[ORAL ARGUMENT SCHEDULED FOR JANUARY 27, 2005]

No. 02-5354
[Consolidated with Nos. 02-5355, 02-5356]

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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IN RE: RICHARD B. CHENEY,
VICE-PRESIDENT OF THE UNITED STATES, ET AL.,

Petitioners,

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ON PETITION FOR A WRIT OF MANDAMUS TO AND APPEAL FROM
THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, ET AL.,

Respondents.

_____

BRIEF AMICUS CURIAE IN SUPPORT OF RESPONDENTS SIERRA CLUB AND JUDICIAL WATCH, INC.

_____

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November 29, 2004

CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES

(A) PARTIES AND AMICI:

Except for the following, all parties, intervenors and *amici* appearing before the district court and in this court are listed in the Brief for Petitioners.

1. Interests of Amici

All ten *amici curiae* participating in this brief have a vital interest in open government laws, including the Federal Advisory Committee Act ("FACA"), 5 U.S.C. App. 2. *Amici* share the conviction that broad access to government records protects values essential to representative democracy. *Amici* employ and rely on open government laws, including FACA, to achieve their missions and to facilitate full democratic participation. Public participation in government can be meaningful only if the people know what officials are doing and how they are doing it. Equally, without that information the people cannot hold public officials accountable. *Amici* urge this Court to vindicate the principle articulated by James Madison two centuries ago (9 THE WRITINGS OF JAMES MADISON 103 (G. Hunt ed., G.P. Putnam's Sons 1910)):

> A popular government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or perhaps both. . . . . And a people who mean to be their own Governors must arm themselves with the power which knowledge gives.

The American Association of Law Libraries is a nonprofit educational organization with over 5000 members nationwide whose mission is to promote and enhance the value of law libraries, to foster law librarianship, and to provide leadership and advocacy in the field of legal information and information policy.

The American Library Association is the oldest and largest library association in the world, with some 65,000 members and a mission to provide leadership in the development,

promotion and improvement of library and information services to enhance learning and ensure access to information for all.

The Association of Research Libraries, a nonprofit organization of 123 research institutions, is dedicated to promoting equitable access to and effective use of recorded knowledge in support of teaching, research, scholarship, and community service.

The Center for American Progress is a nonpartisan research and educational institute dedicated to promoting a strong, just, and free America that ensures opportunity for all people.

The National Security Archive is a nongovernmental research institute and library that collects and publishes declassified documents, obtained through the Freedom of Information Act and other open government laws, concerning United States foreign policy and national security matters.

OMB Watch is a nonprofit research and advocacy organization dedicated to promoting government accountability and citizen participation in policy decisions.

The DKT Liberty Project, a nonprofit organization, was founded in 1997 to promote individual liberty against encroachment by all levels of government. The organization advocates for open and transparent government as the critical factor in ensuring the political accountability that underlies our constitutional system.

The Society of American Archivists provides services to and represents the professional interests of 3700 individual archivists and institutions as they work to identify, preserve, and ensure access to the nation's historic record.

The American Booksellers Foundation for Free Expression ("ABFFE") is the bookseller's voice in the fight against censorship. Founded by the American Booksellers

Association in 1990, ABFFE's mission is to promote and protect the free exchange of ideas, particularly those contained in books, by opposing restrictions on freedom of speech.

The Society of Professional Journalists is the nation's oldest and largest association of working journalists. The association, comprised of more than 10,000 newspaper, broadcast, and online journalists, is dedicated to the preservation of a free press.

2. Rule 26.1 Statement

All *amici* are nonprofit corporations and do not have any parent corporations. No publicly held company owns 10% or more of any *amici's* stock.

3. Source of Authority to File

Under Fed. R. App. R. 29 and Rule 29 of the Rules of the United States Court of Appeals for the District of Columbia Circuit, *amici* have obtained permission to file from this Court, with all parties consenting to *amici*'s filing.

(B) RULINGS UNDER REVIEW:

References to the rulings at issue appear in the Brief for the Respondents.

(C) RELATED CASES:

References to related cases appear in the Brief for the Respondents.

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STATUTES AND REGULATIONS

Except for the following, all applicable statutes, etc., are contained in Petitioners' Addendum:

OTHER AUTHORITIES

**Authorities upon which we chiefly rely are marked with asterisks.*

GLOSSARY

ACRONYM OR ABBREVIATION	**FULL TITLE**
ABFFE	American Booksellers Foundation for Free Expression
FACA	Federal Advisory Committee Act
FOIA	Freedom of Information Act
Jt. App.	Joint Appendix
NEPDG	National Energy Policy Development Group
Task Force	National Energy Policy Development Group

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BRIEF OF AMICUS CURIAE IN SUPPORT OF RESPONDENTS

_____

SUMMARY OF THE ARGUMENT

This case presents the collision of large principles. In its refusal to disclose the records of the 2001 National Energy Policy Development Group (NEPDG), the government warns that executive prerogatives must be defended to preserve the constitutional separation of powers. In seeking those records, the respondents assert the basic values of open government that have fired American patriots from the time of the Revolution. As the Supreme Court urged in remanding this case, however, courts often need not – and should not – embrace one competing value at the expense of the other. In many instances, the wise course is to "explore other avenues" in search of pragmatic approaches that resolve those specific matters genuinely in dispute while accommodating the legitimate interests of all parties. *Cheney v. United States District Court for the District of Columbia,* 124 S. Ct. 2576, 2592 (2004).

This appeal turns on a discovery dispute of a type familiar in litigation over access to government information. Compliance with that discovery, the government argues, will sacrifice the very confidentiality it seeks to preserve and could jeopardize executive branch independence. The private parties insist that they cannot prove the merits of their claim so long as all relevant information remains in the exclusive control of the government. Because both are correct to a considerable degree, this Court should not view its role as making a Manichean choice between conflicting principles. Rather, this Court should seek a resolution that preserves both principles to the greatest extent possible.

Such a resolution may be drawn from this Court's seminal ruling in *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). *Vaughn* addressed an analogous collision of similar fundamental principles in litigation under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. *Vaughn* neither accepted the government's general assertions that the requested documents were exempt from disclosure, nor rejected those assertions out of hand. This Court chose a middle path, directing the government agency to prepare the now-familiar *Vaughn* Index, a summary of each responsive document paired with the specific reasons for opposing its disclosure. By this pragmatic approach, *Vaughn* ensured that courts could meaningfully evaluate claims for disclosure under the FOIA when "only one side to the controversy (the side opposing disclosure) is in a position confidently to make statements categorizing information . . ." *Id.* at 823.

A comparable approach should be applied to the claims here under the Federal Advisory Committee Act ("FACA"), 5 U.S.C. App. 2. When a private party contends that nongovernment persons attended closed sessions of an advisory committee (or of its constituent sub-groups), this Court should require preparation of a catalogue of all such sessions and the

individuals who attended them. This kind of log would neither trench upon a material interest of the Executive Branch nor impose an undue burden on it. Upon review of that log, private parties and the courts would be able to evaluate whether further discovery, or relief under FACA, were warranted. By this practical course, the legitimate concerns of all parties may be protected.

ARGUMENT

1. This Court Should Mediate The Substantial Public Concerns Raised By Both Parties.

This case embodies the recurring confrontation between the public's right to know what the government is doing and why, and the need for the Executive Branch to preserve its independence and the confidentiality of certain deliberations.

The importance of FACA to the public's right to know was captured by the remarks of Senator Metcalf when he opened the hearings that led to the statute:

> What we are dealing with, in these hearings, goes to the bedrock of Government decision making. Information is an important commodity in this capital. Those who get information to policymakers, or get information from them, can benefit their cause, whatever it may be. Outsiders can be adversely and unknowingly affected. And decision-makers who get information from special interest groups who are not subject to rebuttal because opposing interests do not know about meetings – and could not get in the door if they did – may not make tempered judgments. We are looking at two fundamentals, disclosure and counsel, the rights of people to find out what is going on and, if they want, to do something about it.

Federal Advisory Committee Act (Public Law 92-463) and Source Book: Legislative History, Texts, and other Documents, subcommittee on Energy, Nuclear Proliferation, and Federal Services of the Committee on Governmental Affairs, United States Senate, 95th Cong., 2d Sess., July 1978 (hereinafter "FACA Source Book") at 154.

Before approving FACA, Congress made extensive findings about the advisory committee process. Congressional testimony disclosed that many advisory committees "operate[d] in a closed environment," affording the public little or no opportunity to learn about their deliberations or recommendations. S. Rep. No. 92-1098, at 6 (1972), *reprinted in* FACA Source Book at 156. This "lack of public scrutiny of the activities of advisory committees . . . pose[d] the danger that subjective influences not in the public interest could be exerted on the Federal decision-makers." *Id.* Indeed, a 1972 House report found (1972 U.S.C.C.A.N. 3491, 3496):

> [O]ne of the great dangers in this unregulated use of advisory committees is that special interest groups may use their membership on such bodies to promote their private concerns. Testimony . . . pointed out the danger of allowing special interest groups to exercise undue influence upon the Government through the dominance of advisory committees which deal with matters in which they have vested interests.

With FACA, Congress pulled aside the veil of secrecy, opening "to public scrutiny the manner in which government agencies obtain advice from private individuals." *Nat'l Anti-Hunger Coalition v. President's Private Sector Survey on Cost Control*, 711 F.2d 1071, 1072 (D.C. Cir. 1983). The statute improves the ability of citizens and their representatives to participate in public discussions concerning government policy and to hold officials accountable for their decisions.

FACA has proved an effective tool for securing public access to advisory committee meetings and for making their records readily accessible to the public and researchers. Advisory committees convened under FACA have grappled with a wide range of public issues, including epidemiological surveys of Vietnam veterans exposed to Agent Orange, the prevention of mad cow disease, ethical issues in stem-cell research and the safety of dietary

supplements.[1] FACA ensures that the deliberations and conclusions of those and other advisory committees are subject to public scrutiny and inform public debate.[2]

In opposing the application of FACA here, Petitioners emphasize the interests of the Executive Branch in preserving the confidentiality of certain deliberations and in being free of unnecessarily burdensome litigation demands. As the Supreme Court observed:

> [T]he public interest requires that a coequal branch of Government 'afford Presidential confidentiality the greatest protection consistent with the fair administration of justice,' and give recognition to the paramount necessity of protecting the Executive Branch from vexatious litigation that might distract it from the energetic performance of constitutional duties.

Cheney, 124 S. Ct. at 2588 (quoting *United States v. Nixon*, 418 U.S. 683, 715 (1974)). The Supreme Court also emphasized the importance of avoiding direct collisions between the Judiciary and the Executive over these matters, noting that "'occasion[s] for constitutional confrontations between the two branches' should be avoided whenever possible." *Id.* at 2592

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[1] *See* Testimony on "Agent Orange: Status of the Air Force Ranch Hand Study" by Ronald Coene (Mar. 15, 2000), *available at* http://www.hhs.gov/asl/testify/t000315a.html; GAO Report, Mad Cow Disease, Improvements in the Animal Feed Ban and Other Regulatory Areas Would "Strengthen U.S. Prevention Efforts," at 28 (January 2002) available at *http://www.gao.gov/new.items/d02183.pdf*; National Bioethics Advisory Commission 1998-1999 Biennial Report, at 1, *available at http://www.georgetown.edu/research/nrcbl/nbac/pubs/Biennial98-99.pdf*.

[2] *Compare* The National Coal Council, Increasing Electricity Availability from Coal-Fired Generation in the Near-Term (May 2001), *available at* http://www.nationalcoalcouncil.org/Documents/May2001report-revised.pdf *with* Clean Air Task Force, "Scraping the 'Bottom of the Barrel' for Power: A Rebuttal to the National Coal Council's Electricity Availability Report" (November 2001), *available at* http://www.catf.us/publications/ reports/bottom_of_ the_barrel.php; *compare* National Petroleum Council, "Balancing Natural Gas Policy: Fueling the Demands of a Growing Economy" (Sept. 25, 2003), *available at* http://www.npc.org/ *with* Defenders of Wildlife, "What the National Petroleum Council Won't tell You About a Natural Gas 'Crisis'" (Sept. 25, 2003), *available at* http://www.defenders.org/releases/pr2003/pr092503a.html; *see also* Department of Energy, National Petroleum Council Meeting Transcript 60-61 (June 6, 2001) (describing public interest in Natural Gas Policy report; on file with counsel for *amici*); Department of Energy, Environmental Management Advisory Board, Public Meeting Minutes (Nov. 21-22, 2002), *available at* http://web.em.doe.gov/emab/Nov2002 min.html.

(quoting *Nixon*, 418 U.S. at 692). Accordingly, in remanding this case, the Supreme Court urged this Court "to explore other avenues" for resolving this confrontation. *Id.*

2. *Vaughn v. Rosen* Provides A Valuable Model For Mediating This Confrontation.

Vaughn v. Rosen addressed a comparable confrontation over the disclosure of government information. Writing for a unanimous Court, Judge Malcolm Wilkey stressed the practical challenges presented to parties, and to the courts, by litigation to secure the release of government information under the FOIA. "[I]t is anomalous but obviously inevitable," he wrote, "that the party with the greatest interest in obtaining disclosure is at a loss to argue with desirable legal precision for the revelation of the concealed information." 484 F.2d at 823. Indeed, Judge Wilkey continued, the private party "cannot know the precise contents of the documents sought; secret information is, by definition, unknown to the party seeking disclosure." *Id.* As a result, neither private parties nor the courts were able to evaluate government claims that the information fell within one of the FOIA's exemptions from disclosure, even though the government's "factual characterization may or may not be accurate." *Id.* at 824. The result was to "seriously distort[] the traditional adversary nature of our legal system's form of dispute resolution." *Id.*

Judge Wilkey also noted that because the government enjoys a monopoly over the secret information, it has an incentive to make unfounded assertions that the information need not be disclosed. *Id.* at 826. Such unfounded assertions cannot be challenged by "a party that is effectively helpless and a court system that is never designed to act in an adversary capacity." *Id.* at 826. The situation, this Court concluded, required "some process" that would (*id.)*:

> (1) assure that a party's right to information is not submerged beneath governmental obfuscation and mischaracterization, and (2) permit the court system effectively and efficiently to evaluate the factual nature of disputed information.

This Court's innovative solution was to require an "itemized list" of each withheld document, with a system of indexing "that would correlate statements made in the Government's refusal justification with the actual portions of the [withheld] document." *Id.* at 827. More than three decades later, the *Vaughn* Index remains the centerpiece of most FOIA disputes and played a role in the Supreme Court's most recent decision under the FOIA. *See Nat'l Archives and Records Admin. v. Favish*, 124 S. Ct. 1570, 1575 (2004) (based on *Vaughn* Index, denying disclosure of death scene photos of White House deputy counsel).

In numerous cases involving requests for the disclosure of highly sensitive materials, this Court has either relied on *Vaughn* Indexes or directed the government to supplement such an index. Illustrative cases include requests for disclosure of:

- "[O]fficial and confidential records of former FBI Director J. Edgar Hoover," *Summers v. Dep't of Justice*, 140 F. 3d 1077, 1078 (D.C. Cir. 1998) (remanding for further review by District Court);
- State Department documents relating to United States foreign policy towards the Philippines, *Bonner v. United States Dep't of State*, 928 F.2d 1148 (D.C. Cir. 1991) (remanding for further review by District Court and for supplemental *Vaughn* Index);
- Documents relating to President Clinton's exercise of the pardon power, *Judicial Watch, Inc. v. Dep't of Justice*, 365 F.3d 1108 (D.C. Cir. 2004) (based on *Vaughn* Index, reversing District Court order upholding nondisclosure);

- Documents detailing the views of military personnel concerning the conditions of their service, *Army Times Pub. Co. v. Dep't of the Air Force*, 998 F.2d 1067, 1071 (D.C. Cir. 1993) (noting lack of specificity in *Vaughn* Index, remanding for further review); and
- Documents surrounding an internal investigation of alleged prosecutorial misconduct, *Kimberlin v. Dep't of Justice*, 139 F.3d 944 (D.C. Cir. 1998) (noting "manifest inadequacy" of *Vaughn* Index).

Of equal significance, courts in this Circuit quickly noted the relevance of *Vaughn v. Rosen* to disputes over the application of FACA. In *Gates v. Schlesinger*, 366 F. Supp. 797 (D.D.C. 1973), plaintiffs sued under FACA to compel public attendance at meetings of the Defense Advisory Committee on Women in the Services. While acknowledging some differences between the FOIA and FACA, Judge Aubrey Robinson relied on *Vaughn* in ordering that public attendance be permitted, holding that the government could not justify closing the meetings by making "only conclusory statements." *Id.* at 800. A few months later, another District Court granted summary judgment requiring open meetings of advisory committees serving the Cost of Living Council, expressly relying on both *Vaughn* and Judge Robinson's analysis:

> Although [FACA] does not contain the same express provisions as the Freedom of Information Act. . . . this Court would agree with Judge Robinson in *Gates v. Schlesinger* that the underlying policy considerations are identical. . . . The defendants should, at a minimum, provide a "relatively detailed analysis" of the bases for closing various portions of the meetings.

Nader v. Dunlop, 370 F. Supp. 177, 179 (D.D.C. 1973) (citations omitted). *See Washington Legal Found. v. United States Sentencing Comm'n.*, 89 F.3d 897, 900 (D.C. Cir. 1996) (using *Vaughn* Index in suit claiming common-law right of access to public documents).

The parallels between the issues presented in FACA disputes and in litigation under the FOIA are underscored by the FOIA lawsuit brought by several groups for disclosure of certain documents relating to the NEPDG. *Judicial Watch v. United States Dep't of Energy*, 310 F. Supp. 271 (D.D.C. 2004), *appeal pending* Nos. 04-5204, 04-5205, 04-5206. In that case, Judge Paul Friedman found that the *Vaughn* Indexes as prepared by the government were "largely useless" and directed several agencies to amplify their indexes (along with other relief granted to the plaintiffs). *Id.* at 317.[3]

The *Vaughn* Index stands as a singular success in serving at least three important goals. *First*, it permits the Executive Branch to maintain the confidentiality of information it deems legally protected from disclosure, at least until the courts can rule on that assertion. *Second*, it provides some meaningful basis for private parties to test the government's assertions that the documents and information need not be disclosed. *Third*, it provides the courts with sufficient information to adjudicate responsibly the disputes over FOIA disclosures. Because the same interests are at stake in this FACA lawsuit, this Court should apply here the lessons learned from *Vaughn v. Rosen* and its progeny.

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[3] Judge Friedman also observed that the FOIA does not apply to Vice President Cheney or his immediate office, 310 F. Supp. 2d at 298 n.8, an observation that does not reduce the usefulness of the *Vaughn* Index as a model for the resolution of this FACA lawsuit. FACA does not exempt from its coverage any advisory committees solely because the Vice President may serve on them. In any event, that the FOIA and FACA have somewhat different application and terms, as was noted by the District Courts in *Gates* and *Dunlop*, does not change the fundamental parallels between litigation under each statute. *See Gates*, 366 F.Supp. at 800 ("underlying policy considerations [of FACA and the FOIA] are identical").

3. Using the *Vaughn* Index as a Model, This Court Should Direct Creation of a "*Cheney* Log" to Permit Fair Resolution of this Dispute.

Based on the best information available to them, respondents have alleged that non-government persons attended meetings of the NEPDG – and, more particularly, sub-groups of the NEPDG.[4] Petitioners have submitted broad, general denials that did not directly address certain key points, such as the participation of private persons in the sub-groups of the NEPDG. *See* Jt. App. 257, 260-62 (Decl. of Karen Knutson).[5] Exactly as in *Vaughn*, both the private parties and the courts are entirely disabled from evaluating the government's assertions. As Judge Wilkey observed, "secret information is, by definition, unknown to the party seeking disclosure." 484 F.2d at 823.

That conundrum is exacerbated by the peculiar procedural posture of this appeal. Petitioners seek a writ of mandamus; in its remand, the Supreme Court reminded this Court that such writs should issue "only upon a finding of exceptional circumstances amounting to a judicial usurpation of power, or a clear abuse of discretion." *Cheney*, 124 S.Ct. at 2581 (quotations omitted). Yet the Supreme Court also cautioned that this Court must consider the weighty factor "whether the District Court's actions constituted an unwarranted impairment of

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[4] *See* Jt. App. 34-36, 39 (Second Am. Compl.); Ron Suskind, *The Price of Loyalty*, 146 (2004) (citing numerous meetings of energy industry officials with NEPDG participants).

[5] FACA specifically defines "advisory committee" to include any "committee, board, commission, council, conference, panel, task force, or other similar group, *or any subcommittee or other subgroup thereof*." 5 U.S.C. App. 2, § 3(2) (emphasis added). The sub-groups are especially significant when an advisory committee consists solely of cabinet officers and very senior officials, as was true of the NEPDG. For such advisory committees, the heart of the policymaking effort necessarily is performed by less august persons working in subgroup settings. In this case, the Knutson affidavit was notably qualified and imprecise about the participation of private individuals in the "working group" that drafted the NEPDG's report or its sub-groups. Ms. Knutson did not claim to have attended the meetings of that Working Group, stating only that "to the best of [her] knowledge" all participants were federal employees except for "one individual." Jt. App. 261-62.

another branch in the performance of its constitutional duties." *Id.* at 2592. With large principles pitted against each other in a procedurally exotic context, it is no wonder that the Supreme Court urged this Court to "explore other avenues" for resolving this case. After reciting a limitation on discovery imposed by the trial court in *United States v. Poindexter*, 727 F. Supp. 1501 (D.D.C. 1989), the Supreme Court termed that device "but one example of the choices available to the District Court and the Court of Appeals in this case."[6] 124 S.Ct. at 2592.

This Court should accept the Supreme Court's invitation to develop an innovative yet familiar procedure for accommodating the competing interests asserted here. Following the model of the *Vaughn* Index, it can identify certain basic information that may be provided by Petitioners without undue burden or compromise of confidentiality; that information ordinarily will provide sufficient basis for the private parties and the courts to evaluate whether and to what extent nongovernment persons participated in meetings of the NEPDG or its sub-groups.

To this end, *amici* would propose an order requiring Petitioners to prepare a log that would: (a) detail every meeting of the NEPDG and of its sub-groups, and (b) identify those individuals in attendance at each such meeting. The burden of such a "*Cheney* Log" would be minimal: The government certainly has records of when the meetings occurred, while the ubiquitous "sign-in sheets" circulated at government meetings – or signed by private

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[6] In *U.S. v. Poindexter*, former National Security Adviser John M. Poindexter sought certain documents of former President Reagan for his criminal defense. 727 F. Supp. 1501 (D.D.C. 1989). In contrast to Petitioner's refusal to respond to any requested discovery in this case, the government in *Poindexter* offered a *Vaughn* index summarizing responsive documents in Reagan's possession. *Id.* at 1506. The District Court upheld the subpoenas, but narrowed them to eliminate requests that were overly broad, immaterial or available from other sources. *Id.* at 1507-08.

individuals to gain access to government buildings – should supply the required names of attendees. No confidential information would be implicated.

Following this approach, if only government persons were listed on the *Cheney* Logs for meetings of the NEPDG and of its sub-groups, then the respondents' claim under FACA likely would be foreclosed. If, however, nongovernment individuals attended these meetings, the government either would have to come forward with a compelling explanation for why the Court should not apply FACA's public disclosure requirements, or at least would have to respond to some further level of discovery.

CONCLUSION

When important constitutional principles are on a collision course, as in this case, courts should be wary of any winner-take-all resolution. The judicial goal in this case should be accommodation of the competing principles, not the exaltation of one and the obliteration of the other. Requiring the *Cheney* Log, based on the successful example of the *Vaughn* Index, promises such an effective accommodation.

Respectfully submitted,

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November 29, 2004

CERTIFICATE OF COMPLIANCE

This brief complies with the type-volume limitations of Fed. R. App. P. 32(a)(7)(B). This brief contains 2,864 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(a)(7)(B)(iii) and Circuit Rule 32 of the United States Court of Appeals for the District of Columbia Circuit, according to the count of Microsoft Word 2002.

Dated: November 29, 2004.

By:

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Stacy J. Dawson

CERTIFICATE OF SERVICE

I certify that on November 29, 2004, the foregoing "Brief Amicus Curiae in Support of Respondents Sierra Club and Judicial Watch, Inc." was served on counsel for all parties *via* First Class Mail at the addresses specified below:

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