



February 17, 2017

RE: Delay Confirmation Vote on Scott Pruitt for EPA Administrator

Dear Senator:

The American Civil Liberties Union strongly urges you to postpone the vote on the nomination of Scott Pruitt for Administrator of the Environmental Protection Agency, and oppose moving the nomination forward, until after all senators have an opportunity to review documents that an Oklahoma district court ordered released next Tuesday. These documents were unlawfully withheld from public disclosure, and are important for senators to consider in fulfilling the Senate's constitutional obligation of "advice and consent" on Executive Branch nominations.

Yesterday, as a result of a case brought by the American Civil Liberties Union of Oklahoma and the Center for Media and Democracy, Oklahoma District Court Judge Aletia Haynes Timmons ordered the release of approximately 3,000 email communications between Pruitt and representatives of the oil and gas industry. The court found that the state violated the Oklahoma Open Records Act by refusing, for more than two years, to provide public access to official documents related to Pruitt's communications with representatives of the fossil fuel industry. The court cited the state's "abject failure to provide prompt and reasonable access to documents" lawfully requested for public disclosure more than two years ago.

The ACLU does not take a position on whether senators should support or oppose confirmation of Pruitt, but we strongly believe that the Senate cannot meaningfully fulfill its constitutional role of advice and consent on the nomination without first reviewing the several thousand documents that the court ordered the state to release publicly by next Tuesday. There is no reason to try to jam through the nomination this afternoon. Instead, the Senate should use the recess to receive and review the documents that the court ordered released on Tuesday, and then vote after reviewing all of the previously withheld communications.

The ACLU asks you to support postponing the vote on the Pruitt nomination, and oppose moving the nomination forward, until after the court-ordered release of documents next Tuesday. Thank you for your consideration of this matter.

Sincerely,

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