

CREW

citizens for responsibility
and ethics in washington

March 13, 2006

Brenda Dolan
Departmental Freedom of Information Officer
U.S. Department of Commerce
Room H6022
14th and Constitution, N.W.
Washington, D.C. 20230

Re: Freedom of Information Act Request

Dear Ms. Dolan:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this request for records, regardless of format, medium, or physical characteristics, and including electronic records and information, audiotapes, videotapes and photographs, pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. §§552, et seq., and agency regulations, 15 C.F.R. §§4.2 et seq.

Specifically CREW requests records of any and all contacts, including but not limited to in-person contacts, Susan Ralston has had, from December 1, 2005, to the present with the White House, any Member of Congress, and the U.S. Department of the Interior. As used herein the term “White House” includes, but is not limited to, any staff member in the Executive Office of the President and the Office of the Vice President. CREW also requests all calendars and any other daily logs for Susan Ralston from December 1, 2005, to the present. CREW further requests all documents that reflect Ms. Ralston’s duties and responsibilities at the U.S. Department of Commerce.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including electronic records, audiotapes, videotapes and photographs. Our request includes any telephone messages, voice mail messages, daily agenda and calendars, information about scheduled meetings, whether in-person or over the telephone, agendas for those meetings, participants included in those meetings, minutes of any such meetings, the topics discussed at those meetings, e-mail regarding meetings, e-mail or facsimiles sent as a result of those meetings, and transcripts and notes of any such meetings.

If it is your position that any portion of the requested records is exempt from disclosure, CREW requests that you provide it 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.

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977 (1972). As you are aware, a Vaughn index must describe each document claimed as exempt with sufficient specificity “to permit a reasoned judgment as to whether the material is actually exempt under FOIA.” Founding Church of Scientology v. Bell, 603 F.2d 945, 959 (D.C. Cir. 1979). Moreover, the Vaughn index must “describe each document or portion thereof withheld, and for **each** withholding it must discuss the consequences of supplying the sought-after-information.” King v. U.S. Dep’t of Justice, 830 F.2d 210, 223-24 (D.C. Cir. 1987) (emphasis added). Further, “the withholding agency must supply ‘a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.’” Id. at 224, *citing* Mead Data Central v. U.S. Dep’t of the Air Force, 566 F.2d 242, 251 (D.C. Cir. 1977).

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) (“Any reasonably segregable portion of a records shall be provided to any person requesting such record after deletion of the portions which are exempt . . .”); *see also* Schiller v. Nat’l Labor Relations Bd., 964 F.2d 1205, 1209 (D.C. Cir. 1992). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt and how the material is dispersed throughout the documents. Mead Data Central, 566 F.2d at 261. Claims of non-segregability must be made with the same degree of 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.

Fee Waiver Request

In accordance with 5 U.S.C. §552(a)(4)(A)(iii), CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government and the disclosures will likely contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes. 5 U.S.C. §552(a)(4)(A)(iii). *See, e.g.*, McClellan Ecological v. Carlucci, 835 F.2d 1282, 1285 (9th Cir. 1987). Specifically, these records are likely to contribute to the public’s understanding of how the Bush Administration has dealt with a former White-House employee who has been the subject of public attention because of her relationship with Jack Abramoff and Karl Rove, and the possible links between the White House and Jack Abramoff.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue code. CREW is committed to protecting the right of citizens to be aware of the activities of government officials and to ensuring the integrity of those

officials. CREW is dedicated to empowering citizens to have an influential voice in government decisions and in the government decision-making process. CREW uses a combination of research, litigation, and advocacy to advance its mission. The release of information garnered through this request is not in CREW's financial interest. CREW will analyze the information responsive to this request, and will likely share its analysis with the public, either through memorandums, reports or press releases. CREW has an established record of carrying out these type of activities, as evidenced through its website, www.citizensforethics.org.

Under these circumstances, CREW satisfied fully the criteria for a fee waiver.

Conclusion

Please respond to this request in writing within 20 days as requested under 5 U.S.C. §552(a)(6)(A)(i). If all of the requested documents are not available within that time period, CREW requests that you provide it with all requested documents or portions of documents that are available within that time period.

If you have any questions about this request or foresee problems in releasing fully the requested records within the 20-day period, please call me within that time period. I can be reached at (202) 408-5565. Also, if CREW's request for a fee waiver is not granted in full, please contact me immediately upon making such a determination. Please send the requested documents to Anne L. Weismann, Citizens for Responsibility and Ethics in Washington, 1400 I Street, N.W., Suite 450, Washington, D.C. 20005.

Very truly yours,

ANNE L. WEISMANN
Chief Counsel
Citizens for Responsibility and
Ethics in Washington