



Judicial Watch™

Because no one is above the law.

29 July 2009

VIA CERTIFIED MAIL & FACSIMILE

Office of Management and Budget
Dionne Hardy
725 17th Street, NW
Room 9026
Washington, DC 20503
202.395.FOIA
202.395.3504 (fax)
Article Number: (7001 2510 0009 4450 7867)

Re: Freedom of Information Act Request

Dear Ms. Hardy:

Pursuant to the provisions of the Freedom of Information Act (FOIA), 5 U.S.C. § 552, Judicial Watch, Inc. hereby requests that the White House: Office of Management and Budget produce the following records within twenty (20) business days:

1. Mission statements for Obama Administration “czars”
2. Office staffing for Obama Administration “czars” (we are not interested in b(6) protected material)
3. Budget for operations and administration for Obama Administration “czars”

“Czars” encompass the following individuals and positions:

1. Technology Czar: Aneesh Chopra.
Chief Technology Officer at the White House
2. Drug Czar: Gil Kerlikowske
Director of the Office of National Drug Control Policy
3. Copyright Czar: Not appointed yet.

4. Energy & Climate Change Czar: Carol Browner
Assistant to the President for Energy and Climate Change

5. Car Czars: Ed Montgomery
Director of Recovery for Auto Communities and Workers

And

Steve Rattner
Auto industry adviser to Treasury Secretary Timothy Geithner

6. WMD Czar: Gary Samore
Special Assistant to the President and White House Coordinator
for Arms Control and Weapons of Mass Destruction, Proliferation,
and Terrorism

7. Health Care Czar: Nancy-Ann DeParle
Counselor to the President and Director of the White House Office
for Health Care Reform

8. Education Czar: Not appointed yet.

9. Economic Czar: Paul Volcker
Chair of the President's Economic Recovery Advisory Board

10. Mortgage Czar: Not appointed yet.

11. Urban Affairs/Housing Czar: Adolfo Carrion
Deputy Assistant to the President and Director, Office of Urban
Affairs

12. Guantanamo Closure Czar: Danny Fried.
Special envoy to oversee the closure of the detention center at
Guantanamo Bay

13. Great Lakes Czar: Cameron Davis

14. Stimulus Accountability Czar: Earl Devaney

White House: Office of Management and Budget
Freedom of Information Act Request
29 July 2009
Page 3 of 8

Chairman of the new Recovery Act Transparency and Accountability Board

15. Cyberspace Czar: Not appointed yet.

16. Border Czar: Alan Bersin (Former US attorney)
Assistant Secretary for International Affairs and Special Representative for Border Affairs

17. Intelligence Czar: Admiral Dennis Blair
United States Director of National Intelligence

18. Regulatory Czar: Cass Sunstein
Administrator of the Office of Information and Regulatory Affairs

19. Pay Czar: Kenneth Feinberg
Special Master for Compensation

20. Iran Czar: Not appointed yet.

21. Tarp Czar: Herb Allison
Assistant Secretary of the Treasury for Financial Stability

22. Middle-East Peace Czar: George Mitchell.
Special envoy to the Middle East

23. Science Czar: John Holdren.
Director of the White House's Office of Science and Technology

24. Green jobs Czar: Van Jones.
Special Adviser for Green Jobs

25. Afghanistan Czar: Richard Holbrooke
Special Representative for Afghanistan and Pakistan

White House: Office of Management and Budget
Freedom of Information Act Request
29 July 2009
Page 4 of 8

26. Sudan Czar: J. Scott Gration.
Special Envoy to Sudan

27. Mideast policy Czar: Dennis Ross.
Special Advisor for The Gulf and Southwest Asia

28. Information Czar: Vivek Kundra
Federal Chief Information Officer (CIO)

29. AIDS Czar: Jeffrey Crowley
Director of the Office of National Aids Policy

30. Faith-based Czar: Joshua Dubois
Special Assistant to the President and Executive Director of the
White House Office of Faith-Based and Neighborhood
Partnerships

31. Climate Czar: Todd Stern.
Special envoy on climate change

32. Domestic Violence Czar: Lynn Rosenthal
White House Adviser on Violence Against Women.

33. Terrorism Czar: John Brennan
Assistant to the President and Deputy National Security Advisor
for Counterterrorism and Homeland Security

34. Weapons Czar: Ashton Carter
Pentagon Acquisition Czar
Under Secretary of Defense for Acquisition, Technology, and
Logistics

35. Performance Czar: Jeffrey Zients
Chief Performance Officer

36. California Water Czar: David J. Hayes
Deputy Secretary of the Interior

37. War Czar: Douglas Lute
Deputy national security adviser for Iraq and Afghanistan

39. Auto task force car czar: Ron Bloom
Senior Advisor on the Auto Industry U.S. Department of the
Treasury

Time Frame: January 2009 - Present

We call your attention to President Obama's January 21, 2009 Memorandum concerning the Freedom of Information Act, in which he 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 decisions involving FOIA.¹

President Obama adds that "The Freedom of Information Act 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).

For purpose of this request, the term "record" shall mean: (1) any written, printed, or typed material of any kind, including without limitation all correspondence, memoranda, notes, messages, letters, cards, telegrams, teletypes, facsimiles, papers, forms, records, telephone messages, diaries, schedules, calendars, chronological data, minutes, books, reports, charts, lists, ledgers, invoices, worksheets, receipts, returns, computer printouts, printed matter, prospectuses, statements, checks, statistics, surveys,

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>

White House: Office of Management and Budget
Freedom of Information Act Request
29 July 2009
Page 6 of 8

affidavits, contracts, agreements, transcripts, magazine or newspaper articles, or press releases; (2) any electronically, magnetically, or mechanically stored material of any kind, including without limitation all electronic mail or e-mail, meaning any electronically transmitted text or graphic communication created upon and transmitted or received by any computer or other electronic device, and all materials stored on compact disk, computer disk, diskette, hard drive, server, or tape; (3) any audio, aural, visual, or video records, recordings, or representations of any kind, including without limitation all cassette tapes, compact disks, digital video disks, microfiche, microfilm, motion pictures, pictures, photographs, or videotapes; (4) any graphic materials and data compilations from which information can be obtained; (5) any materials using other means of preserving thought or expression; and (6) any tangible things from which data or information can be obtained, processed, recorded, or transcribed. The term "record" also shall mean any drafts, alterations, amendments, changes, or modifications of or to any of the foregoing.

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. In accordance with the statutory designation for a media group, Judicial Watch gathers information of potential interest, uses its editorial skills to create a distinct work, and distributes it to the public. Judicial Watch gathers information using Freedom of Information Act requests, state open records law requests, government contacts, interviews, Internet based research, book based research, and community tips. Judicial Watch distributes its distinct work using its editorial skills in its monthly newsletter *The Verdict*, its weekly e-mail publication *Weekly Update*, its blog *Corruption Chronicles*, and special reports. *The Verdict* maintains a subscription of over 120,000 and Judicial Watch's website has logged over 500,000 page views just between January 2009 and April 2009 with 2,000 unique visitors per day. *Weekly Update* reaches 25,000 people per week

The statute also notes that government may consider an organization's past publication record. When considering Judicial Watch's past publication record, its previous media status is also relevant. Judicial Watch has been recognized as a member of the media in past 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). Furthermore, Judicial Watch has consistently been recognized as a member of the news media in other FOIA requests. Within the last 6 months, Judicial Watch was designated as media by the Department of State on 27 March 2009 (200901038), Department of Homeland Security on 20 November 2008 (DHS/OS/PRIV 09-49), Federal Housing Finance Agency on 8 December 2008 (FOIA 2009-31), and Department of the Treasury on 6 January 2009 (2008-12-019).

White House: Office of Management and Budget
Freedom of Information Act Request
29 July 2009
Page 7 of 8

In addition to meeting and exceeding the statutory requirements as a media organization, Judicial Watch's mission and peer recognition further qualify it for the media category. The Pew Research Center's Project for Excellence in Journalism provides that "the central purpose of journalism is to provide citizens with accurate and reliable information they need to function in a free society.... serving as watchdog and offering voice to the voiceless."¹ Judicial Watch's mission is consistent with this definition ("promotes transparency, accountability and integrity in government, politics and the law.") Furthermore, *The Hill* has recognized Judicial Watch as one of the top watchdog organizations in the country.² In addition to the *Hill's* recognition, Judicial Watch has also been awarded press credentials and membership in journalism organizations.

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).

Judicial Watch is a 501(c)(3), not-for-profit, educational organization, and, by definition, it has no commercial purpose. Judicial Watch exists to promote transparency, accountability and integrity in government, politics and the law. Its loyalty is to the truth and to the public. It uses litigation to access the truth and its publications to inform the public.

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 an article to a broad audience in one of its publications.

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).

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

² <http://thehill.com/business--lobby/lobby-league-31-watchdogs-2005-02-16.html>

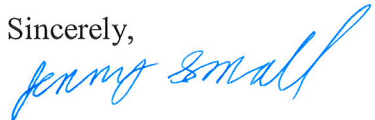
White House: Office of Management and Budget
Freedom of Information Act Request
29 July 2009
Page 8 of 8

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 of this request or any portion thereof, please contact us immediately at 202-646-5181 or jsmall@judicialwatch.org. We look 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,



Jenny Small
Judicial Watch, Inc.
Researcher

ⁱ “Principles of Journalism” Pew Research Center’s Project for Excellence in Journalism.
<<http://www.journalism.org/resources/principles>>.