



**Judicial
Watch™**
*Because no one
is above the law!*

**VIA FACSIMILE (202-482-2741) AND
OVERNIGHT MAIL**

July 26, 2007

Honorable Carlos M. Gutierrez
Secretary of the U.S. Department of Commerce
1401 Constitution Avenue, N.W., Room 5516
Washington, D.C. 20230

Re: North American Competitiveness Council

Dear Secretary Gutierrez:

Judicial Watch is a not-for-profit educational organization that seeks to promote transparency, integrity, and accountability in government and fidelity to the rule of law. In furtherance of its public interest mission, Judicial Watch regularly utilizes open records and open meetings statutes, including the Freedom of Information Act ("FOIA") and the Federal Advisory Committee Act ("FACA"), to monitor the actions of federal, state, and local government agencies, entities, and offices. Judicial Watch disseminates its findings to the public through various educational and outreach programs, including the organization's website and monthly newsletter.

As you may recall, the North American Competitiveness Council ("NACC") was officially launched by you and your counterparts from Mexico and Canada in June of 2006. As described in a U.S. Department of Commerce press release issued on June 15, 2006, the NACC "is made up of high level business leaders from each country" who will meet annually with officials and ministers from the U.S., Mexican, and Canadian governments "to provide recommendations and priorities on promoting North American Competitiveness globally."

It is our understanding that the NACC formally met for the first time on August 15, 2006 in Washington, D.C. It also is our understanding that the NACC met with you and your counterparts from Mexico and Canada on February 23, 2007 in Ottawa, Canada and that, at that meeting, the NACC provided over fifty (50) recommendations to you and your counterparts from Mexico and Canada regarding border-crossing facilitation, standards and regulatory cooperation, and energy integration.

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Judicial Watch respectfully submits that the NACC and its U.S. component subcommittees, including the Executive Committee and the Advisory Committee, are “advisory committees” as that term is defined under FACA. *See* 5 U.S.C. App. 2 § 3(2). As such, the NACC and its U.S. component subcommittees must comply with all the provisions of FACA, including, but not limited to, filing a charter, publishing timely notice of each meeting in the Federal Register, allowing interested parties to attend and participate in meetings, and providing access to committee records. *See* 5 U.S.C. App. 2 § 10. To the best of our knowledge, neither the NACC nor its U.S. component subcommittees have satisfied any of these statutory requirements.

To further its public interest mission, Judicial Watch seeks to attend and/or participate in meetings of the NACC and its U.S. component subcommittees. Judicial Watch previously submitted a request to this effect to the organization designated by the U.S. Department of Commerce as the “Secretariat” of NACC, the U.S. Chamber of Commerce (serves jointly with the Council of the Americas). The Secretariat informed Judicial Watch that, as a not-for-profit educational organization, it was not eligible to participate in these meetings.

Accordingly, Judicial Watch respectfully requests that you acknowledge that the NACC and its U.S. component subcommittees are advisory committees under FACA and that you bring their operations into compliance with all appropriate laws and regulations. In particular, Judicial Watch understands that the NACC will be meeting in late August 2007 in Montebello, Canada in conjunction with meetings by President Bush, Mexican President Felipe Calderon, and Canadian Prime Minister Stephen Harper. Judicial Watch would like to attend and/or participate in any meeting of the NACC. Due to the brief time remaining before the meeting, please have your office confirm no later than Friday, August 3, 2007 that any such meeting will be open to Judicial Watch and the general public.

Finally, and as you may be aware, FACA requires that all “records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agendas, or other documents which were made available to or prepared by” an advisory committee be made available to the public through FOIA. 5 U.S.C. App. 2 § 10(b). Judicial Watch respectfully requests that you make all such records of the NACC and its U.S. component subcommittees available to Judicial Watch pursuant to the provisions of FOIA.

Thank you for your attention to this matter.

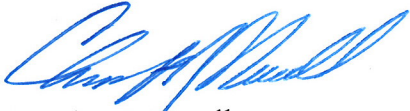
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Sincerely,

JUDICIAL WATCH, INC.



Christopher J. Farrell

Director of Research and Investigations

cc: Hon. David S. Bohigian
John J. Sullivan, Esq.
Inspector General Johnnie E. Frazier
Congressman Duncan Hunter
Congressman Walter Jones
Congressman Tom Tancredo
Senator Jeff Sessions
Senator Jim DeMint
Senator Tom Coburn, M.D.