For example, DOE acknowledges that "If you are a government employee...records management is part of your job... It's the Law: Federal agencies are required by law (the Federal Records Act of 1950), as amended and codified in Title 44 of the United States Code) to adequately document their missions, functions, policies, procedures, decisions, and transactions".

[6] Ibid. Also, DOE must:

> Develop and implement procedures and processes for electronic records that:
> (1) Prevent unauthorized addition, modification or deletion. ...
> (3) Provide a secure audit trail to enable addition, modification or deletion of records and retrieval activities. ...
> (6) Retain records in an accessible and usable format until the authorized disposition date. ... [and]
>
> Manage e-mail records along with their metadata (including name of the sender and all addressees, date the message was sent and/or time of receipt) and attachments by means of an electronic information system that has electronic records keeping functionality, or an electronic records management application. DOE Order 243.1A, Records Management Program, http://energy.gov/sites/prod/files/o243%201a_Final_11-7-11.pdf, replacing similar requirements found in DOE Order 243.1, Records Management Program, 2-3-06.

7 Eric Lichtblau, "Across From White House, Coffee With Lobbyists," *New York Times*, June 24, 2010, http://www.nytimes.com/2010/06/25/us/politics/25caribou.html?_r=1&scp=4&sq=caribou&st=cse.

copies of any such mail to their government email account for proper retention and preservation according to the rules.

One White House office with an employee found exposed to be in this practice reaffirmed that forwarding is mandatory. OSTP director John Holdren issued a May 2010 memo to all staff, which stated in pertinent part:

> If you receive communications relating to your work at OSTP on any personal email account, you must promptly forward any such emails to your OSTP account, even if you do not reply to such email. Any replies should be made from your OSTP account. In this way, all correspondence related to government business—both incoming and outgoing—will be captured automatically in compliance with the FRA. In order to minimize the need to forward emails from personal accounts, please advise email senders to correspond with you regarding OSTP-related business on your OSTP account only.[8]

The short version of the applicable legal principles is that **using private assets to perform public business does not succeed in making that any less the public's business**, and therefore is not a useful means of evading or exempting records from transparency laws. If in fact DOE has not obtained copies of all such records then similar "corrective action" as OSTP took is in order due to DOE's record-keeping responsibilities, and now to satisfy this Request under FOIA.

This problem, which we confront in this Request, is expanding and not just in the U.S. As one British media outlet put it after a Cameron administration figure was found to have used a private email account to conduct public business, "**It would seem that as the UK has followed the US in its freedom of information laws, so our politicians seem to have also followed their Washington DC colleagues in their attempts to evade the law**."[9]

We also note that in this case the UK's Information Commission Office concluded about "Information held in non-work personal email accounts (e.g., Hotmail, Yahoo, and Gmail)", that "All such information which is held by someone who has a direct, formal connection with the public authority is potentially subject to FOIA regardless of whether it is held in an official or private email account. If the information held in a private account amounts to public authority

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8 Memo from OSTP Director John Holdren to all OSTP staff, titled "Subject: Reminder: Compliance with the Federal Records Act and the President's Ethics Pledge," May 10, 2010, http://assets.fiercemarkets.com/public/sites/govit/ostp-employees.pdf.

9 Gavin Clarke, "Beware Freedom of Info law 'privacy folktale'—ICO chief," Register (U.K.), February 7, 2012, http://www.theregister.co.uk/2012/02/07/foia_review_information_commissioner/.

business it is very likely to be held on behalf of the public authority in accordance with" the act.[10]

He wrote, "[I]nformation 'amounts to' public authority business, or whether information was 'generated in the course of conducting the business of the public authority,'" and is thereby "held by" an agency.[11] This is equivalent to FOIA's coverage of "agency records." So we see this decision does not turn on any particular aspect or distinction of the British FOIA, but because the records sought there as here reflect the conduct of official business.

The information commissioner said of his ruling that "**It should not come as a surprise to public authorities to have the clarification that information held in private email accounts can be subject to Freedom of Information law if it relates to official business," because "This has always been the case—the Act covers all recorded information in any form**."[12] A review of our FOIA, FRA, other laws and NARA regulations confirms the same is true here.

Finally, another British newspaper reported of the same behavior, "Civil servants have been warned that using private email accounts for official business in an effort to dodge Freedom of Information Act requests is a criminal offence."[13] We note that, in addition to a failure to offer good-faith service to the government being a violation of ethics laws, barring unique circumstances this practice can also rise to the level of a criminal offense here in the States.[14]

As one U.S. consultant notes in this context, "If you work for a government agency ... sending official information on your personal account would place it outside of the controls in place to protect and retain email communications. Doing so is not only a compliance violation, but also

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10 Information Commissioner, Guidance, "Information held in private email accounts", December 15, 2011 http://www.ico.gov.uk/...Information/.../official_information_held_in_private_email_accounts-4.pdf, at p. 2. See also, ICO, Decision notice, March 1, 2012, PDF available by link at http://www.ico.gov.uk/news/latest_news/2012/statement-department-for-education-decision-notice-02032012.aspx.

11 Ibid.

12 News release, "ICO clarifies law on information held in private email accounts," Information Commissioner's Office (UK), December 15, 2011, http://www.ico.gov.uk/news/latest_news/2011/ico-clarifies-law-on-information-held-in-private-email-accounts-15122011.aspx.

13 Christopher Williams, "Civil servants to be forced to publish Gmail emails," *Telegraph* (U.K.), December 15, 2011, http://www.bishop-hill.net/blog/2011/12/15/on-her-majestys-public-service.html. See also Andrew Montford, "Education Secretary used private emails," Bishop-Hill blog, September 20, 2011, http://www.bishop-hill.net/blog/2011/9/20/education-secretary-used-private-emails.html, referencing Jeevan Vasager, "Michael Gove faces questions over department's use of private email," *Guardian* (U.K.), September 19, 2011, http://www.guardian.co.uk/politics/2011/sep/20/michael-gove-department-private-email.

14 44 U.S.C. Sections 3105, 3106, which prohibit the actual, pending or threatened, removal, defacing, alteration or destruction of documents, including documents or records of a Federal Agency and set forth procedures in these events.

gives the appearance of a willful and intentional attempt to circumvent the system and covertly hide your communications."[15]

Thanks to Congressman Henry Waxman we have established that the use of private email to conduct official business violates federal record-keeping and preservation requirements (the Presidential Records Act or the Federal Records Act, depending on the office involved), and is a serious matter as are efforts to evade the law.[16]

Employees are discouraged but not prohibited from on occasion using private email accounts or personal computers, on an honor code, despite the obvious conflict of leaving it to the employee to decide what to turn over and also other sound arguments, for example that this constitutes unlawful use of voluntary or personal services banned by the Anti-Deficiency Act.

It is up to the head of the agency learning of possible destruction or removal of records to notify the Archivist and initiate action against the employee; if he does not within a reasonable period of time, the Archivist "shall" ask the attorney general to do so (Criminal penalties, including fines or jail time for the unlawful destruction of records or documents, can be found in 18 U.S.C. Section 2071).

NARA regulations also state, "Agencies that allow employees to send and receive official electronic mail messages using a system not operated by the agency must ensure that Federal records sent or received on such systems are preserved in the appropriate agency recordkeeping system."[17]

Scope of Request

Although set forth above in the language of search-terms, the time parameters of this Request are **the twenty four-month period beginning on November 1, 2009 through October 6, 2011, inclusive**.

Please identify and inform us of all responsive or potentially responsive documents within the statutorily prescribed time, and the basis of any claimed exemptions or privilege and to which specific responsive or potentially responsive document(s) such objection applies.

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15 Tony Bradley, "Mixing Business and Personal Email: Is It a Good Idea?," About.com Network Security, September 19, 2008, http://netsecurity.about.com/od/newsandeditoria2/a/palinemail.htm.

16 See, "Interim Report: Investigation of Possible Presidential Records Act Violations." Prepared for Chairman Henry A. Waxman, United States House of Representatives Committee on Oversight and Government Reform Majority Staff, June 2007, available at http://usspi.org/resources-emailsgone/interim-report.pdf.

17 36 C.F.R. § 1236.22(a), "What are the additional requirements for managing electronic mail records?," http://www.archives.gov/about/regulations/part-1236.html.

Further, please inform us of the basis of any partial denials or redactions. Specifically, if your office takes the position that any portion of the requested records is exempt from disclosure, we request that you provide us with 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), with sufficient specificity "to permit a reasoned judgment as to whether the material is actually exempt under FOIA" pursuant to *Founding Church of Scientology v. Bell*, 603 F.2d 945, 959 (D.C. Cir. 1979), and "describ[ing] each document or portion thereof withheld, and for each withholding it must discuss the consequences of supplying the sought-after information." *King v. Department of Justice*, 830 F. 2d 210, 223-24 (D.C. Cir. 1987).

In the event that 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 and that those non-exempt segments are so dispersed throughout the documents as to make segregation impossible, please state what portion of the document is non-exempt and how the material is dispersed through the document. *Mead Data Central v. Department of the Air Force*, 455 F.2d 242, 261 (D.C. Cir. 1977). Claims of non-segregability must be made with the same detail as required for claims of exemption 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.

We request you provide copies of responsive records in electronic format if you possess them as such, otherwise photocopies are acceptable.

Please provide responsive documents in complete form, with any appendices or attachments as the case may be.

Request for Fee Waiver

We request your office(s) waive any fees associated with this request. As explained below, this FOIA Request satisfies the factors listed in EPA's governing regulations for waiver or reduction of fees, as well as the requirements of fee waiver under the FOIA statute - that "disclosure of the information 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 the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii). See also *inter alia* DoE's implementing regulations, Title 10, Code of Federal Regulations (Section 1004.9).

ATI is a nonprofit, tax-exempt public interest organization, with formal research, educational and publication functions as part of its mission, and release of these records will serve the public interest by contributing significantly to the public's understanding of the controversial topics of energy and environmental policy and specifically the ongoing debate over the transparency and credibility of the federal regulatory process involving e.g., interaction and relationships with politically favored groups, and because such a release is not primarily in our organization's commercial interest.

ATI has no commercial interest in obtaining the requested information. Instead, ATI intends to use the requested information to inform the public, so the public can meaningfully assess claims made by government agencies and participate in the policymaking process related to EPA policy with complete, relevant information. ATI will derive no economic benefit from the requested material. No “specialized use” of the documents is anticipated outside of that described herein.

ATI has engaged in high-profile efforts promoting the public interest advocating transparency and sensible policies to protect human health and the environment, and has routinely received fee waivers under FOIA. If our fee waiver request is denied we are willing to pay up to $150.00, and in the event of any appeal as appropriate and regardless of that outcome or your response to this fee waiver request we request the search and document production proceed in the interim.

1. The subject matter of the requested records must specifically concern identifiable operations or activities of the government.

The requested records relate to DOE’s process and specifically its adherence to transparency and record-keeping laws, and activities of a senior appointee and how he used his position administering a controversial program. Pursuant to FOIA this process, related correspondence, and compliance with the relevant policies and procedures are unquestionably "identifiable operations or activities of the government."

The Department of Justice Freedom of Information Act Guide expressly concedes that "in most cases records possessed by federal agency will meet this threshold" of identifiable operations or activities of the government. There can be no question that this is such a case.

2. For the disclosure to be "likely to contribute" to an understanding of specific government operations or activities, the releasable material must be meaningfully informative in relation to the subject matter of the request.

The disclosure of the requested documents must have an informative value and be "likely to contribute to an understanding of Federal government operations or activities." The Freedom of Information Act Guide makes it clear that, in the Department of Justice's view, the "likely to contribute" determination hinges in substantial part on whether the requested documents provide information that is not already in the public domain. The requested records are "likely to contribute" to an understanding of your agency's activities because with limited exceptions they are not otherwise in the public domain and are not accessible other than through a FOIA request. These limited exceptions indicate that more responsive records exist and affirm that many more should exist.

Given current concerns about federal government transparency and preferential relationships, and the above-mentioned practice by Obama administration appointees using private email accounts to conduct public business, and the strong emphasis placed on disclosure by the

president and attorney general, this information will facilitate meaningful public understanding of such activities, therefore fulfilling the requirement that the documents requested be "meaningfully informative" and "likely to contribute" to an understanding of your agency's decision-making process and the controversial issue described above.

3. The disclosure must contribute to the understanding of the public at large, as opposed to the understanding of the requester or a narrow segment of interested persons.

Under this factor, the identity and qualifications of the requester—i.e., expertise in the subject area of the request and ability and intention to disseminate the information to the public—is examined. ATI has a well-established interest and expertise in the subject of federal regulatory policies including transparency, demonstrated through, *inter alia*, freedom of information requests and litigation.

More importantly, ATI unquestionably has the "specialized knowledge" and "ability and intention" to disseminate the information requested in the broad manner, and to do so in a manner that contributes to the understanding of the "public-at-large." ATI intends to disseminate the information it receives through FOIA regarding these government operations and activities in a variety of ways, including but not limited to, analysis and distribution to the media, distribution through publication and mailing, posting on the organizations' websites, and emailing.

ATI professionals appear regularly on radio and television shows to discuss issues on which they work, and similarly write in newspapers and for numerous other publications with broad readership including the National Review, Daily Caller, Pajamas Media, Big Government, Watts Up With That and American Spectator websites.

ATI intends to disseminate the information it receives through FOIA regarding these government operations and activities in a variety of ways, including but not limited to, analysis and distribution to the media, distribution through publication and mailing, posting on the organizations' websites, emailing and list-serve distribution to members.

4. The disclosure must contribute "significantly" to public understanding of government operations or activities.

There currently is only information in the public domain indicating the existence of correspondence between a senior Department official which he was required to copy on his official email account but apparently did not; this information confirms that responsive records do exist and that DOE should possess such records if it it followed applicable law and policy. The same information indicates DOE did not do so. DOE's response will answer this question of significant public interest.

The records requested will contribute to the public understanding of the government's "operations and activities" associated with this critically important information. After disclosure of these records, the public's understanding of the above-described process will be significantly enhanced. The requirement that disclosure must contribute "significantly" to the public understanding is therefore met.

5. The extent to which disclosure will serve the requester's commercial interest, if any.

As already stated ATI has no commercial interest in the information sought or otherwise in the requested records. Nor does ATI have any intention to use these records in any manner that "furthers a commercial, trade, or profit interest" as those terms are commonly understood. ATI is a tax-exempt organization under sections 501(c)(3) of the Internal Revenue Code, and as such has no commercial interest. The requested records will be used for the furtherance of CEI's mission to inform the public on matters of vital importance to the regulatory process and policies relating to science and the environment.

6. The extent to which the identified public interest in the disclosure outweighs the requester's commercial interest.

See answers to factors 1-5 above. Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is "primarily in the commercial interest of the requester." When a commercial interest is found to exist and that interest would be furthered by the requested disclosure, an agency must assess the magnitude of such interest in order to compare it to the "public interest" in disclosure. If no commercial interest exists, an assessment of that non-existent interest is not required. As noted above, ATI has no commercial interest in the requested records.

Disclosure of this information is not "primarily" in CEI's commercial interest. On the other hand, it is clear that the disclosure of the information requested is in the public interest. It will contribute significantly to public understanding of the regulatory process as already described.

We respectfully request, because the public will be the primary beneficiary of this requested information, that EPA waive processing and copying fees pursuant to 5 U.S.C. §552(a)(4)(A). In the event that your agency denies a fee waiver, please send a written explanation for the denial.

To keep costs and copying to a minimum please provide copies of all responsive records in electronic format if you have them.

Transparency

We note the inaugural post on the White House "blog" made immediately upon President Obama's swearing-in to office which restated, in pertinent part, a prominent promise made when courting votes during the election campaign:

> **Transparency** — President Obama has committed to making his administration the most open and transparent in history, and WhiteHouse.gov will play a major role in delivering on that promise. The President's executive orders and proclamations will be published for everyone to review, and that's just the beginning of our efforts to provide a window for all Americans into the business of the government. You can also learn about some of the senior leadership in the new administration and about the President's policy priorities. WhiteHouse.gov, "Change has come to WhiteHouse.gov", January 20, 2009 (12:01 p.m.), http://www.whitehouse.gov/blog/change_has_come_to_whitehouse-gov/

We also draw particular attention to the President's instruction that "The Government should not keep information confidential merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears. Nondisclosure should never be based on an effort to protect the personal interests of Government officials at the expense of those they are supposed to serve." *Presidential Memorandum For Heads of Executive Departments and Agencies*, 75 F.R. § 4683, 4683 (Jan. 21, 2009). The Presidential directive merely reflects longstanding agency policy on information dissemination and access, which policies also reiterate the bias toward release. If you have any questions please do not hesitate to contact me.

To expedite matters please direct all other disclosures to my attention at the following address:

American Tradition Institute
1489 Kinross Lane
Keswick, VA 22947

If you have any questions, or would like to discuss this matter further, don't hesitate to contact me by email at chris.horner@atinstitute.org.

Thank you for your attention to this matter.

Sincerely,

Christopher C. Horner
chris.horner@atinstitute.org
202.262.4458 (M)