

Date: 1/2/19

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Company Name: The Wall Street Journal

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Request:

On behalf of The Wall Street Journal, a media outlet, and pursuant to the Massachusetts Public Records Law, G.L. c 66, §10C, G.L. c. 214, § 1B. See, e.g., Pottle v. School Committee of Braintree, 395 Mass. 861, 482 N.E.2d 813

(1985) and your implementing regulations, please consider this request for certain agency records. As a media outlet, The Wall Street Journal engages in research, investigative journalism and publication, with the goal of broadly disseminating public information obtained under open records and freedom of information laws to inform a broad readership and give Americans a better understanding of the workings, operations and functions of government.

Please promptly provide us a response within 10 calendar days. (See G.L. c. 66, § 10(b); see also Guide to the Massachusetts Public Records Law (Mass. Sec'y of State, rev'd March 2009) and Globe Newspaper Co. v. Commissioner of Education, 439 Mass. 124, 786 N.E.2d 328 (2003)). In this request, we seek all records held by the university which records meet, or contain information meeting, the following description:

First, copies of all email (including also as cc: or bcc:) or other messages sent to or from staff of Morgan State University and Elizabeth Warren and Ms.

Warren's staff, representatives and/or press reps. This encompasses all responsive correspondence sent to or from official email and/or phone/PDA account(s) as well as any accounts used at any time by Office staff for work correspondence, which communications include, in the subject or body, any reference to Elizabeth Warren speaking at Quinsigamond Community College.

Second, all records reflecting accommodations for Elizabeth Warren during her visit to Worcester in May 2018.

Third, all records reflecting compensation for Elizabeth Warren for her May 18, 2018, commencement address.

Response records will have been sent, received or otherwise dated between May 18, 2017, and May 18, 2018, inclusive.

Request for Expedited Processing and Fee Waiver

By its narrow search terms and the short period of time covered, this qualifies as a "simple" request not requiring voluminous review. I request expedited processing on the basis of an urgency to inform the public about the use of public funds. Also, that request is made by a person primarily engaged in disseminating information that refers to a breaking story of general public interest.

Through this request, I am gathering information about the pay, accommodations and other compensation Elizabeth Warren received for speaking at Quinsigamond Community College in May 2018. This information is being sought on behalf of The Wall Street Journal for broad dissemination to the general public. Release of these records is of current interest to the public

because it involves the use of public funds at a public university. It is also highly and urgently relevant in the context of the tremendous media and public interest in Elizabeth Warren and her exploratory committee for a 2020 presidential campaign. Together, this constitutes a compelling public need for responsive records. To conclude otherwise is plainly arbitrary and capricious. I certify that my statement is true and correct to the best of my knowledge and belief.

If any element of this request is denied in whole or part, I ask that you justify all withholdings by reference to specific exemptions of the Law. The university is required to release all reasonably segregable portions in records containing exempt material.

I request the university provide responsive information in electronic format. (See SPR Bulletin 3-96, "Application of the Public Records Law to Electronic Records Access" (June 6, 1996) at ¶ 6 and Guide to Massachusetts Public Records Law (Sec'y of State, rev. March 2009), at 27.) As these are all electronic records this should facilitate the most prompt response. Please provide all responsive information to me electronically, at jillian.melchior@wsj.com.

I understand that I am only required to pay for the actual cost of producing responsive records. We also request you consider waiving any applicable fees. (See 950 CMR 32.06(5)) Release of the information is in the public interest because it will contribute significantly to public understanding of operations and activities at public universities. This information will be used to inform the public. It is likely to be disseminated on The Wall Street Journal website, reaching an extensive audience.

In the event the agency asserts it requires time beyond the statutory deadline to produce a substantial volume of records, we request a rolling production of records, such that the agency furnishes records to my attention as soon as they are identified, preferably electronically, but as needed then to my attention, at the address below.

This request should be processed free from conflict of interest.

We request the university provide particularized assurance that it is reviewing some quantity of records with an eye toward production on some estimated schedule, so as to establish some reasonable belief that it is processing our request. The university must at least inform us of the scope of potentially responsive records, including the scope of the records it plans to produce and the scope of documents that it plans to withhold under any exemptions.

We request a rolling production of records, such that the university furnishes records to my attention as soon as they are identified, preferably electronically, but as needed then to my attention, at the address below.

Please be informed that we intend to protect our appellate rights on this matter at the earliest date should the university not comply with the Massachusetts Public Records Law.

If you have any questions please do not hesitate to contact me. Thank you for your assistance.

Sincerely,
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