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July 8, 2013
By fax to 202-261-8579 and by mail

Chairman, Appeals Review Panel
c/o Appeals Officer
A/GIS/IPS/PP/LC
SA-2, Room 8100
U.S. Department of State
Washington, D.C. 20522-8100

Re: **FREEDOM OF INFORMATION ACT APPEAL**
Appeal of State Department's May 8, 2013 Response to and Denial of GATA's
FOIA Request of July 24, 2012 (Case No. F-2012-32-320)

Dear Sir/Madam:

We represent Gold Anti-Trust Action Committee, Inc. ("GATA"), 7 Villa Louisa Road, Manchester, Connecticut 06043-7541.

Appeal from Denial of GATA's FOIA Request

This letter constitutes GATA's appeal of the response of the United States Department of State ("State Department") to GATA's May 8, 2012 request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 (copy attached).

As you can see from GATA's FOIA request, GATA is seeking 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 was 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.

By letter dated May 8, 2013, Sheryl L. Walter, Director of the State Department's Office of Information Programs and Services, advised GATA of the limited search that was conducted for the records that GATA seeks. According to Ms. Walter, the State Department found no records responsive to GATA's request. A copy of the May 8, 2013 letter ("the denial letter"), which was received by GATA on May 10, 2013, is attached hereto.

According to the State Department's denial letter, as well as section 171.52(c) of the State Department's regulations (22 CFR), GATA has 60 days from receipt of the denial letter to appeal the State Department's denial letter. This appeal is therefore timely.

Arguments on Appeal

1. GATA submits that the search conducted by the State Department was inadequate. Although the denial letter indicates that the records of a number of "records systems" or offices (the Central Foreign Policy Records, the Office of the Department of State Historian, and the Bureau of Economic and Business Affairs) were searched, there is no indication in the denial letter about what systems of records exist in those offices, what data systems exist, and how all of those systems were searched. Moreover, there are any number of record systems and offices in the State Department that **apparently were not searched**. For example, records/offices that could have been searched, but apparently were not, include the General Counsel's Office, the Office of the Legal Adviser, the State Department's Global Partnership Initiative (S/GPI), which the State Department's website touts as "the entry point for collaboration between the U.S. Department of State, the public and private sectors, and civil society," the Office of Commercial and Business Affairs (CBA), and the Office of Trade Policy and Programs (TPP) (including the records of the four offices within TPP). There are undoubtedly a number of other offices and records systems that should have been searched and were not.

2. GATA's FOIA request seeks certain treaties and international agreements, among other documents, concerning "gold" and "gold swaps," over a period of more than 20 years. If such agreements and other documents exist at all, it would appear that the State Department would have a record of them. GATA finds it incredible that, if there are such treaties,

agreements, or other international documents involving the United States, the State Department would not have copies of them. GATA submits that the conclusion in the State Department's denial letter that no such records exist in the State Department should be reviewed and either confirmed or corrected.

For the reasons set forth above, GATA hereby appeals the State Department's denial of GATA's FOIA request. We respectfully urge you to grant GATA's appeal.

Please do not hesitate to contact the undersigned, or William J. Olson of this office, by telephone (703-356-5070), if it would assist in the proper resolution of this matter.

Sincerely yours,

John S. Miles

JSM:mm

Attachments

cc: Gold Anti-Trust Action Committee, Inc.