



United States Department of the Interior

OFFICE OF THE SOLICITOR

1849 C STREET N.W.
WASHINGTON, DC 20240

January 29, 2008

Mr. Richard Condit
PEER
2000 P Street N.W., Suite 240
Washington, D.C., 20036

Dear Mr. Condit:

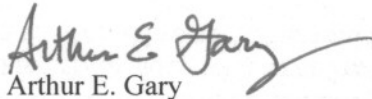
We recently became aware that PEER has published on its website a string of internal e-mail communications among employees of the Minerals Management Service (MMS), which MMS has authorized to be released in only a redacted version, pursuant to the Freedom of Information Act (FOIA). The unredacted e-mails currently published on PEER's website contain privileged internal, deliberative pre-decisional communications that are exempt from disclosure under Exemption (5) of the FOIA, 5 U.S.C. § 552(b)(5). MMS has not authorized the disclosure of the unredacted communications to PEER or to any other party. The fact that PEER's website also has a link to the redacted version that MMS authorized to be released, along with this letter, constitute sufficient notice to PEER that MMS continues to consider the unredacted communications to be privileged and exempt from disclosure under the FOIA.

Accordingly, we request that you immediately cease your unauthorized publication of these privileged communications and return them to MMS, along with any other MMS communications or documents in your possession that MMS has not authorized for disclosure.

MMS has a vital interest in protecting internal communications, the release of which would stifle the full and frank internal debate that fosters good government decision making. Such communications are exempt from FOIA disclosure under Exemption (5) in order to encourage the free exchange of ideas by government employees and to protect from disclosure those pre-decisional, deliberative communications, the release of which could chill full and frank communications among employees. Were pre-decisional, deliberative communications between government employees subject to unbridled disclosure, healthy debate within the agency would be seriously impaired.

Please feel free to contact me if you wish to verify whether particular MMS communications in your possession have been authorized for disclosure.

Sincerely,


Arthur E. Gary
Associate Solicitor
Division of General Law
U.S. Department of the Interior