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July 24, 2012

(By fax to 202-622-3895)

Mr. Hugh Gilmore  
Departmental Offices  
Disclosure Services  
U.S. Department of the Treasury  
1500 Pennsylvania Avenue, N.W.  
Washington, D.C. 20220

Re: Freedom of Information Act (FOIA) Request of  
Gold Anti-Trust Action Committee, Inc.  
7 Villa Louisa Road  
Manchester, Connecticut 06043-7541

Dear Mr. Gilmore:

We represent Gold Anti-Trust Action Committee, Inc. ("GATA"). GATA hereby submits this new request to the U.S. Department of the Treasury ("Treasury") under the Freedom of Information Act.

We are aware that various bureaus exist within Treasury, and it is possible that certain of the records herein requested could be maintained by one or more of those bureaus, and not by the Treasury Headquarters (the departmental offices). We understand, however, that no separate FOIA request is required because you will forward any such request to the appropriate bureau for processing, and that we will be advised. Please let us know if this is not correct.

GATA is a nonprofit corporation organized under the laws of Delaware, is exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code, and is classified as a public charity. GATA is an educational organization engaged in a variety of research and public education activities relative to economic and monetary policy, with a particular focus on the price and supply of gold. GATA monitors the policies and actions of the United States with respect to gold and other precious metals, and educates the public concerning governmental and nongovernmental efforts to intervene in precious metals markets. (For further information on GATA, see [www.gata.org](http://www.gata.org).)

The records sought by GATA in this request are intended to be the basis of educational information that will be released to the public, and are likely to contribute significantly to public understanding of the operations or activities of the government.

In making this request, we want to call your special attention to the message of President Obama, in his January 21, 2009 Memorandum for the Heads of Executive Departments and Agencies, and the President's following directive:

The Freedom of Information Act should be administered with a clear **presumption**: In the face of doubt, **openness** prevails..... [i]n responding to requests under the FOIA, executive branch agencies ... should act **promptly** and in a spirit of cooperation, recognizing that such agencies are servants of the public.

All agencies should adopt a **presumption in favor of disclosure**, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving FOIA. [74 *Fed. Reg.*, No. 15, pp. 4683-84 (Jan. 26, 2009) (emphasis added); [http://www.whitehouse.gov/the\\_press\\_office/FreedomofInformationAct/.](http://www.whitehouse.gov/the_press_office/FreedomofInformationAct/)]

We look forward to Treasury's processing this new request "promptly," and with a "presumption in favor of disclosure," in accordance with this Presidential directive. *See also* Attorney General Holder's Memorandum for Heads of Executive Departments and Agencies (March 19, 2009), <http://www.usdoj.gov/ag/foia-memo-march2009.pdf> (issued pursuant to the President's January 21, 2009 FOIA Memorandum, underscoring our nation's fundamental commitment to open government).

### **Background**

By way of background, GATA previously submitted FOIA requests to your office on December 6, 2007, and April 14, 2009 (which expanded upon a request of March 26, 2009), seeking records in the possession or control of Treasury relating to, explaining, denying, or otherwise mentioning "gold swaps" involving the United States of America, or any agent thereof, during the time period January 1, 1990, to April 14, 2009.

By letters dated June 18, 2008 (with respect to GATA's 2007 FOIA request), and June 23, 2009 (with respect to GATA's 2009 request), Treasury responded to GATA's FOIA requests, producing certain records and withholding others. This request seeks other categories of records, as indicated below, and does not seek copies of the documents that were previously furnished by Treasury in response to GATA's previous FOIA requests.

Treasury's previous responses to GATA's FOIA requests were disappointing because of the inexplicable failure to identify virtually any documents — from 1990 to mid-2009 — mentioning, explaining, or even referring to “gold swaps.” And this was so despite the fairly prominent discussion of “gold swaps” on Treasury's website. In a continuing effort to discover relevant records, GATA seeks the records requested in the Records Request below.

### **Instructions**

In an effort to simplify this request and avoid any possible confusion, the following instructions clarify and govern this FOIA request:

1. “Gold swap” has the meaning ordinarily attributed to it, including, but not limited to, (i) the meaning attributed to it by Treasury on its website ([www.treasury.gov](http://www.treasury.gov) and [www.treas.gov](http://www.treas.gov)) now or in the past as well as (ii) all forms of repurchase agreements commonly undertaken between central banks or between a central bank and other types of financial institutions, which occur when gold is exchanged for foreign exchange, at a specified price with a commitment to repurchase the gold at a fixed price on a specified future date.
2. “Records,” as used herein, means and includes, without limitation, any information that is an agency record subject to the requirements of the Freedom of Information Act, in any format, including an electronic format.
3. “United States” includes the United States, along with any department, agency, instrumentality, or agent thereof.
4. “Involving” means constituting, relating to, implementing, made pursuant to, mentioning, identifying, explaining, referring to, mentioning, describing or terminating, whether in whole or in part.

### **Records Request**

On behalf of GATA, and pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and the Treasury's implementing regulations, 31 C.F.R. § 1.1, et seq., we hereby request copies of all records in the possession or control of the State Department during the time period January 1, 1990, to the date the search for records responsive to this request is substantively initiated and begun, involving:

- (i) treaties, international agreements, executive agreements, protocols, conventions, or other similar agreements relating to gold (including but not limited to "gold swaps");
- (ii) transactions involving gold being purchased, exchanged, pledged, or hypothecated by any individual, bank, central bank, government or government agency, international organization, or other U.S. or foreign entity; and

(iii) rules, policies or regulations governing and regulating such gold transactions

- whether or not involving the United States,
- whether involving sovereign nations or their subdivisions, central banks, bullion banks, international organizations,
- whether bi-lateral or multi-lateral,
- whether relating to gold, gold transactions, gold swaps, etc. in whole or in part,
- whether formerly in force, currently in force, or proposed,
- whether preparatory to entering into such agreements, during such agreements, or subsequent to such the expiration of agreements, and
- including documents discussing the legal authority of the countries to enter into such agreements.

We ask that copies of the documents be mailed to the undersigned as soon as possible to the following address:

William J. Olson  
 William J. Olson, P.C.  
 370 Maple Avenue West, Suite 4  
 Vienna, VA 22180-5615

### **Fee Waiver Request**

We request that the search, review, and copying fees be waived as provided under section 5 U.S.C. § 552(a)(4)(A) and 31 C.F.R. § 1.7(d). As indicated above, GATA is a nonprofit organization seeking the requested records in an effort to make information available to the public, which information is likely to contribute significantly to public understanding of the operations or activities of the government. The information is not sought primarily in the commercial interest of GATA. The fees should be waived because release of the requested records clearly is in the public interest, as the requested information is necessary to have public understanding of the operations or activities of the government. Indeed, Treasury itself on its website has used the undefined terms “gold swapped” and “gold swaps.” GATA seeks more information than Treasury thus far has made available, but the public interest in such information is indisputable.

The release of the requested documents is not primarily for any commercial interest or purpose of GATA. GATA has already disseminated information about the issue of “gold swaps” involving the United States by mail, e-mail, and through its website. It is anticipated that GATA will disseminate to the public any relevant information it obtains as a result of this request, through its website or otherwise.

If this waiver request is denied, we would appreciate an estimate of the costs involved in procuring any of the requested documents if the cost exceeds \$1,000. If the costs do not exceed \$1,000, however, we do not need an estimate, and we will guarantee payment.

Moreover, if the requested records are not disclosed in full, GATA requests Treasury to provide a Vaughn Index of any previously unidentified documents completely or partially withheld, identifying the nature and date of each document, the FOIA exemption claimed, and the basis for each such claim. We understand that such an index may not be required as a matter of law at this stage of the FOIA process, but we would hope that, in the spirit of President Obama's Memorandum on FOIA referenced above, it will be provided.

### Conclusion

Thank you for your prompt attention to this request. We look forward to hearing from you within 20 business days, in accordance with 31 C.F.R. § 1.5(h). As we understand it, Section 7 of the OPEN Government Act of 2007, Pub. L. 110-175, requires Treasury to assign an individualized tracking number to this request, if it will take longer than 10 days to process, and to provide that tracking number to us. In addition, a telephone line or Internet service must be established by Treasury to allow us, using that tracking number, to inquire about the status of this request, including the date on which it was received and an estimated date for completing action on it. *See also* [www.usdoj.gov/oip/foiapost/2008foiapost30.htm](http://www.usdoj.gov/oip/foiapost/2008foiapost30.htm).

Sincerely yours,

William J. Olson

WJO:mm

cc: Chris Powell, Secretary  
Gold Anti-Trust Action Committee