

United States Senate
WASHINGTON, DC 20510

February 15, 2017

The Hon. Aletia Haynes Timmons
District Judge
Oklahoma County Court House
321 Park Ave., Room 811
Oklahoma City, OK 73102

Re: *Center for Media and Democracy v. Scott Pruitt*, CV-2017-223

Dear Judge Timmons,

On behalf of Senators Whitehouse, Merkley, Booker, Markey and Duckworth, I respectfully request that the Court grant us leave to participate in the matter of *Center for Media and Democracy v. Scott Pruitt*, CV-2017-223, as *amicus curiae*, and that the attached letter, signed by Senators Whitehouse, Merkley, Booker, Markey, Duckworth and myself, be entered into the docket as a brief of *amici*. We have reviewed the local court rules and have identified no specific provision pertaining to the participation as *amici* of persons not party to the case. The Clerk of the Court has informed us, however, that the Court has on occasion accepted letters from parties with information or interests pertinent to a pending matter, provided that any such filing has been served on all parties.

A hearing in this matter has been scheduled for February 16, 2017, and relief sought by the Plaintiff is of a time-sensitive nature. Through this filing, we seek to provide information relevant to this Court's consideration of the merits of this case without delaying the Court's consideration.

Thank you very much for your consideration in this matter.

With best personal regards, I am,

Sincerely,



Tom Carper
Ranking Member
Senate Committee on Environment and Public Works

Sent by electronic mail to counsel for Plaintiff and Defendant

Cc: Counsel for Plaintiff, Center for Media and Democracy
Counsel for Defendant, Attorney General Scott Pruitt

United States Senate

WASHINGTON, DC 20510

February 15, 2017

Hon. Aletia Haynes Timmons
District Judge
Oklahoma County Court House
321 Park Ave., Room 814
Oklahoma City, OK 73102

Dear Judge Timmons:

We write as members of the United States Senate's Committee on Environment and Public Works (EPW Committee) to bring to your attention facts pertinent to your consideration of *Center for Media and Democracy v. Scott Pruitt*, CV-2017-223. In light of the time-sensitive nature of our concerns, we appreciate that you have scheduled this matter for expedited review, and respectfully wish to inform you that to expeditiously grant Plaintiff the full relief it seeks would facilitate the performance of our duties of advice and consent.

As you may be aware, Oklahoma Attorney General Scott Pruitt has been nominated by President Donald Trump to serve as Administrator of the Environmental Protection Agency (EPA). EPA is under the jurisdiction of the EPW Committee. Accordingly, Mr. Pruitt's nomination was referred to our Committee for a hearing and report to the full Senate pursuant to the Senate's advice and consent obligations under Article II, Section 2, Paragraph 2 of the United States Constitution. Mr. Pruitt's hearing was held January 18, 2017 and his nomination was reported to the Senate with a favorable recommendation on February 2, 2017. Mr. Pruitt's nomination is now pending on the Senate's Executive Calendar, so debate and a vote by the full Senate is imminent.

Regrettably, Mr. Pruitt has not been forthcoming with information many of us believe to be necessary to evaluating his nomination fully. We gave Mr. Pruitt many opportunities to provide information to the Committee, including pre-hearing questions, the hearing itself, and post-hearing questions for the record to which Mr. Pruitt was required to submit written responses. Much of his testimony was evasive and many of his written answers non-responsive. This lack of information forced the Democratic members of the Committee to take the extraordinary step of boycotting the committee vote on his nomination twice because the Committee Chairman refused to delay proceedings until Mr. Pruitt provided responsive answers to our inquiries.

Mr. Pruitt's lack of responsiveness as a nominee carries a particular irony in light of the following exchange, in which Committee Chairman John Barrasso inquired about how Mr. Pruitt would discharge his duties if confirmed as Administrator.

Question from Senator John Barrasso: Do you agree to ensure that testimony, briefings, documents, and electronic and other forms of information are provided to this Committee and its staff, and other appropriate committees, in a timely manner?

Answer from Mr. Pruitt: Yes, Mr. Chairman.

While many of us disagree with various policies Mr. Pruitt may pursue as Administrator, we write to the Court today because we need to understand whether in his current capacity Mr. Pruitt engaged with the industries that he will be responsible for regulating if he is confirmed as Administrator in ways that would compromise his ability to carry out his duties with the complete impartiality required. These concerns are not merely speculative.

Mr. Pruitt has a history of close and secret ties with the industries he will regulate at EPA.

In December 2014, the *New York Times* reported that Mr. Pruitt took a letter written by Devon Energy, an energy industry company that operates pollution-emitting sources and has maxed out to Mr. Pruitt's political campaigns, put that letter on official Oklahoma Attorney General letterhead, and transmitted the letter as official correspondence to then EPA Administrator Lisa Jackson. The documents on which the *New York Times*' exposé was based were made public through an Open Records Act request.¹

Second, we know from emails disclosed as part of that Open Records Act release to the *New York Times* that Mr. Pruitt provided demonstrably false claims at least once during his confirmation process. When asked if anyone working on his behalf ever solicited money from the Republican Attorney Generals Association (RAGA), Mr. Pruitt responded "No one else working on my behalf has solicited funds for RAGA." Exhibit A shows that Mr. Pruitt's then chief of staff solicited money for RAGA from the American Petroleum Institute (API) in 2012. According to a tax filing from the Republican State Leadership Committee, of which RAGA was then an arm, the following month API contributed \$50,000.² Plaintiff's long-languishing November 2015 request is specifically for communications between Mr. Pruitt's office and RAGA.

Third, we know the emails released in response to Plaintiff's January 2015 request are incomplete. Per Plaintiff's Status Report to the Court, filed on February 14, 2017, at most 411 records were released in response to its January 2015 request compared to the over 3,000 that underwent final review. At least 27 emails that were released in response to the *New York Times* request that should have been provided to Plaintiff are missing, including a handful between Mr. Pruitt's office and Devon Energy.

Mr. Pruitt has claimed he has no power over his office's Open Records Act responses.

Senator Whitehouse raised Mr. Pruitt's track record of responding to Open Records Act requests during the January 18th hearing. Mr. Pruitt demonstrated a lack of familiarity with the backlog of work at his own agency during this exchange:

Senator Whitehouse: "Let's talk about FOIA. You have had a conversation with the Chairman about FOIA. As I understand it, there is a FOIA request to the Oklahoma Attorney General's office, to your office, for emails between your office and Devon Energy and Koch Industries and Americans for Prosperity, the Koch front group, and

¹ "Energy Firms in Secretive Alliance With Attorneys General," *New York Times*, Dec. 6, 2014.

² See <http://www.exposedbycmd.org/2017/01/26/pruitt-lie-fundraising-raga/>

Murray Energy and the American Petroleum Institute. And the information that I have is that that Open Records Act request was filed more than 740 days ago. More than two years ago. That in response to it, your office has conceded that there are 3,000 responsive documents. Three thousand emails and other documents between your office and these companies. And that in 740 days, exactly zero of those documents have been produced.

"Is that acceptable turnaround on a FOIA request, and should we not be concerned that your office is not complying with a FOIA request that relates so specifically to so many of these companies that are going to be before you as EPA Administrator if you are confirmed?"

Mr. Pruitt: "Senator, I actually have a general counsel and an administrator in my office that are dedicated to performing or providing responses to Open Records requests."

Senator Whitehouse: "Not very dedicated, if it takes 740 days. That is still zero."

Mr. Pruitt: "But I [am] not involved in that process. That is handled independently by the administrator and that general counsel in responding. So I can't speak to the timeline and why it is taking that length of time. But I will tell you that our office works, we actually go across the State of Oklahoma in training with officials locally in compliance with FOIA and Open Records laws."

Senator Whitehouse: "-- your own training, because it doesn't seem to be sticking very well."

Mr. Pruitt: "The representation you made about the timeline, I don't know."

In answers to a follow-up written request for documents responsive to these pending requests, Mr. Pruitt refused to do anything to expedite the process.

Question from Senator Sheldon Whitehouse: "The public and this Committee, in fulfilling our constitutional advice and consent duties, have a right to see information pursuant to the Open Records Act. Please produce all of the following material that has been requested under the Open Records Act prior to November 8, 2016: related to RAGA, RLDF, Liberty 2.0, Oklahoma Strong, and any other 527s, 501(c)(3), and 501(c)(4)s, including the State Policy Network and ALEC; correspondence with the fossil fuel and agriculture industries and any other industries regulated by EPA; any other material related to energy, environment, agriculture, and EPA."

Answer from Mr. Pruitt: "If Open Records Act requests for such information have been made, as your question suggests, those requests will be answered in the normal course."

Mr. Pruitt nevertheless told Senators to submit Open Records Requests to get the information they want.

After being made aware of his office's Open Records Act backlog and acknowledging his office responds to requests in the order in which they are received, Mr. Pruitt told several Senators to submit new Open Records Act requests in order to get information about potential conflicts of interest.

Question from Senator Tom Carper: "119. For each listed matter in which the State of Oklahoma has been a litigant or petitioner against the EPA, please provide any and all documents (including any and all written or electronic correspondence, audiotapes, electronic records, videotapes, photographs, telephone messages, voice mail messages, e-mails, facsimiles, daily agendas and calendars, information about meetings and/or discussions, whether in-person or over the telephone, agendas, minutes and a list of participants for those meetings and/or discussions, and transcripts and notes of any such meetings and/or discussions) from the date on which your office first began to prepare the litigation at hand, to the date of this letter, between you (or other employees of your office) and each representative of each non-governmental entity with whom you (or your office) communicated about the litigation."

Answer from Mr. Pruitt: "In order for you to receive a comprehensive response to a voluminous request of that nature, I would direct you to make a request of the Oklahoma Attorney General's Office under the Oklahoma Open Records Act."

Question from Senator Ben Cardin: "29. Please provide all communications you had had with representatives of agricultural and other companies regarding water quality litigation between Arkansas and Oklahoma."

Answer from Mr. Pruitt: "Such communications can be requested from the Oklahoma Office of the Attorney General through a request made to that office pursuant to the Oklahoma Open Records Act."

Question from Senator Edward Markey: "Did you—at any time during your term as Attorney General—enter into a written or verbal contract for legal representation (whether compensated or pro bono) by one or more private attorneys not included on the list referenced in Subsection B of Title 74 Section 20j of the Oklahoma Statutes? If so, for each such contract:

- Please provide a brief description of the contract, the circumstances necessitating the contract, and the amount—if any—paid under the contract (including details on any non-monetary benefits that you may have obtained, offered, been offered, or delivered in connection with the contract).
- Please indicate if you entered into the contract with a private attorney not on the approved list because there were no attorneys on the approved list capable of providing the specific representation or for another reason. Please describe the process you followed in reaching a decision to enter into a contract with a private attorney not on the approved list. Please list the attorneys on the approved list that you considered hiring (and deemed incapable of providing the specific representation) before deciding to enter into a contract with a private attorney not on the approved list. For each attorney on the approved list that you considered and

rejected, please describe the deficiencies in their capabilities that led you to reject them in favor of a private attorney not on the approved list.”

Answer from Mr. Pruitt: “Such information can be requested from the Office of Attorney General through a request made pursuant to Oklahoma's Open Records Act.”

In fact, in response to questions Mr. Pruitt directed Senators to make their own Open Records Act requests 19 times.³

Senators continue to be stonewalled.

When asked about basic information about the Open Records Act request backlog, Mr. Pruitt instructed Senators to contact his General Counsel.

Question from Senator Whitehouse: “According to a recent E&E article, your office has 52 outstanding open records requests. Please provide a list of all pending FOIA, Open Records Act or other similar information requests under Oklahoma state law, by whom, and when each was a filed.”

Answer from Mr. Pruitt: “I am not familiar with the pending requests. Such a requests should be directed to the Office of Attorney General's general counsel, who can provide such a list.”

Upon receiving this written direction, Senator Whitehouse contacted Sarah A. Greenwalt, General Counsel to the Attorney General of Oklahoma, seeking more information about the backlog and the Attorney General’s policy for responding for Open Records Act requests and outstanding requests that office was processing. See Exhibit B. Ms. Greenwalt’s response, attached as Exhibit C, converted part of Senator Whitehouse’s request into a new Open Records Act request, and referred other aspects to the office’s communications department, which has yet to provide a response. In other exchanges between staff from Senator Whitehouse’s office and the Oklahoma Attorney General’s office, see Exhibit D, that Office essentially confirmed that any requests from the Senate would be handled in the order they are received.

Plaintiff’s requests are of federal importance.

We are providing this information to the Court today because we have concluded Plaintiff’s pending Open Records Act requests may be the only means by which the Senate and the general public can obtain in a timely manner critical information about Mr. Pruitt’s ability to lead the EPA. In most cases months or years before Mr. Pruitt’s nomination, Plaintiff submitted Open Records Act requests that are the subject of the instant action. These requests seek communications between Mr. Pruitt and entities that he would regulate as Administrator, documents and communications relevant to litigation Mr. Pruitt has initiated against EPA, and other communications relevant to the Senate’s assessment of his ability to lead EPA impartially.

³ Mr. Pruitt's complete responses can be found at the EPW Committee's website, https://www.epw.senate.gov/public_cache/files/6d95005c-bd1a-4779-af7e-be831db6866a/scott-pruitt-qfr-responses-01.18.2017.pdf

As the Act states, it is "the public policy of the State of Oklahoma that the people are vested with the inherent right to know and be fully informed about their government." ORA § 24A.2. The public interest of Oklahoma, as well as the United States, will be served by making these documents public, whether for consideration in advance of Mr. Pruitt's confirmation vote, or for conducting effective oversight of EPA if he is confirmed. Without court intervention, we fear the Attorney General's office will continue to use the Open Records Act review process to shelter Mr. Pruitt from scrutiny, and not provide access to information the Senate and the public needs.

Conclusion

For the reasons stated herein, we respectfully request you consider the Senate's federal interest in disclosure as you assess whether to give Plaintiff full relief and order the prompt disclosure of all documents responsive to its requests.

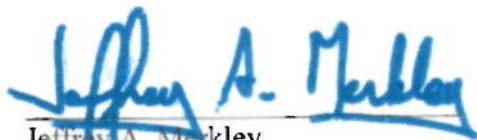
Sincerely,



Thomas R. Carper
United States Senator



Sheldon Whitehouse
United States Senator



Jeffrey A. Merkley
United States Senator



Cory A. Booker
United States Senator



Edward J. Markey
United States Senator



Tammy Duckworth
United States Senator

Sent by electronic mail to counsel for Plaintiff and Defendant

Cc: Counsel for Plaintiff, Center for Media and Democracy
Counsel for Defendant, Attorney General Scott Pruitt

EXHIBIT A



RE: RAGA Washington - AG Pruitt/API

Whitsitt, Bill to: Jessica Garrison

Cc: "Crystal Drwenski (Crystal.Drwenski@oag.ok.gov)"
Lyle (slyle@anga.us)"

, "Sarah

02/19/2012 04:29 PM

Jessica -

Glad to help, but unfortunately I'll be out of pocket on the two days of your meeting due to previously-scheduled travel.

I'd very much like to participate in one of your meetings sometime if you think it would be valuable.

Bill

William F. Whitsitt, Ph.D.
Executive Vice President
Public Affairs

Devon Energy Corporation
20 North Broadway, Suite 1500
Oklahoma City, OK 73102-8260
405 552 3556 Direct
405 552 1484 Fax
405 830 3556 Mobile
Bill.Whitsitt@dvn.com



devon

From: Jessica Garrison [mailto:jgarrison@rslc.com]
Sent: Friday, February 17, 2012 9:48 AM
To: Whitsitt, Bill
Cc: Crystal Drwenski (Crystal.Drwenski@oag.ok.gov); Sarah Lyle (slyle@anga.us)
Subject: RE: RAGA Washington - AG Pruitt/API

Thanks. Also - do you have an interest in being on the Natural Gas panel at our Winter Meeting? I believe Crystal or Sarah will be in touch with you on this. Our DC National Meeting is coming up March 4-5 (agenda attached). We have 21 Attorneys General plus senior staff attending. If you haven't registered you can do so on line at www.rslc.com/events. If you need your unique login user name and password just email rschrist@rslc.com

Jessica Medeiros Garrison

Director, Republican Attorneys General Association

From: Whitsitt, Bill [mailto:Bill.Whitsitt@dvn.com]
Sent: Friday, February 17, 2012 12:10 PM
To: Jessica Garrison
Cc: 'Crystal Drwenski (Crystal.Drwenski@oag.ok.gov)'
Subject: RE: RAGA Washington - AG Pruitt/API

Jessica -

Glad to help.

I had talked with Marty Durbin, API's EVP, and I believe he was awaiting a call. If you've not called him, please feel free to do so at (202) 682-8400.

If it would help for you and I to talk first, I'm available by cell until about 8:30 this morning EST, then after about 1:30.

Bill

William F. Whitsitt, Ph.D.
Executive Vice President
Public Affairs

Devon Energy Corporation
20 North Broadway, Suite 1500
Oklahoma City, OK 73102-8260
405 552 3556 Direct
405 552 1484 Fax
405 830 3556 Mobile
Bill.Whitsitt@dvn.com


devon

From: Jessica Garrison [mailto:ygarrison@rstc.com]
Sent: Wednesday, February 15, 2012 10:59 PM
To: Whitsitt, Bill
Subject: FW: RAGA Washington - AG Pruitt/API

Hi Bill. Could you help me put a call together with API tomorrow. I would really like to get them on board with RAGA as soon as possible and have them facilitate a discussion on keystone at our March 5 meeting.

Jessica Medeiros Garrison
Director, Republican Attorneys General Association

From: Crystal Drwenski [mailto:cdrwenski@me.com]
Sent: Wednesday, February 15, 2012 7:58 PM

To: Jessica Garrison
Subject: Fwd: RAGA Washington - AG Pruitt/API

See below. It was Marty Durbin.

Begin forwarded message:

From: Crystal Drwonski <cdrwonski@me.com>
Date: January 24, 2012 2:35:37 PM CST
To: "Whitsitt, Bill" <Bill.Whitsitt@dyn.com>
Subject: Re: RAGA Washington - AG Pruitt/API

Thank you, Bill!

Crystal Drwonski
404-410-7668

On Jan 23, 2012, at 6:01 PM, "Whitsitt, Bill" <Bill.Whitsitt@dyn.com> wrote:
Crystal -

I've put a plug in to API. The key guy is Marty Durbin and he is expecting a call. Info attached.

Hope this works out.

Bill
William F. Whitsitt, Ph.D.
Executive Vice President
Public Affairs

Devon Energy Corporation
20 North Broadway, Suite 1500
Oklahoma City, OK 73102-8260
405 552 3556 Direct
405 552 1484 Fax
405 830 3556 Mobile
Bill.Whitsitt@dyn.com

-----Original Message-----

From: Crystal Drwonski [<mailto:cdrwonski@me.com>]
Sent: Monday, January 23, 2012 3:17 PM
To: Whitsitt, Bill; Feratg, AJ
Cc: Scott Pruitt
Subject: RAGA Washington - AG Pruitt/API

Hi Bill, AJ:

I hop you are both doing well!

AG Pruitt is working with the Republican Attorneys General Association on their national meeting in Washington D.C. March 4-5 to plan the panel discussions on energy issues. They have asked him to play a leadership role in shaping AGs understanding and attention to policy matters affecting the energy industry.

One session in particular deals with pipeline and capacity issues. We would like to have the membership of the American Petroleum Institute to RAGA, and their participation in the Washington panel discussions. The benefit of membership and participation is having 25 Republican AGs in a room to discuss policy issues.

I know that Mr. Nichols has been a past president of API. Would you have any suggestions of best point person to speak to at API, or be able to make an introduction on our behalf?

Thank you so much!

Warm regards,
Crystal Drwenski
cdrwenski@me.com
405-410-7668

Confidentiality Warning: This message and any attachments are intended only for the use of the intended recipient(s), are confidential, and may be privileged. If you are not the intended recipient, you are hereby notified that any review, retransmission, conversion to hard copy, copying, circulation or other use of all or any portion of this message and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender immediately by return e-mail, and delete this message and any attachments from your system.
<Marty.Durbin,vcl>

Crystal Drwenski
cdrwenski@me.com
405-410-7668

EXHIBIT B

United States Senate

WASHINGTON, DC 20510-3905

February 1, 2017

Sarah A. Greenwalt
General Counsel to the Attorney General
Oklahoma Office of the Attorney General
313 NE 21st Street
Oklahoma City, OK 73105

Dear Ms. Greenwalt:

I am a member of the U.S. Senate Environment and Public Works Committee, which is considering Oklahoma Attorney General Pruitt's nomination to serve as Administrator of the Environmental Protection Agency. I recently asked Mr. Pruitt to provide a list of all pending Open Records Act or other similar information requests under Oklahoma state law, by whom, and when each was filed. Mr. Pruitt stated he is not familiar with the pending requests and indicated "such a requests [sic] should be directed to the Office of Attorney General's general counsel, who can provide such a list."

It has been reported that your office has at least 52 outstanding Open Records Act requests and I'm aware of six from the Center for Media and Democracy (CMD). One CMD requests dating back to January 5, 2015 is for over 3000 emails and attachments between the Attorney General and his top staff, sent using official and/or personal email accounts, and Koch Industries, Devon Energy, Peabody Coal, and other entities active in EPA matters. Another is from November 2015 for records pertaining to the Republican Attorney Generals Association (RAGA), a group for which Mr. Pruitt has solicited funds, which paid for his seat on a chartered plane and other travel expenses, and hosted private events with Republican attorney generals and co-plaintiffs and amici in Mr. Pruitt's lawsuits. Other requests are for emails between Mr. Pruitt and the American Legislative Exchange Council, Competitive Enterprise Institute, State Policy Network, and AGs United for Clean Power. Mr. Pruitt's relationship with these organizations could present conflicts of interest should he be confirmed as Administrator of EPA.

As a former Attorney General, I find Mr. Pruitt's claims that he is not aware of pending open records requests at his office and is apparently powerless to provide that information to the Committee on his own accord, hard to believe, and suggestive of an effort to hide information from the Senate before his confirmation. Nevertheless, as he suggested I am requesting from you the following:

- A list of all pending Open Records Act or other similar information requests under Oklahoma state law, by whom, and when each was filed.
- How long has it been the policy of your office to process Open Record Act requests in the order in which they are received?

- Has your office fulfilled any Open Record Act requests submitted since January 5, 2015? If so, when were they submitted, by whom, and when were they fulfilled?
- By when do you estimate being able to produce the responsive documents for each of CMD's six outstanding Open Records Act requests that were submitted prior to November 8, 2016?

As Mr. Pruitt's nomination is currently pending before the Senate, please provide this information by close of business on Thursday, February 2, or contact my staff, Joe Gaeta ([REDACTED]) or Emily Enderle ([REDACTED]), by that date to explain why that production is not possible.

Sincerely,



Sheldon Whitehouse
United States Senator

Cc: Scott Pruitt, Oklahoma Attorney General
John Barrasso, Chairman, Senate Committee on Environment and Public Works
Thomas R. Carper, Ranking Member, Senate Committee on Environment and Public Works

EXHIBIT C



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

February 2, 2017

The Honorable Sheldon Whitehouse
United State Senate
170 Westminister Street, Suite 1100
Providence, RI 02903

Sent via Electronic Mail

Re: Open Records Act request, our internal number 17 ORA 32.

Dear Senator Whitehouse,

This letter is to acknowledge your Open Records Act request dated February 1, 2017, in which you make a request for the following:

A list of all pending Open Records Act or other similar information requests under Oklahoma State law, by whom, and when each was filed.

The remaining requests set forth in your letter are requests for information rather than requests for records, and have been forwarded to the communications team.

Oklahoma's Open Records Act, 51 O.S.2011 & Supp.2016, §§ 24A.1 – 24A.30, requires an agency to provide "prompt, reasonable access" to records while employing reasonable procedures to protect the integrity and organization of the records and to prevent excessive disruption of the agency's essential functions. 51 O.S.Supp.2016, § 24A.5(5).

Currently, the Attorney General's Office is working on a considerable number of requests from media, law firms, public interest groups, and others, many of which request thousands of pages of records. Further, these requests are at various stages of the review process, i.e., intake, record search, legal review, and redaction of confidential information captured by search, etc. We process these requests in the order in which they are received, ensuring fairness to all who make requests. We will respond as quickly as possible and will notify you once the search is complete.

Finally, please be advised that many exemptions and exceptions exist under Oklahoma's Open Records Act. If your search implicates any of these exemptions or exceptions, it may take additional time to assemble, review, and fulfill your records request.

Sincerely,

A handwritten signature in blue ink that reads "Sarah A. Greenwalt".

Sarah A. Greenwalt
GENERAL COUNSEL TO THE ATTORNEY GENERAL

EXHIBIT D

From: Lincoln Ferguson ([REDACTED])
Sent: Monday, February 6, 2017 2:56 PM
To: Enderle, Emily (Whitehouse) <[REDACTED]>
Cc: Sarah Greenwalt ([REDACTED])
Subject: RE: Letter from Sen Whitehouse

Ms. Enderle –

Agencies responding to Open Records Act requests may employ reasonable procedures to protect the integrity and organization of the records and to prevent excessive disruption of the agency's essential functions. The Office of Attorney General has employed procedures as permitted by the Open Records Act and that also ensure fairness to all requests.

Obviously, with the recent nomination of Attorney General Pruitt, the number of requests submitted to our office has grown exponentially, and we are committed to ensuring fairness.

In regard to CMD's multiple requests, we have consistently communicated with them throughout the process, updating them when we had new information and will continue to do so.

I assure you we are reviewing Open Records Act requests as quickly as possible as the Office of Attorney General remains committed to fulfilling the letter and the spirit of the Open Records Act.

Thanks,
Lincoln

Lincoln Ferguson
Oklahoma Attorney General Scott Pruitt

[REDACTED]
[REDACTED]
[REDACTED]



From: Enderle, Emily (Whitehouse) ([REDACTED])
Sent: Friday, February 03, 2017 4:47 PM
To: Sarah Greenwalt
Cc: Samantha Hatch; Gaeta, Joe (Whitehouse)
Subject: RE: Letter from Sen Whitehouse

Ms. Greenwalt,

Thank you for your response. Senator Whitehouse didn't intend for his letter to be an Open Records Act request, as he's asking for basic information about Open Records Act requests, not specific documents.

This basic information is relevant for the Senate to fulfill its constitutional duty to provide advice and consent for Mr. Pruitt to serve as EPA Administrator. In response to several of Senator Whitehouse's written questions to Mr. Pruitt, he was directed to submit Open Records Act requests. In response to

the question about obtaining the requested list, Mr. Pruitt indicated you could provide such a list, not that Senator Whitehouse would have to submit an Open Records Act request to obtain it.

Should we take your letter to mean that the only way the United States Senate can obtain information about your office's practices, and by extension General Pruitt's administration of your office, is to file an Open Records Act request? If so, given your office's policy of processing the requests in the order in which they are received, does that mean any requests from the Senate in furtherance of its constitutional duties will go to the end of the Open Records Act processing line?

Finally, you indicated you referred the other questions to your communications team. As of this evening, we have not received any response from that office. Could you advise us of the appropriate contact there so we may follow up?

Thank you for your cooperation in this matter.
Emily

--

Emily Enderle
Chief Environmental Policy Advisor
Office of Senator Sheldon Whitehouse

From: Sarah Greenwalt [REDACTED]
Sent: Thursday, February 2, 2017 6:44 PM
To: Enderle, Emily (Whitehouse) [REDACTED]
Cc: Samantha Hatch [REDACTED]
Subject: RE: Letter from Sen Whitehouse

Ms. Enderle,

Thank you for your Open Records Act request. Please see the attached letter acknowledging receipt. A hard-copy will be mailed tomorrow morning.

Best,

Sarah A. Greenwalt
General Counsel to the Attorney General

OKLAHOMA OFFICE OF THE ATTORNEY GENERAL
313 NE 21st Street, Oklahoma City, OK 73105

From: Enderle, Emily (Whitehouse) [REDACTED]
Sent: Wednesday, February 01, 2017 9:04 AM
To: Sarah Greenwalt

