



Environmental Law Center American Tradition Institute

REQUEST UNDER THE ARIZONA OPEN RECORDS LAW

December 7, 2011

Office of the Custodian of Public Records
University of Arizona
1030 North Mountain
P.O. Box 210134
Tucson, AZ 85721-0134

B. Glenn George
Vice President for Legal Affairs and General Counsel
University of Arizona Administration Bldg., Rm. 103
1401 East University Blvd.
P.O. Box 210066
Tucson, AZ 85721-0066

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED REQUEST FOR PUBLIC RECORDS

To Whom It May Concern:

The American Tradition Institute Environmental Law Center ("ATI") respectfully submits this request for public records ("Request") pursuant to Title 39, Chapter 1 of the Arizona Revised Statutes and Chapter 6 from the Arizona Agency Handbook.

For purposes of this Request, "records" encompasses, "all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, including prints or copies of such items produced or reproduced on film or electronic media." A.R.S. §41-1350.

Please produce copies of records responsive to the following Request, the applicable dates for which accompany each individual category of records sought.

1. All emails between Professor Malcolm Hughes from the University's School of Natural Resources and the Environment, and Associate Professor Michael E. Mann from University of Virginia, also including those in which either party is a "cc" recipient (**applicable dates**: January 1, 1999 to December 31, 2005, inclusive).
2. All emails between Professor Jonathan Overpeck from the University's Department of Geosciences, Environmental Studies Laboratory and Professor Phil Jones from the

University of East Anglia's Climate Research Unit, also including those in which either party is a "cc" recipient (**applicable dates**: January 1, 1999 to the date of this Request).

3. All records emails between Jonathan Overpeck and Caspar Ammann, and/or Eugene (Gene) Wahl, also including those in which any of these parties is a "cc" recipient (**applicable dates**: from August 1, 2005 through February 28, 2006, inclusive).
4. All emails sent to or by Jonathan Overpeck (including as "cc") to or from any party referencing one or more of the following people or terms:
 - a. Geophysical Research Letters or "GRL",
 - b. Stephen (or Steve) Mackwell,
 - c. Jay Famiglietti,
 - d. Michael Mann,
 - e. James Saiers,
 - f. "deadline"

(**applicable dates**: from August 1, 2005 through February 28, 2006, inclusive).

We understand the University has a duty to produce records responsive to ATI's request. In the event that the University's custodian of public records determines that a release of a given record would contain confidential or private information, the custodian is obligated to redact such information and produce the record. *Carlson v. Pima County*, 141 Ariz. 487, 491, 687 P.2d 1242, 1246 (1984). If the University decides to withhold responsive records *in toto*, the custodian of records is obligated to provide an index of said records stating the reasons for withholding. A.R.S. § 39-121.01(D)(2).

ATI is a tax-exempt, 26 U.S.C. § 501(c)(3), non-profit public interest organization. As such, it does not seek these records for commercial purposes. Rather, ATI is seeking these records to determine what role (if any) Professors Hughes and/or Overpeck have played in suppressing dissent, in efforts to impede the careers of critics or to undermine legitimate scientific criticism, and/or in destroying records related to climate change research and publication.

In the interests of expediting the search and processing of this Request, ATI is willing to pay fees up to \$300. Please provide an estimate of anticipated costs in the event that fees for processing this Request will exceed \$300.

Furthermore, as this matter involves a significant matter of public interest, and that the four different categories involve (three) different time parameters to search, please produce responsive records as they become available on a rolling basis.

We write mindful of University practice in responding to this sort of Request, including for records of instructors from this same department, for example Landmark Legal Foundation's December 2009 Request for certain, similar records.

To keep costs and copying to a minimum please provide copies of all responsive records in electronic format if you have them (records requested are emails, so this should be all of them).

Please direct all other disclosures to my attention at the following address:

American Tradition Institute
1489 Kinross Lane
Keswick, VA 22947

If you have any questions, or would like to discuss this matter further, don't hesitate to contact me by phone at (202) 262-4458 or email at chris.horner@atinstitute.org.

Thank you for your attention to this matter.

Sincerely,

Christopher C. Horner
chris.horner@atinstitute.org
202.262.4458 (M)