



January 28th, 2007

Freedom of Information Officer
NASA Headquarters
300 E Street, SW, Room 9R35
Washington, DC 20546
e-mail: foia@hq.nasa.gov

NASA Goddard Space Flight Center (GSFC)
Greenbelt, Maryland 20771
Joan Belt, GSFC FOIA Manager
Email: foia@gsfc.nasa.gov

BY ELECTRONIC MAIL

Dear FOIA Officer,

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. 552 *et seq.*, please provide us within twenty (20) days copies of all records, documents, internal communications and other relevant covered material created by, provided to, received and/or sent by an official of NASA/Goddard Institute for Space Studies (GISS) that cites, references, discusses or otherwise relates to the content, importance or propriety of posts or entries by this individual on the weblog or “blog” <http://www.realclimate.org/>, alternately styled in correspondence as “RealClimate”, “Real Climate”, “RC”, or “the blog”.

Responsive documents described above are limited to electronic mail or other correspondence sent or received by GISS/NASA employee Gavin A. Schmidt.

Responsive documents inherently cannot be considered “pre-decisional” as, by definition as described herein, they solely and directly relate to unofficial, published or public statements by a NASA/GISS employee in an unofficial capacity and outlet.

Responsive documents do not include mere copies of, but reference to, such posts.

This request contemplates documents in electronic format if you possess them as such, otherwise photocopies are acceptable.

Please also identify and inform us of all responsive or potentially responsive documents within the statutorily prescribed time, and the basis of any claimed exemptions and to which specific responsive or potentially responsive document(s) such objection applies. Further, please inform us of the basis of any partial denials or redactions.

1001 Connecticut Avenue, N.W. ● Suite 1250 ● Washington, D.C. 20036
Phone: (202) 331-1010 ● Fax: (202) 331-0640 ● E-mail: info@cei.org ● Web site: <http://www.cei.org>

Period Covered

Documents covered by this Request will have been received or produced by your office(s) and/or otherwise dated between **1st January 2007 and the date you comply with the request (see *Horner et al. v. EPA*, DC DC 2001).**

Request for Fee Waiver

We request your office(s) waive any fees associated with this request on the basis that CEI is a nonprofit, tax-exempt public interest organization, with formal research, educational and publication functions as part of its mission, and because release of these records will serve the public interest by contributing significantly to the public's understanding of the role of public officials and taxpayer resources in public advocacy, and because such a release is not primarily in our organization's commercial interest.

If our fee waiver request is denied we are willing to pay up to \$150.00, and in the event of any appeal as appropriate and regardless of that outcome or your response to this fee waiver request we request the search and document production proceed in the interim.

Request for Fee Waiver -- Justification

1) Interest in Information/Use for Information/Income Issues

CEI's interest in the documents derives from its efforts to educate the public, scholars and state and federal legislatures on particular matters of governmental operation, including but not limited to "climate" policy, data integrity and the interaction of government with private individuals and/or associations of individuals in science and policy, and public pronouncements on same. Further, the issue of civil servants speaking publicly about climate change is increasingly of public interest, including through calls for (certain) spokesmen to cease posting on even official weblogs or "blogs".

CEI is a nonprofit, tax-exempt public interest organization, with formal research, educational and publication functions as part of its mission.

Neither CEI nor any foreseeable party will derive economic benefit from the requested material.

2) Public Benefit/Contribution to Public Understanding

The requested information relates to the operation of government, particularly regarding the controversial areas of climate change and private interaction with and possible influence over the agencies of government.

The general and policy-oriented public will benefit through the dissemination of the findings and works produced as a result of the information received. A fairly widespread portion of the public at large, as opposed to a narrow spectrum of individuals, will receive this benefit, primarily through CEI whose professionals are widely published and have an extensive media and internet presence to discuss topical policy matters.

No “specialized use” of the documents is anticipated outside of that described herein.

3) Dissemination of Information

CEI publishes that upon which it works via print and electronic media, as well as newsletters to legislators, education professionals and other interested parties. Those activities are in fulfillment of CEI’s mission.

The information received will be disseminated through a) membership newsletters, b) opinion pieces published in national and local newspapers and magazines, c) CEI’s websites which receive approximately 80,000 monthly visitors (appx. 40,000 unique), d) in-house publications for public dissemination, e) other electronic journals including “blogs” to which our professionals contribute, f) as relevant, local and syndicated radio programs dedicated to discussing public policy and on which CEI professionals including the author of this request make regular appearances, and g) to the extent Congress or states engaged in relevant oversight or related legislative or judicial activities find that which is received noteworthy, it will become part of the public record on deliberations of the legislative branches of the Federal and State Governments on the relevant issues.

We are mindful of the narrowness of the search that this Request requires of NASA.

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

Sincerely,

Christopher C. Horner, Esq.

Competitive Enterprise Institute
1001 Connecticut Avenue, NW
Suite 1250
Washington, DC 20036
202.331.2260 Office phone