

## REQUEST UNDER THE VERMONT PUBLIC RECORDS ACT

January 25, 2017

Vermont Attorney General's Office  
109 State Street  
Montpelier, VT 05609-1001

**By Electronic mail: ago.info@vermont.gov**

**RE: Certain records describing the Attorney General's efforts relating to global warming initiatives**

To whom it may concern:

Pursuant to the Vermont Access to Public Records Act, 1 V.S.A. §§ 315-320, the undersigned groups request copies of any and all records as described herein. The Free Market Environmental Law Clinic (FME Law) and Energy & Environment Legal Institute (E&E Legal) are both non-profit educational foundations incorporated in Virginia, with offices in Washington, DC, with established public records transparency practices. Consistent with the Vermont Access to Public Records Act, we expect a prompt, substantive reply to our request. Given the non-profit transparency and journalism activities of the requesters, described below, we ask that those limited fees permitted by § 316 be waived.

1. Please provide us **copies of all emails, including attachments, sent to or from (including also as cc: or bcc:) Bill Sorrell or Scot Kline, which correspondence uses any of the following terms, anywhere in the email, including in the body, To, From, cc: and/or bcc: or Subject fields:**

- a) "Steyer"
- b) "Fahr"
- c) "Fahrllc.com"

**For the above-described request:** responsive records will be **dated over the approximately three-month period from January 1, 2016 through April 1, 2016.**

1 V.S.A. § 317 (b) states that a “‘public record’ or ‘public document’ means any written or recorded information, regardless of physical form or characteristics, which is produced or acquired in the course of public agency business.” We note that former Attorney General Sorrell occasionally used a Gmail address (whsorrell@gmail.com") to conduct the business of the State of Vermont. A proper response to this public records request will therefore involve searching for records held on that account or any other non-governmental account which contains governmental records.

Requesters focus this request on records Vermont employees may have generated in correspondence with private groups or well-placed donors. Records obtained pursuant to other state and federal records requests indicate that employees of the Office of the Attorney General may have been involved in these efforts.

**We request a rolling production**, with responsive records being processed and produced independent of any others, as no such production is dependent upon other records being released.

**We do not seek duplicates** of responsive records, nor do we seek duplicates of records the Office of the Attorney General may have produced in response to other requests.

**We do not seek** correspondence reflecting only the sending or forwarding of press releases or stories, if no other commentary or substantive commentary is added at any place in the email thread (consider *e.g.*, “interesting” or “FYI” as not being substantive comments).

While we request that the limited fees allowed by statute be waived, we nevertheless agree to pay legitimate expenses up to \$150.00. If you estimate costs will exceed that please notify us and break down the expected costs.

**We request records in electronic form if available.** By the nature of this request *most responsive records should be in electronic format, necessitating no photocopying expense.*

None of the undersigned seek the information for a commercial purpose. FME Law and E&E Legal are organized and recognized by the Internal Revenue Service as a 501(c)3 educational organization (not a “Religious...Charitable, Scientific, Literary, Testing for Public Safety, to Foster National or International Amateur Sports Competition, or Prevention of Cruelty to Children or Animals Organization[.]”). As such, we also have no commercial interest possible in these records.

E&E Legal, for example, is also a media outlet for these purposes<sup>1</sup>: like other requesters it not only serves as a regular source of public information and substantive editorial comment about this information to numerous national (and/or local) media outlets but also applies substantive editorial input in its own publications disseminating public information.

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<sup>1</sup> Examples of open records-derived publications by E&E Legal requesters include, Horner: [The FOIA coping response in climate scientists](#), WATTS UP WITH THAT, Jan. 21, 2014 (where ATI/E&E Legal disseminated FOIA-obtained information from NASA, University of Arizona and EPA on many additional occasions, see <http://wattsupwiththat.com/?s=horner>); [The Collusion of the Climate Crowd](#), WASHINGTON EXAMINER, Jul. 6, 2012. See also, Christopher Horner: [Yes, Virginia, you do have to produce those 'Global Warming' documents](#) (with David W. Schnare and Del. Robert Marshall), WASHINGTON EXAMINER, Jan. 5, 2011; David W. Schnare, "FOIA and the Marketplace of Ideas", E&E Legal Letter (Sept. 2013); [Why I Want Michael Mann's Emails](#), THE JEFFERSON JOURNAL, The Thomas Jefferson Institute for Public Policy, Dec. 7, 2011. Information is also disseminated in issue-specific pages of E&E Legal's website, see, e.g. "FOIA Requests" section.

Others include Horner: [Obama Admin Hides Official IPCC Correspondence from FOIA Using Former Romney Adviser John Holdren](#), BREITBART, Oct. 17, 2013; [Most Secretive Ever? Seeing Through 'Transparent' Obama's Tricks](#), WASHINGTON EXAMINER, Nov. 3, 2011; [NOAA releases tranche of FOIA documents -- 2 years later](#), WATTS UP WITH THAT (two-time "science blog of the year"), Aug. 21, 2012; [The roadmap less traveled](#), WATTS UP WITH THAT, Dec. 18, 2012; [EPA Doc Dump: Heavily redacted emails of former chief released](#), BREITBART, Feb. 22, 2013; [EPA Circles Wagons in 'Richard Windsor' Email Scandal](#), BREITBART, Jan. 16, 2013, [DOJ to release secret emails](#), BREITBART, Jan. 16, 2013; [EPA administrators invent excuses to avoid transparency](#), WASHINGTON EXAMINER, Nov. 25, 2012; [Chris Horner responds to the EPA statement today on the question of them running a black-ops program](#), WATTS UP WITH THAT, Nov. 20, 2012; [FOIA and the coming US Carbon Tax via the US Treasury](#), WATTS UP WITH THAT, Mar. 22, 2013; [Today is D-Day -- Delivery Day -- for Richard Windsor Emails](#), WATTS UP WITH THAT, Jan. 14, 2013; [EPA Doubles Down on 'Richard Windsor' Stonewall](#), WATTS UP WITH THAT, Jan. 15, 2013; [Treasury evasions on carbon tax email mock Obama's 'most transparent administration ever' claim](#), WASHINGTON EXAMINER, Oct. 25, 2013, [Peeking behind the Green Curtain](#), WASHINGTON TIMES, FEB. 17, 2015.

In addition to coverage of its FOIAs in print publications, E&E Legal regularly disseminates its findings on broadcast media. E&E Legal and FME Law are also regularly cited in newspapers and trade publications for their open records efforts.<sup>2</sup>

The requested information is of critical importance to the nonprofit policy advocacy groups engaged on these relevant issues, news media covering the issues, and others concerned with government activities on this critical subject, or as the United States Supreme Court once noted in the context of the federal FOIA, what their government is up to.

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<sup>2</sup> Print examples, only, to the exclusion of dozens of national electronic media broadcasts, include, *e.g.*, Dawn Reeves, EPA Emails Reveal Push To End State Air Group's Contract Over Conflict, INSIDE EPA, Aug. 14, 2013; Editorial, Public interest group sues EPA for FOIA delays, claims agency ordered officials to ignore requests, WASHINGTON EXAMINER, Jan. 28, 2013; Michal Conger, Emails show green group influence on EPA coal rule, WASHINGTON EXAMINER, Jan. 9, 2014; C.J. Ciaramella, Sierra Club Pressed EPA to Create Impossible Coal Standards, WASHINGTON FREE BEACON, Jan. 10, 2014; C.J. Ciaramella, Emails Show Extensive Collaboration Between EPA, Environmentalist Orgs, WASHINGTON FREE BEACON, Jan. 15, 2014; Stephanie Paige Ogburn, Climate scientists, facing skeptics' demands for personal [sic] emails, learn how to cope, E&E NEWS, Jan. 21, 2014; Anthony Watts, New FOIA emails show EPA in cahoots with enviro groups, giving them special access, WATTS UP WITH THAT, Jan. 15, 2014; Stephen Dinan, Obama energy nominee Ron Binz faces rocky confirmation hearing, THE WASHINGTON TIMES, Sept. 17, 2013; Stephen Dinan, Top Obama energy nominee Ron Binz asked oil company employees for confirmation help, WASHINGTON TIMES, Sept. 17, 2013; Vitter, Issa Investigate EPA's Transparency Problem, More Suspicious E-mail Accounts, WATTS UP WITH THAT, Jan. 29, 2013 ("It should also be noted that this has come to light thanks to the work of Chris Horner and ATI, who forced production of these documents by EPA in their FOI litigation."); Stephen Dinan, Obama energy nominee in danger of defeat, WASHINGTON TIMES, Sept. 18, 2013; Stephen Dinan, Greens, lobbyists and partisans helping Ron Binz, Obama's FERC pick, move through Senate, WASHINGTON TIMES, Sept. 12, 2013; Stephen Dinan, Energy nominee Ron Binz Loses voltage with contradictions, Obama coal rules, WASHINGTON TIMES, Sept. 22, 2013; Conn Carroll, FOIA reveals NASA's Hansen was a paid witness, WASHINGTON EXAMINER, Nov. 7, 2011; NASA Scientist accused of using celeb status among environmental groups to enrich himself, FOX NEWS, Jun. 22, 2011; Editorial, The EPA: A leftist agenda, PITTSBURGH TRIBUNE-REVIEW, Jan. 18, 2014; John Roberts, "Secret dealing"? Emails show cozy relationship between EPA, environmental groups, FOX NEWS, Jan. 22, 2014; Elana Schor, Proponents pounce on emails between EPA, enviros on pipeline, E&E NEWS, Jan. 23, 2014; Mike Bastasch, Analysis: Green Hypocrisy in Keystone XL pipeline opposition, DAILY CALLER, Feb. 6, 2014; Mark Tapscott, Emails expose close coordination between EPA, Sierra Club and other liberal environmental activist groups, WASHINGTON EXAMINER, Jan. 23, 2014; Editorial, EPA has ties to radical environmentalists, DETROIT NEWS, Feb. 13, 2014; Michael Batasch, Report: EPA coal plant rule tainted by secretiveness, collusion with green groups, DAILY CALLER, Mar. 10, 2014; Jennifer G. Hickey, Legality of EPA Rules Questioned by Environmental Litigators, NEWSMAX, Mar. 21, 2014; Michael Bastasch, Confidential document reveals the Sierra Club's plan to shut down the coal industry, DAILY CALLER, Mar. 26, 2014; Michael Bastasch, Conservative group sues EPA over its 'IRS-like' tactics, DAILY CALLER, Apr. 1, 2014; Stephen Dinan, Conservative group sues EPA over open-records requests, WASHINGTON TIMES, Apr. 1, 2014.

We repeat our request for a rolling production of records, such that the State should furnish records electronically to the undersigned as soon as they are identified, on a rolling basis if necessary, and any hard copies to 3033 Wilson Blvd., Suite E576, Arlington, Virginia 22201.

If you have any questions please do not hesitate to contact undersigned counsel.

Respectfully submitted,

 

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