

JUN 30 2014

DNI-FOIA

From: John Greenewald, Jr. [redacted] (b)(6)
Sent: Saturday, June 28, 2014 10:35 PM
To: DNI-FOIA
Subject: FOIA REQUEST

To whom it may concern,

This is a non-commercial request made under the provisions of the Freedom of Information Act 5 U.S.C. S 552. My FOIA requester status as a "representative of the news media." I am a freelance television producer often working on documentaries related to my FOIA requests, my work is commonly featured throughout major news organizations, and I freelance writer for news sites as well. Examples can be given, if needed.

I prefer electronic delivery of the requested material either via email to [redacted] (b)(6) or via CD-ROM or DVD via postal mail. Please contact me should this FOIA request should incur a charge.

On June 27, 2014, the DNI and NSA announced the following:

"In June 2013, President Obama directed the Intelligence Community to declassify and make public as much information as possible about certain sensitive U.S. Government surveillance programs while protecting sensitive classified intelligence and national security information. Over the past year, I have declassified and authorized the public release of thousands of pages of documents relating to the use of critical national security authorities.

Today, and consistent with my directive on August 29, 2013, I am releasing information related to the use of these important tools, and will do so in the future on an annual basis. Accordingly, I have declassified and directed the release of the following information for calendar year 2013."

I respectfully request a copy of all records and documents, electronic or otherwise, pertaining to the creation of this 2013 Statistical Transparency Report. Please include any and all memorandums, letters, and inter-agency communications, also regarding the creation of this report.

I further respectfully request a waiver of ALL fees associated with this request. The current interest in this topic, by the public, is at an all time high - and the public would benefit greatly about the release of this information.

In addition, I have a very unique way of distributing the material, for free, on my high traffic website located at <http://www.theblackvault.com>.

Thank you so much for your time, and I am very much looking forward to your response.

Sincerely,

John Greenewald, Jr.
[redacted] (b)(6)

Sincerely,

John Greenwald, Jr.
The Black Vault
<http://www.theblackvault.com>

Social Media:

[[Become a Fan on Facebook](#) | [The Black Vault Group on Facebook](#) | [YouTube](#) | [Twitter](#) | [Scribd](#)]

May 24, 2021

VIA ELECTRONIC MAIL: foia@dni.gov

Chief FOIA Officer
c/o Director, Information Management Office
Office of the Director of National Intelligence
Washington, DC 20511

To the responsible FOIA Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I hereby appeal the denial of my request DF-2020-00194, regarding the following:

- Any finished intelligence products regarding Chinese government intellectual property (IP) or technology theft efforts targeting American individuals, businesses or other organizations, including American universities and colleges.
- Records dealing with Chinese government use of non-traditional intelligence collectors, including but not limited to Chinese national students in the United States, to target American citizens or organizations of interest the Chinese military or intelligence services.
- Records dealing with Chinese government efforts to establish organizations on American university and college campuses dedicated to advancing Chinese government interests, acting as cover for intelligence collection operations, or for the purpose of otherwise monitoring the activities of Chinese nationals as well as Americans.
- Records regarding contacts by ODNI officials with American scholars, researchers or academics who have written on issues involving China or Chinese American relations as they related to Chinese government IP or technology theft efforts targeting American citizens, businesses or other organizations.
- Correspondence between ODNI officials and Congress regarding any of the above matters.

In its May 17, 2021 response to me, ODNIA FOIA Public Liaison Ms. Sally Nicholson stated that with respect to my first item of interest

“A search has been conducted and a record responsive to your request was located. Upon review it has been determined that the record must be withheld in full pursuant to the following exemptions:

“(b)(1), which applies to information that is currently and properly classified pursuant to Executive Order 13526, Section 1.4 (b), (c), and (g).

“(b)(3), which applies to information exempt from disclosure by statute. The relevant statutes are the National Security Act of 1947, as amended, 50 U.S.C. §3024(m)(1), which protects, among other things, the names and identifying information of ODNI personnel; 50 U.S.C. § 3024(i)(1), which protects information pertaining to intelligence

sources and methods; Section 6 of the Central Intelligence Agency Act of 1949, as amended; and Section 102A(i)(1) of the National Security Act of 1947, as amended.

“(b)(5), which applies to information that concerns communications within or between agencies which are protected by legal privileges.”

With respect to the ODNI’s assertion of the (b)(1) and (b)(3) exemptions, the ODNI failed to indicate whether a line-by-line review had been conducted to determine whether any portions of the lone document at issue were segregable and thus releasable. Further, even if records might otherwise be exempt, an agency may withhold them only if their disclosure would actually harm the interests protected by the exemption, or if it is prohibited by some other law, per 5 U.S.C. § 552(a)(8). The Agency did not identify what reasonably foreseeable harm would flow from release of the information withheld, nor did it consider a partial disclosure of the information, taking reasonable steps to segregate and release nonexempt information. The agency’s failure to meet the requirements of § 552(a)(8) requires reconsideration of its denial, and I appeal on that basis.

With respect to the ODNI’s assertion of the (b)(5) exemption, I noted that the first item of my request pertains to finished intelligence products, not interim, draft or otherwise not final versions of the product in question. Accordingly, the ODNI’s assertion of (b)(5) in this case was inappropriate and I appeal on that basis.

Finally, I note that the ODNI’s May 17 letter to me did not address the other four components of my FOIA. Please clarify whether the May 17 letter applies to only the first item of my request, or is a blanket denial of my entire request.

In order to help to determine my status to assess fees, you should know that I am Research Fellow and scholar at the Cato Institute, an IRS-recognized 501(c)(3) nonprofit educational and public interest organization. As I am employed by an educational or noncommercial scientific institution, this request is made for a scholarly or scientific purpose and not for a commercial use. I request a waiver of all fees for this request.

Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest.

Whenever possible, please provide the requested information in electronic Portable Document Format (PDF). If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees. I would appreciate your communicating with me by email or telephone, rather than by mail. My email address is [redacted] (b)(6) and my cell number is [redacted] (b)(6)

Please provide expedited processing of this request which concerns a matter of urgency. As a Senior Fellow, my job is disseminating information. The public has an urgent need for information about Chinese government espionage activities in the United States targeting American businesses, as well as Chinese Communist Party (CCP) targeting of Chinese Americans for recruitment or coercion for the purpose of stealing American intellectual property and technology. The Department of Justice’s “China Initiative”—of which the ODNI is a partner—is a top priority of the Administration and has been the source of widespread media coverage, as well as major public speeches by AG Barr and FBI Director Wray.

Additionally, Chinese government activities targeting American individuals and businesses are a regular source of media stories, making this a very high-profile topic of intense public and Congressional interest.

As a Cato scholar, I meet the statutory definition of a "representative of the news media" per Cause of Action v. F.T.C., 799 F.3d 1108 (D.C. Cir. 2015) as Cato and its scholars (1) gather information of potential interest (2) to a segment of the public; (3) use editorial skills to turn the raw materials into a distinct work; and (4) distribute that work (5) to one or more audiences. Accordingly, I ask for expedited processing on that basis. I certify that my statements concerning the need for expedited processing are true and correct to the best of my knowledge and belief.

I look forward to your determination regarding my request for expedited processing within 10 calendar days, as the statute requires. Thank you for your assistance.

Sincerely,

[Redacted] (b)(6)

Patrick G. Eddington
Senior Fellow
Cato Institute

[Redacted] (b)(6)

DNI-FOIA

DF. 2014-00202

From: Nick Turse [redacted] (b)(6)
Sent: Wednesday, May 07, 2014 9:46 AM
To: DNI-FOIA
Subject: re: FOIA request

Nick Turse
The Nation magazine

MAY 07 2014

[redacted] (b)(6)

May 7, 2014

FOIA REQUEST

Dear FOI Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request copies of all documents and/or emails and/or other materials referring to Camp Lemonnier in Djibouti from 2013-2014.

As a representative of the news media I am only required to pay for the direct cost of duplication after the first 100 pages. Please notify me by email prior to your incurring any expenses in excess of \$1.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

As I am making this request as a member of the news media and this information is of timely value, I would appreciate your communicating with me by email, rather than by mail or phone, if you have questions regarding this request.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

Sincerely,

Nick Turse, PhD, MPH

—
Nick Turse, PhD, MPH
Managing Editor
TomDispatch.com

From: Joyce Battle [redacted] (b)(6)
Sent: Wednesday, February 16, 2022 7:27 AM
To: DNI-FOIA
Cc: FOIA mail
Subject: New Freedom of Information Act Request || National Security Archive Case #
20220107DNI004
Attachments: 20220107DNI004.pdf

Dear Information Officer,

Please see the attached Freedom of Information Act request.

Thank you for your attention,

Joyce Battle

The National Security Archive

The George Washington University
Gelman Library, Suite 701
2130 H Street, N.W.
Washington, D.C. 20037

Phone: 202/994-7000
Fax: 202/994-7005
nsarchiv@gwu.edu
www.nsarchive.org

Wednesday, February 16, 2022

ATTN: FOIA/PA
Information Management Division
Office of the Director of National Intelligence
Washington, DC 20511

Re: Request under the FOIA, in reply refer to Archive# 20220107DNI004

Dear FOIA Officer :

Pursuant to the Freedom of Information Act (FOIA), I hereby request the following:

Joint Military Intelligence College (JMIC) master's thesis: Coordination Gaps in the Intelligence and Law Enforcement Communities: Allowing Terrorists Entry to the United States (1998).

If you regard any of these documents as potentially exempt from the FOIA's disclosure requirements, I request that you nonetheless exercise your discretion to disclose them. As the FOIA requires, please release all reasonably segregable non exempt portions of documents. To permit me to reach an intelligent and informed decision whether or not to file an administrative appeal of any denied material, please describe any withheld records (or portions thereof) and explain the basis for your exemption claims.

As a representative of the news media, the National Security Archive qualifies for "representative of the news media" status under 5 U.S.C. Sec. 552(a)(4)(A)(ii)(II) and, therefore, may not be charged search and review fees. (See *National Security Archive v. U.S. Department of Defense*, 880 F.2d 1381 (D.C. Cir. 1989), *cert denied*, 110 S Ct. 1478 (1990)). This request is made as part of a scholarly and news research project that is intended for publication and is not for commercial use. For details on the Archive's research and extensive publication activities please see our website at www.nsarchive.org.

To expedite the release of the requested documents, please disclose them on an interim basis as they become available to you, without waiting until all the documents have been processed. Please notify me before incurring any photocopying costs over \$100. If you have any questions regarding the identity of the records, their location, the scope of the request or any other matters, please call me at (202) 994-7000 or email me at foiamail@gwu.edu. I look forward to receiving your response within the twenty day statutory time period.

Sincerely yours,

Joyce Battle

An independent non-governmental research institute and library located at the George Washington University, the Archive collects and publishes declassified documents obtained through the Freedom of Information Act. Publication royalties and tax deductible contributions through The National Security Archive Fund, Inc. underwrite the Archive's Budget.

DF-2014-00295

AUG - 6 2014

DNI-FOIA

From: Cyrus Farivar [REDACTED] (b)(6)
Sent: Tuesday, August 05, 2014 2:52 PM
To: DNI-FOIA
Subject: FOIPA / ARS TECHNICA
Attachments: signature.asc

To Whom It May Concern:

My name is Cyrus Farivar and I am a journalist with Ars Technica (<http://arstechnica.com>). We are a technology news website published by Condé Nast, which also publishes The New Yorker, Wired and other magazines.

This is a request for records under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 and the Privacy Act, 5 U.S.C. § 552a. This request should be considered under both statutes to maximize the release of records.

REQUESTER INFORMATION

Name: Cyrus Farivar

Address: [REDACTED]

Email: [REDACTED]

Phone: [REDACTED] (b)(6)

RECORDS SOUGHT

I request disclosure of all records consisting of, concerning, referring to, or relating to the "Directorate of Terrorist Identities (DTI) Strategic Accomplishments" and/or a diagram entitled "TIDE by the Numbers" for any and all years that such a document exists, and/or the article and/or news agency referenced below.

See: <https://firstlook.org/theintercept/article/2014/08/05/watch-commander/>

Specifically, this should include any and all internal and external correspondence, agendas, relevant grant requests, contracts, invoices, applications, policies, briefs, white papers, memos, guidelines, talking points, marketing materials, presentations, training manuals and/or instructions.

This request also applies to any and all relevant documents, correspondence, photographs, images, graphics, illustrations, video recordings, audio recordings, and datasets in your agency's possession, including any and all relevant electronic records. It also includes documents that were created by a member of another government agency, government agency contractor, as well as a member of the public, contractors or vendors.

If specific portions of any documents are exempt from disclosure, please provide the non-exempt portions.

Please consider the relevant search range from January 1, 2009 until the date the search for responsive ✓ records is conducted.

I request that all records be provided to me in electronic form or format.

1. Instructions Regarding "Leads":

As required by the relevant case law, your agency should follow any leads it discovers during the conduct of its searches and perform additional searches when said leads indicate that records may be located in another system. Failure to follow clear leads is a violation of FOIA.

2. Request for Public Records:

Please search for any records even if they are already publicly available.

3. Request for Electronic and Paper/Manual Searches:

I request that searches of all electronic and paper/manual indices, filing systems, and locations for any and all records relating or referring to the subject of my request be conducted.

4. Request regarding Photographs and other Visual Materials:

I request that any photographs or other visual materials responsive to my request be released to me in their original or comparable forms, quality, and resolution. For example, if a photograph was taken digitally, or if the your agency maintains a photograph digitally, I request disclosure of the original digital image file, not a reduced resolution version of that image file nor a printout and scan of that image file. Likewise, if a photograph was originally taken as a color photograph, I request disclosure of that photograph as a color image, not a black and white image. Please contact me for any clarification on this point.

5. Request for Duplicate Pages:

I request disclosure of any and all supposedly "duplicate" pages. Scholars analyze records not only for the information available on any given page, but also for the relationships between that information and information on pages surrounding it. As such, though certain pages may have been previously released to me, the existence of those pages within new context renders them functionally new pages. As such, the only way to properly analyze released information is to analyze that information within its proper context. Therefore, I request disclosure of all "duplicate" pages.

6. Request to Search Emails:

Please search for e-mails relating to the subject matter of my request.

7. Request for Search of Records Transferred to Other Agencies:

I request that in conducting its search, your agency disclose releasable records even if they are available publicly through other outside sources, such as NARA.

8. Regarding Destroyed Records

If any records responsive or potentially responsive to my request have been destroyed, my request includes, but is not limited to, any and all records relating or referring to the destruction of those records. This includes, but is not limited to, any and all records relating or referring to the events leading to the destruction of those records.

Fee Category and Request for a Waiver of Fees:

I am willing to pay any reasonable expenses associated with this request, however, as the purpose of the requested disclosure is in full conformity with the statutory requirements for a waiver of fees, I formally request such a waiver. I request a waiver of all costs pursuant to 5 U.S.C. §552(a)(4)(A)(iii) ("Documents shall be furnished without any charge ... if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester."). Disclosure in this case meets the statutory criteria, and a fee waiver would fulfill Congress's legislative intent in amending FOIA. See *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) ("Congress amended FOIA to ensure that it be 'liberally construed in favor of waivers for noncommercial requesters.'")

As the legislative history of FOIA reveals, "It is critical that the phrase 'representative of the news media' be broadly interpreted if the act is to work as expected. . . . In fact, any person or organization which regularly publishes or disseminates information to the public . . . should qualify for waivers as a 'representative of the news media.'" 132 Cong. Rec. S14298 (daily ed. Sept. 30, 1986) (emphasis in original quotation); and 2) "A request by a reporter or other person affiliated with a newspaper, magazine, television or radio station, or other entity that is in the business of publishing or otherwise disseminating information to the public qualifies under this provision." 132 Cong. Rec. H9463 (Oct. 8, 1986) (emphasis in original quotation)). Therefore, in accordance with the Freedom of Information Act and relevant case law, I, Cyrus Farivar, should be considered a representative of the news media.

Federal regulation provides that the agency may waive or reduce fees upon written request if the requester can "demonstrate that a waiver or reduction in fees is in the public interest because disclosure of the requested records is likely to contribute significantly to the public understanding of the operations or activities of the government and is not primarily in [the requester's] commercial interest." 6 CFR 1001.10(l).

As explained below, this is the type of request, and I am the type of requestor, for which courts have held that waiver of fees is required under FOIA.

I. DISCLOSURE OF THE REQUESTED RECORDS IS IN THE PUBLIC INTEREST BECAUSE IT IS LIKELY TO CONTRIBUTE SIGNIFICANTLY TO THE PUBLIC UNDERSTANDING OF THE OPERATIONS AND ACTIVITIES OF THE GOVERNMENT.

A. The subject of the requested records concerns the operations and activities of the federal government with respect to how it deals with secure communications.

B. The disclosure is likely to contribute to an understanding of government operations and activities because the disclosable portions of the requested records will be meaningfully informative about those operations and activities. The vast majority of disclosable information is not already in the public domain, in either a duplicative or a substantially identical form, and therefore the disclosure would add substantial new information to the public's understanding of issues including but not limited to: privacy, law enforcement, foreign affairs, civil liberties, surveillance, security and criminal justice.

C. The disclosure of the requested records will contribute to the increased understanding of a broad audience of persons interested in the subject, rather than merely my own individual understanding. Further, I will be collaborating with professionals who have great expertise in the subject area, and I have the ability and intention to effectively convey information to the public.

As explained herein in more detail, the audience likely to be interested in the subject is broad, and includes, historians of modern American government, politics, culture, and national security; journalists reporting on American politics, government, national security, and society; civil liberties attorneys; and the general public.

I firmly intend to analyze the requested records in order to facilitate significant expansion of public understanding of government operations. I am well qualified to perform this analysis.

I have been a professional journalist for over a decade, and have held my current position for over two years. Prior to working at Ars Technica, for two years I was the Science and Technology Editor at Deutsche Welle English, the English-language service of the German international public broadcaster. I have also reported for The New York Times, The Economist, Wired, Slate, Foreign Policy, National Public Radio, Public Radio International, the Canadian Broadcasting Corporation, and many others.

As should be clear from the above, I have the ability and firm intention to disseminate to the public significant expansions of understanding of government operations based on my analysis of the requested disclosures.

Case law on this matter is emphatically clear that journalistic inquiry alone satisfies the FOIPA public interest requirement. *National Treasury Employees Union v. Griffin*, 811 F.2d, 644, 649 (D.C. Cir. 1987). As articulated in the amendments to FOIA established by the OPEN Government Act of 2007, I solidly meet the applicable definition of “a representative of the news media[.]” The OPEN Government Act of 2007 established that for FOIA purposes, ‘a representative of the news media’ means any person or entity that gathers information of potential interest to the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. 552(a)(4)(A)(ii)

Based on my completed and firmly intended research, analysis, and information dissemination activities detailed at length herein, I clearly satisfy this description.

Further, the OPEN Government Act of 2007’s definition of “a representative of the news media” is taken nearly verbatim from language used by the United States Court of Appeals, District of Columbia Circuit in the court’s 1989 FOIA fee waiver-oriented ruling in *National Security Archive v. Department of Defense*.^[1] As the court also relatedly found in *National Security Archive v. Department of Defense*, a requester need not already have published numerous works in order to qualify as a representative of the news media. The court found that the express “intention” to publish or disseminate analysis of requested documents amply satisfies the above noted requirement for journalists to “publish or disseminat[e] information to the public.” *National Security Archive v. Department of Defense*, 880 F.2d 1386, (D.C. Cir, 1989). I have expressed a firm intention to continue disseminating significant analysis of documents obtained through FOIPA requests. And I have demonstrated my ability to continue disseminating significant analysis of documents obtained through FOIPA requests.

Therefore, in that I am “person or entity that gathers information of potential interest to the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience,” I solidly meet the applicable definition of “a representative of the news media.” As such, I have more than satisfied the requirement for a fee waiver.

II. DISCLOSURE OF THE INFORMATION IS NOT PRIMARILY IN MY COMMERCIAL INTEREST.

A. Any commercial interest that I have which would be furthered by the requested disclosure is de minimis.

I am requesting the release of records to analyze for use in the dissemination of news articles. Though journalists do get paid for writing news articles, payment is not the primary purpose for which such work is conducted. As the D.C. Circuit explained in *National Treasury Employees Union v. Griffin*, 811 F.2d, 644, 649 (D.C. Cir. 1987), “While private interests clearly drive journalists (and journals) in their search for news, they advance those interests almost exclusively by dissemination of news, so that the public benefit

from news distribution necessarily rises with any private benefit. Thus it is reasonable to presume that furnishing journalists with information will primarily benefit the general public[.]”

The disclosure of records will significantly benefit the public interest, and this benefit to the public is of vastly greater magnitude than my minimal commercial interest.

Additionally, the courts and the legislature have been deeply invested in ensuring that FOIPA duplication and search fees are not used by government agencies to deliberately or otherwise thwart legitimate scholarly and journalistic research:

This was made clear in *Better Government Ass'n v. Department of State*, in which the court ruled that, “The legislative history of the fee waiver provision reveals that it was added to FOIA ‘in an attempt to prevent government agencies from using high fees to discourage certain types of requesters, and requests,’ in particular those from journalists, scholars and nonprofit public interest groups.” *Better Government Ass'n v. Department of State*, 780 F.2d 86, 89 (D.C. Cir. 1986).

This point is further elaborated in *Ettlinger v. FBI*. The legislative history of the FOIA clearly indicates that Congress intended that the public interest standard for fee waivers embodied in 5 U.S.C. § 552(a)(4)(A) be liberally construed. In 1974, Congress added the fee waiver provision as an amendment to the FOIA in an attempt to prevent government agencies from using high fees to discourage certain types of requesters and requests. The 1974 Senate Report and the sources relied on in it make it clear that the public interest/benefit test was consistently associated with requests from journalists, scholars and non-profit public interest groups. There was a clear message from Congress that “this public-interest standard should be liberally construed by the agencies.” The 1974 Conference Report, in which differences between the House and Senate amendments were ironed out, retained the Senate-originated public-interest fee waiver standard and further stated “the conferees intend that fees should not be used for the purpose of discouraging requests for information or as obstacles to disclosure of requested information.”

Further evidence of congressional intent regarding the granting of fee waivers comes from a 1980 Senate Subcommittee report. The report stated that “excessive fee charges . . . and refusal to waive fees in the public interest remain . . . ‘toll gates’ on the public access road to information.” The report noted that “most agencies have also been too restrictive with regard to granting fee waivers for the indigent, news media, scholars . . .” and recommended that the Department of Justice develop guidelines to deal with these fee waiver problems. The report concluded: The guidelines should recommend that each agency authorize as part of its FOIA regulations fee waivers for the indigent, the news media, researchers, scholars, and non-profit public interest groups. The guidelines should note that the presumption should be that requesters in these categories are entitled to fee waivers, especially if the requesters will publish the information or otherwise make it available to the general public.

The court, in its *Ettlinger v. FBI* decision, continued that on 18 December 1980, a policy statement was sent to the heads of all federal departments and agencies accompanied by a cover memorandum from then United States Attorney General Civiletti which stated that he had “concluded that the Federal Government often fails to grant fee waivers under the Freedom of Information Act when requesters have demonstrated that sufficient public interest exists to support such waivers.” The Attorney General went on to state: Examples of requesters who should ordinarily receive consideration of partial fee waivers, at minimum, would be representatives of the news media or public interest organizations, and historical researchers. Such waivers should extend to both search and copying fees, and in appropriate cases, complete rather than partial waivers should be granted.

III. CONCLUSION.

As demonstrated above, the disclosure of the requested records will significantly contribute to expanded public understanding of government operations. I have the intent and ability to disseminate this significant

expansion of public understanding of government operations. The public interest in this significant expansion of public understanding of government operations far outweighs any commercial interest of my own in the requested release. Accordingly, my fee waiver request amply satisfies the rules of 6 C.F.R. 1001.10(l). Legislative history and judicial authority emphatically support this determination. For these reasons, and based upon their extensive elaboration above, I request a full waiver of fees be granted. I will administratively appeal any denial of my request for a waiver of fees and sue to enforce my rights in court if necessary.

Finally, I call your attention to President Obama's 21 January 2009 Memorandum concerning the Freedom of Information Act, in which he states: "All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA [...] The presumption of disclosure should be applied to all decisions involving FOIA."

In the same Memorandum, President Obama added that government information should not be kept confidential "merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears."

Finally, President Obama ordered that "The Freedom of Information Act should be administered with a clear presumption: In the case of doubt, openness prevails."

Nonetheless, if any responsive record or portion thereof is claimed to be exempt from production, FOIA/PA statutes provide that even if some of the requested material is properly exempt from mandatory disclosure, all segregable portions must be released. If documents are denied in part or in whole, please specify which exemption(s) is (are) claimed for each passage or whole document denied. Please provide a complete itemized inventory and a detailed factual justification of total or partial denial of documents. Specify the number of pages in each document and the total number of pages pertaining to this request. For "classified" material denied, please include the following information: the classification (confidential, secret or top secret); identity of the classifier; date or event for automatic declassification or classification review or downgrading; if applicable, identity of official authorizing extension of automatic declassification or review past six years; and, if applicable, the reason for extended classification beyond six years.

In excising material, please "black out" the material rather than "white out" or "cut out." I expect, as provided by FOIA, that the remaining non-exempt portions of documents will be released.

Please release all pages regardless of the extent of excising, even if all that remains are the stationary headings or administrative markings.

In addition, I ask that your agency exercise its discretion to release records which may be technically exempt, but where withholding serves no important public interest.

Please do not hesitate to contact me if you have any questions concerning this request.

Thank you. I appreciate your time and attention to this matter.

Regards,

-Cyrus Farivar
Senior Business Editor, Ars Technica

-
Cyrus Farivar
"suh-ROOS FAR-ih-var"

Senior Business Editor, Ars Technica
<http://arstechnica.com/author/cyrus-farivar/>

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PGP: <http://arstechnica.com/ars-staff-pgp-keys/>

-
Cyrus Farivar
"suh-ROOS FAR-ih-var"

Senior Business Editor, Ars Technica
<http://arstechnica.com/author/cyrus-farivar/>

 (m)
(o) (b)(6)

PGP: <http://arstechnica.com/ars-staff-pgp-keys/>

From: DNI-FOIA (b)(3)
To: [redacted] (b)(6)
Subject: [AIN] FW: Freedom of Information Act Appeal DF-2019-00122-- - [Link to Attachment(s)]
Date: Thursday, April 15, 2021 11:40:06 AM
Attachments: DF-2019-00122 (Leopold) FR converted.pdf

CLASSIFICATION: UNCLASSIFIED

[redacted] (b)(3)

From: Jason Leopold
Sent: Wednesday, April 14, 2021 1:56 PM
To: DNI-FOIA
Subject: Freedom of Information Act Appeal DF-2019-00122--

To Whom It May Concern,

I appeal this decision in its entirety. The use of the exemption to withhold the two page assessment is improper. The agency made no attempt to determine whether the agency could segregate material in the 2 page assessment, such as numbers and numbers only related to the number of terrorists at the border, to satisfy my request nor did the agency adhere to the Foreseeable Harm Standard as required by the 2016 FOIA amendments.

I shall consider litigating this should I receive an adverse determination to my appeal.

Best,
Jason

----- Forwarded message -----

From: DNI-FOIA >
Date: Tue, Apr 13, 2021 at 8:06 PM
Subject: RE: DF-2019-00122--Request for records under the Freedom of Information Act

To: [redacted] <
[redacted] (b)(6) <

Cc: DNI-FOIA >

Good morning, Mr. Leopold,

JUN 16 2014

DNI-FOIA

From: Nick Turse [redacted] (b)(6)
Sent: Sunday, June 15, 2014 12:19 PM
To: DNI-FOIA
Subject: Re: FOIA request

Nick Turse
The Nation magazine

[redacted]
(b)(6)

June 15, 2014

FOIA REQUEST

Dear FOI Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request copies of all emails referring to Niger from January 1, 2014 to June 15, 2014.

As a representative of the news media I am only required to pay for the direct cost of duplication after the first 100 pages. Please notify me by email prior to your incurring any expenses in excess of \$1.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. To permit an intelligent, informed decision as to whether or not to file an administrative appeal of any denial decision, I also request that you describe in detail the withheld records (or portions thereof) and explain the logical and factual basis for exemption claims. See *Mead Data v. Department of the Air Force* 566 F.2d 242, 251 (D.C. Circuit, 1977). I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

As I am making this request as a member of the news media and this information is of timely value, I would appreciate your communicating with me by email, rather than by mail or phone, if you have questions regarding this request.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

Sincerely,

Nick Turse, PhD, MPH

—
Nick Turse, PhD, MPH
Managing Editor
TomDispatch.com

On 6/15/2014 11:54 AM, Nick Turse wrote:

> Nick Turse

> The Nation magazine

>  (b)(6)

> June 15, 2014

>

> FOIA REQUEST

>

> Dear FOI Officer:

>

> Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I
> request copies of all emails referring to South Sudan from January 1,
> 2014 to June 15, 2014.

>

> As a representative of the news media I am only required to pay for
> the direct cost of duplication after the first 100 pages. Please
> notify me by email prior to your incurring any expenses in excess of \$1.

>

> If my request is denied in whole or part, I ask that you justify all
> deletions by reference to specific exemptions of the act. To permit an
> intelligent, informed decision as to whether or not to file an
> administrative appeal of any denial decision, I also request that you
> describe in detail the withheld records (or portions thereof) and
> explain the logical and factual basis for exemption claims. See *Mead*
> *Data v. Department of the Air Force* 566 F.2d 242, 251 (D.C. Circuit,
> 1977). I will also expect you to release all segregable portions of
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>

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> information is of timely value, I would appreciate your communicating
> with me by email, rather than by mail or phone, if you have questions
> regarding this request.

>

> I look forward to your reply within 20 business days, as the statute
> requires.

>

> Thank you for your assistance.

>

> Sincerely,

>

> Nick Turse, PhD, MPH

DNI-FOIA

DF.2014-00201

From: Nick Turse [redacted] (b)(6)
Sent: Wednesday, May 07, 2014 9:54 AM
To: DNI-FOIA
Subject: re: FOIA request

MAY 07 2014

Nick Turse
The Nation magazine



(b)(6)

May 7, 2014

FOIA REQUEST

Dear FOI Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request copies of all documents and/or emails and/or other materials relating to the dispatch of advisers to Nigeria as a result of the abduction of teenage girls by members of Boko Haram.

As a representative of the news media I am only required to pay for the direct cost of duplication after the first 100 pages. Please notify me by email prior to your incurring any expenses in excess of \$1.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

As I am making this request as a member of the news media and this information is of timely value, I would appreciate your communicating with me by email, rather than by mail or phone, if you have questions regarding this request.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

Sincerely,

Nick Turse, PhD, MPH

Nick Turse, PhD, MPH
Managing Editor
TomDispatch.com

JUN 16 2014

DNI-FOIA

From: Nick Turse [redacted] (b)(6)
Sent: Sunday, June 15, 2014 11:55 AM
To: DNI-FOIA
Subject: re: FOIA request

Nick Turse
The Nation magazine

[redacted] (b)(6)

June 15, 2014

FOIA REQUEST

Dear FOI Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request copies of all emails referring to South Sudan from January 1, 2014 to June 15, 2014.

As a representative of the news media I am only required to pay for the direct cost of duplication after the first 100 pages. Please notify me by email prior to your incurring any expenses in excess of \$1.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. To permit an intelligent, informed decision as to whether or not to file an administrative appeal of any denial decision, I also request that you describe in detail the withheld records (or portions thereof) and explain the logical and factual basis for exemption claims. See *Mead Data v. Department of the Air Force* 566 F.2d 242, 251 (D.C. Circuit, 1977). I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

As I am making this request as a member of the news media and this information is of timely value, I would appreciate your communicating with me by email, rather than by mail or phone, if you have questions regarding this request.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

Sincerely,

Nick Turse, PhD, MPH

--
Nick Turse, PhD, MPH
Managing Editor
TomDispatch.com

DNI-FOIA

DF-2014-00203

From: Nick Turse [redacted] (b)(6)
Sent: Wednesday, May 07, 2014 9:50 AM
To: DNI-FOIA
Subject: re: FOIA request

Nick Turse
The Nation magazine

MAY 07 2014

[redacted]

(b)(6)

May 7, 2014

FOIA REQUEST

Dear FOI Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request copies of all documents and/or emails and/or other materials referring to intelligence, surveillance and reconnaissance (ISR) operations in Africa during 2013-2014.

As a representative of the news media I am only required to pay for the direct cost of duplication after the first 100 pages. Please notify me by email prior to your incurring any expenses in excess of \$1.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

As I am making this request as a member of the news media and this information is of timely value, I would appreciate your communicating with me by email, rather than by mail or phone, if you have questions regarding this request.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

Sincerely,

Nick Turse, PhD, MPH

Nick Turse, PhD, MPH
Managing Editor
TomDispatch.com

DF-2014-00153

DNI-FOIA

From: Nick Turse [redacted] (b)(6)
Sent: Tuesday, April 01, 2014 12:32 AM
To: DNI-FOIA
Subject: re: FOIA request

Nick Turse
The Nation magazine

Rep
4/1/2014

[redacted] (b)(6)

April 1, 2014

FOIA REQUEST

Dear FOI Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request a copies of any emails or other documents pertaining to U.S. operations in Mali from January 1, 2013 to April 1, 2014.

As a representative of the news media I am only required to pay for the direct cost of duplication after the first 100 pages. Please notify me by email prior to your incurring any expenses in excess of \$1.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

As I am making this request as a member of the news media and this information is of timely value, I would appreciate your communicating with me by email, rather than by mail or phone, if you have questions regarding this request.

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Nick Turse, PhD, MPH

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Nick Turse, PhD, MPH
Managing Editor
TomDispatch.com