



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

March 22, 2011

VIA CERTIFIED MAIL & FACSIMILE

Elizabeth A. Horton, Deputy Assistant General Counsel
Office of General Law, Ethics & Regulation
U.S. Department of the Treasury
1500 Pennsylvania Ave, N.W., Suite 2221
Washington, D.C. 20220

Re: Freedom of Information Act Request

Dear Ms. Horton:

On September 17, 2010, President Obama appointed Elizabeth Warren to serve as the Special Advisor to the Secretary of the Treasury on the Consumer Financial Protection Bureau, among other responsibilities. In her Treasury role (according to her congressional testimony on Wednesday, March 16, 2011) Ms. Warren has “had more than sixty one-on-one conversations with Members of Congress.” Accordingly, pursuant to the provisions of the Freedom of Information Act (FOIA), 5 U.S.C. § 552, Judicial Watch, Inc., (Judicial Watch) hereby requests that the U.S. Department of the Treasury (Treasury) produce the following within twenty (20) business days:

1. Any and all communications between Ms. Warren and members of the 111th and 112th U.S. Congresses;
2. Any and all records of communications between Ms. Warren and members of the 111th and 112th U.S. Congresses;
3. Any and all communications between Ms. Warren and staffers of the 111th and 112th U.S. Congresses; and,
4. Any and all records of communications between Ms. Warren and staffers of the 111th and 112th U.S. Congresses.

Additionally, Ms. Warren announced on December 2, 2010, at the Consumer Federation of America (CFA) Financial Services Conference, that she had “been busy talking and meeting with consumer advocates and a wide variety of stakeholders in the financial services industry--CEOs of all stripes, big banks, community banks, Ohio bankers, Oklahoma bankers, California bankers, credit unions, and the list goes on.” Hence, pursuant to the provisions of FOIA, Judicial Watch also requests that Treasury

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produce the following within twenty (20) business days:

5. Any and all communications between Ms. Warren and any “consumer advocates . . . stakeholders . . . CEOs . . . bankers” and whomever else Ms. Warren was referring to when she stated that “the list goes on”; and,
6. Any and all records of communications between Ms. Warren and any “consumer advocates . . . stakeholders . . . CEOs . . . bankers” and whomever else Ms. Warren was referring to when she stated that “the list goes on.”

Lastly, also at the CFA conference, Ms. Warren declared that earlier that same week she had gone “to Florida to meet with Attorneys General from across the country.” Hence, pursuant to the provisions of FOIA, Judicial Watch further requests that Treasury produce the following within twenty (20) business days:

7. Any and all communications between Ms. Warren and the state attorneys general for each of the United States and U.S. territories, commonwealths, federal districts, and protectorates – namely, they are:

- | | | | |
|----|----------------------|-----|--------------------------|
| a. | Alabama | w. | Maryland |
| b. | Alaska | x. | Massachusetts |
| c. | American Samoa | y. | Michigan |
| d. | Arizona | z. | Minnesota |
| e. | Arkansas | aa. | Mississippi |
| f. | California | bb. | Missouri |
| g. | Colorado | cc. | Montana |
| h. | Connecticut | dd. | Nebraska |
| i. | Delaware | ee. | Nevada |
| j. | District of Columbia | ff. | New Hampshire |
| k. | Florida | gg. | New Jersey |
| l. | Georgia | hh. | New Mexico |
| m. | Guam | ii. | New York |
| n. | Hawaii | jj. | North Carolina |
| o. | Idaho | kk. | Northern Mariana Islands |
| p. | Illinois | ll. | North Dakota |
| q. | Indiana | mm. | Ohio |
| r. | Iowa | nn. | Oklahoma |
| s. | Kansas | oo. | Oregon |
| t. | Kentucky | pp. | Pennsylvania |
| u. | Louisiana | qq. | Puerto Rico |
| v. | Maine | rr. | Rhode Island |

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ss.	South Carolina	yy.	Virgin Islands
tt.	South Dakota	zz.	Virginia
uu.	Tennessee	aaa.	Washington
vv.	Texas	bbb.	West Virginia
ww.	Utah	ccc.	Wisconsin
xx.	Vermont	ddd.	Wyoming

8. Any and all records of communications between Ms. Warren and the state attorneys general for each of the United States and U.S. territories, commonwealths, federal districts, and protectorates as listed in item 7 above;
9. Any and all agendas for any meetings between Ms. Warren and the state attorneys general for each of the United States and U.S. territories, commonwealths, federal districts, and protectorates as listed in item 7 above;
10. Any and all notes from any meetings between Ms. Warren and the state attorneys general for each of the United States and U.S. territories, commonwealths, federal districts, and protectorates as listed in item 7 above;
11. Any and all presentations distributed, displayed, and/or otherwise disseminated between Ms. Warren and the state attorneys general for each of the United States and U.S. territories, commonwealths, federal districts, and protectorates as listed in item 7 above; and,
12. Any and all of Ms. Warren's travel logs, maps, and itineraries to and through any and all of the United States and U.S. territories, commonwealths, federal districts, and protectorates as listed in item 7 above.

The time frame for this request is from September 17, 2010 through the present.

In placing this request, Judicial Watch calls your attention to President Obama's January 21, 2009 Memorandum concerning FOIA which states:

All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA...The presumption of disclosure should be applied to all

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decisions involving FOIA.¹

The memorandum goes on to state that FOIA “should be administered with a clear presumption: In the case of doubt, openness prevails.” Nevertheless, if any responsive record or portion thereof is claimed to be exempt from production under FOIA, please provide sufficient identifying information with respect to each allegedly exempt record or portion thereof to allow us to assess the propriety of the claimed exemption. *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). In addition, any reasonably segregable portion of a responsive record must be provided, after redaction of any allegedly exempt material. 5 U.S.C. § 552(b).

Judicial Watch also hereby requests a waiver of both search and duplication fees pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) and 5 U.S.C. § 552(a)(4)(A)(iii). Judicial Watch is entitled to a waiver of search fees under 5 U.S.C. § 552(a)(4)(A)(ii)(II) because it is a member of the news media. See *National Security Archive v. U.S. Department of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). Judicial Watch has also been recognized as a member of the news media in other FOIA litigation. See *Judicial Watch, Inc. v. U.S. Department of Justice*, 133 F. Supp.2d 52 (D.D.C. 2000); and, *Judicial Watch, Inc. v. Dep’t of Defense*, 2006 U.S. Dist. LEXIS 44003, *1 (D.D.C. June 28, 2006). Judicial Watch regularly obtains information about the operations and activities of government through FOIA and other means, uses its editorial skills to turn this information into distinct works, and publishes and disseminates these works to the public. It intends to do likewise with the records it receives in response to this request.

Judicial Watch also is entitled to a complete waiver of both search fees and duplication fees pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). Under this provision, records:

shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if 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 government and is not primarily in the commercial interest of the requester. 5 U.S.C. § 552(a)(4)(A)(iii).

In addition, if records are not produced within twenty (20) business days, Judicial Watch is entitled to a complete waiver of search and duplication fees under the OPEN Government Act of 2007, Section 6(b).

Judicial Watch is a 501(c)(3), not-for-profit, educational organization, and, by definition, it has no commercial purpose. Judicial Watch exists to educate the public

¹ President Barack Obama, “Memorandum for the Heads of Executive Departments and Agencies, Subject: Freedom of Information Act,” January 21, 2009; <http://www.whitehouse.gov/the_press_office/FreedomofInformationAct>

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about the operations and activities of government, as well as to increase public understanding about the importance of ethics and the rule of law in government. The particular records requested herein are sought as part of Judicial Watch's ongoing efforts to document the operations and activities of the federal government and to educate the public about these operations and activities. Once Judicial Watch obtains the requested records, it intends to analyze them and disseminate the results of its analysis, as well as the records themselves, as a special written report. Judicial Watch will also educate the public via radio programs, Judicial Watch's website, and/or newsletter, among other outlets. It also will make the records available to other members of the media or researchers upon request. Judicial Watch has a proven ability to disseminate information obtained through FOIA to the public, as demonstrated by its long-standing and continuing public outreach efforts.

Given these circumstances, Judicial Watch is entitled to a public interest fee waiver of both search costs and duplication costs. Nonetheless, in the event our request for a waiver of search and/or duplication costs is denied, Judicial Watch is willing to pay up to \$350.00 in search and/or duplication costs. Judicial Watch requests that it be contacted before any such costs are incurred, in order to prioritize search and duplication efforts. In an effort to facilitate record production within the statutory time limit, Judicial Watch is willing to accept documents in electronic format (e.g. e-mail, .pdfs). When necessary, Judicial Watch will also accept the "rolling production" of documents.

If you do not understand this request or any portion thereof, or if you feel you require clarification, please immediately contact Judicial Watch Research Assistant Justin McCarthy at 202-646-5172 or jmccarthy@judicialwatch.org. Judicial Watch looks forward to receiving the requested documents and a waiver of both search and duplication costs within twenty (20) business days. Thank you for your cooperation.

Sincerely,



Lisette Garcia, J.D.
Senior Investigator
Judicial Watch, Inc.