

The Honorable Richard Durbin
Chair
Senate Judiciary Committee

The Honorable Charles Grassley
Ranking Member
Senate Judiciary Committee

We write to you as advocates of transparent governance. Ensuring compliance with the Freedom of Information Act (FOIA) is crucial to identifying possible official misconduct. In the “The Freedom of Information Act: Improving Transparency and the American Public’s Right to Know for the 21st Century” hearing held on March 29, 2022, members of the Senate Judiciary Committee from both parties voiced concern about the state of FOIA compliance. Per reporting by *Politico*, lawmakers cited the increased backlog of requests during the COVID-19 pandemic and technical challenges related to electronic data entry as key issues hindering FOIA compliance.¹

While these logistical issues should be addressed, of equal or greater concern is the lack of political will that appears to exist in some corners of the executive branch. Secretary of Commerce Gina Raimondo’s adamant and ongoing refusal to release her calendar records, a simple and routine task expected of federal officeholders, is one recent example of conduct that warrants full attention from the Senate Judiciary Committee given your ongoing concern over FOIA practice and administration.

In office, Secretary Raimondo has been criticized by public interest groups and leaders such as Senator Elizabeth Warren for her lack of transparency.² As you may be aware, the four “Big Tech” companies—Google, Facebook, Amazon, and Apple—have received scrutiny from antitrust regulators in both the United States and the European Union.³⁴ As noted in reporting by *Axios*, “Raimondo has become the [tech] industry’s key advocate within the Biden administration,” putting her in contention with the White House and key federal regulators.⁵

While there is nothing nefarious *per se* about Raimondo holding differing positions from her colleagues, her resistance to transparency has fueled speculation that she is purposefully and

¹ <https://www.politico.com/news/2022/03/29/senators-foia-woes-00021324>

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<https://www.washingtonpost.com/politics/2021/12/15/bidens-commerce-chief-is-under-fire-warren-progressives-defending-us-tech-giants/>

³ <https://www.cnbc.com/2022/03/25/digital-markets-act-eu-targets-big-tech-with-sweeping-new-antitrust-rules.html>

⁴ <https://www.ft.com/content/e8a8d3d7-dba7-4389-858c-5406c31b413d>

⁵

<https://www.axios.com/gina-raimondo-techs-favorite-biden-official-commerce-b9e73a15-4bdc-4732-8e03-eacac1525fc.html>

illegally trying to shield her contact with representatives from Big Tech companies from public view. On December 14, 2021, Warren wrote to Raimondo to clarify if Raimondo’s apparent defense of Big Tech came after correspondence with “executives from or representatives of Google, Facebook, Amazon, or any other large U.S. technology companies.”⁶ Warren additionally sought information about the contents of these discussions if they did occur, as well as whether Raimondo has corresponded with representatives of smaller technology companies. Rather than respond to Warren’s simple and appropriate request, Raimondo has chosen to shield information about her official activities from the public.

Similarly, a publicly-distributed letter on February 1, 2022 to Raimondo signed by fifteen watchdog and public advocacy organizations criticized Raimondo for failing to release her calendar in response to FOIA requests. That effort also failed to yield a response.⁷ And in a letter dated March 4, 2022, Warren once again urged Raimondo to provide details about her official conduct, stating that “Congress and the public deserve answers about your activities defending Big Tech companies.”⁸ Despite being provided a generous deadline of March 14, 2022 for disclosure, three months following Warren’s first letter, Raimondo once again chose to keep information about her official activities from the public.

Raimondo’s refusal to accommodate basic requests for information about her conduct as a public servant harken back to the tenure of her predecessor, former Secretary Wilbur Ross. While in office, Ross’ own lack of transparency amid ethics controversies led to widespread criticism, including from the then-acting director of the U.S. Office of Government Ethics (OGE).⁹ It was only following over six months of litigation that American Oversight was able to procure calendar records for then-Secretary Ross’s first months in office.¹⁰ In an era marked by low public confidence in government,¹¹ the actions of the Commerce Department only stand to further erode Americans’ trust in their elected officials.

We applaud your efforts to support transparency through the FOIA process and hope that you take a closer look at Raimondo’s ongoing effort to obstruct visibility into her conduct.

Sincerely,

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<https://www.warren.senate.gov/imo/media/doc/2021.12.14%20Warren%20letter%20to%20Raimondo%20on%20EU%20tech%20comments.pdf>

⁷ <https://therevolvingdoorproject.org/coalition-calls-on-secretary-raimondo-to-release-calendars/>

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<https://www.warren.senate.gov/imo/media/doc/2022.03.04%20Letter%20to%20Secretary%20Raimondo%20regarding%20failure%20to%20repond%20to%20previous%20antitrust%20letter.pdf>

⁹ https://www.commerce.gov/sites/default/files/wilbur_ross_letter_july_12.pdf

¹⁰ <https://www.americanoversight.org/inside-the-documents-commerce-secretary-wilbur-ross-calendars>

¹¹ <https://news.gallup.com/poll/355124/americans-trust-government-remains-low.aspx>

American Economic Liberties Project
Centro de Periodismo Investigativo
Demand Progress
Freedom BLOC
Government Information Watch
Institute for Local Self-Reliance
Liberation in a Generation
Oregonizers
Public Citizen
Revolving Door Project
RootsAction.org
Sage Information Services
Trade Justice Education Fund
X-Lab