Description of document:	Department of Defense (DoD) Administrative Processing Records for the June 30, 2005 FOIA request to the DoD, Department of State and the White House by several members of Congress seeking records about the Downing Street Memo, 2005
Appeal date:	28-June-2008
Released date:	18-June-2012
Posted date:	29-October-2012
Source of document:	Department of Defense Office of Freedom of Information 1155 Defense Pentagon Washington, DC 20301-1155
Note:	The records provide an example of how fee issues are used to turn aside sensitive requests. The Downing Street Memo is the note of a secret meeting on July 23, 2002 of senior British Labour government, defense and intelligence figures discussing the build-up to the Iraq war, which included direct reference to classified United States policy of the time.

OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

ADMINISTRATION AND
MANAGEMENT

Ref: 06-A-0687

JUN 13 2012

This responds to your June 28, 2008, Freedom of Information Act appeal. You appealed the June 24, 2008, determination by the Office of Freedom of Information. I am sorry that this response was not provided in a more timely manner.

I have reviewed the denied information at the appellate level and after careful consideration, have determined that additional information should be released. The withheld information in the enclosed pages remains exempt from release because it is pre-decisional and deliberative in nature and contains subjective evaluations, opinions and recommendations which, if disclosed, would inhibit the decision making process. Finally, the release of this information would have the foreseeable harm of curtailing open discussions and recommendations in the future. Consequently, I must deny this information pursuant to 5 U.S.C. § 552 (b)(5).

Please note that some of the redacted information is exempt from release pursuant to 5 U.S.C. § 552 (b)(3) and (b)(6). The withholding of this information is not considered a denial, since you specifically did not appeal its withholding.

You have the right to judicial review of this decision in a United States District Court, in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

W. E. Brazis

William E. Brazis
Deputy Director

Enclosures:
As stated

Hogan, James CIV WHS/ESD

From: (b)(6) CIV OSD OUSDI
Sent: Thursday, August 11, 2005 3:38 PM
To: Hogan, James, CIV, WHS/ESD
Subject: RE: Revised request from Congress (U)

UNCLASSIFIED

Jim,
Were going to revise the hours to 150. Thank you. (b)(6)

From: Hogan, James, CIV, WHS/ESD
Sent: Friday, August 05, 2005 1:47 PM
To: 'Ferrell, Zsatique L. '; O'rourke, Paul J, CDR, JCS SJS; 'Maryanne Stupar'; (b)(6); 'Andrews, MSgt Pamela (USAF)'; 'Scott, CIV Jacqueline (PKI)'; Trigilio, John, CIV, OSD-POLICY; Turner, James, CIV, OASD-PA; (b)(6) (b)(6) CIV OSD OUSDI; (b)(6)
Cc: (b)(6) CIV, OSD-POLICY
Subject: Revised request from Congress

As you can see by the attached, the big request from Members of Congress had been revised. Please look it over, and give me a revised fee estimate, even if your revision hasn't changed any. I am working with the DoD OGC on this, and would appreciate an answer by Wednesday, Aug. 10.

Jim Hogan

Hogan, James CIV WHS/ESD

From: Turner, James, CIV, OASD-PA
Sent: Friday, July 22, 2005 11:37 AM
To: Hogan, James, CIV, WHS/ESD
Cc: (b)(6) OASD-PA
Subject: RE: Congressional request

Jim,

Staff tells me our part would be:
Press officers - 9 hours.
Support staff - 80 hours

Jim

-----Original Message-----
From: Hogan, James, CIV, WHS/ESD
Sent: Wednesday, July 20, 2005 12:46 PM
To: Turner, James, CIV, OASD-PA
Subject: RE: Congressional request

No problem, thanks. From what other OSD and DoD components have given me, looks like over $500,000 will be the fee estimate to the Members!

From: Turner, James, CIV, OASD-PA
Sent: Wednesday, July 20, 2005 12:41 PM
To: Hogan, James, CIV, WHS/ESD
Cc: (b)(6) OASD-PA
Subject: RE: Congressional request

Not yet. Tomorrow by noon, I hope. Jim

-----Original Message-----
From: Hogan, James, CIV, WHS/ESD
Sent: Wednesday, July 20, 2005 11:12 AM
To: Turner, James, CIV, OASD-PA
Subject: Congressional request

Jim,

I am preparing my letter to the Congressional request, and was wondering if you have any "wag" on search time.

Thanks,

Jim

Hogan, James CIV WHS/ESD

From: (b)(6)
Sent: Tuesday, August 30, 2005 10:12 AM
To: Hogan, James CIV WHS/ESD; Jimenez, Frank, Mr, DoD OGC; (b)(6) DoD OGC
Subject: RE: Response to Conyers

Go ahead

-----Original Message-----
From: Hogan, James CIV WHS/ESD
Sent: Tuesday, August 30, 2005 08:16
To: Jimenez, Frank, Mr, DoD OGC; (b)(6) DoD OGC; (b)(6) DoD OGC
Subject: Response to Conyers

Gentlemen,

I haven't heard from any of you on this response I sent to you last week. Since I need to put this response in the mail tomorrow to Conyers, please let me know now if you have any comments. If I don't hear from you by 1200 tomorrow, I'll assume you don't have any recommended changes. Thank you.

Jim

Hogan, James CIV WHS/ESD

From: Hogan, James CIV WHS/ESD
Sent: Wednesday, August 24, 2005 12:47 PM
To: (b)(6) OSD-POLICY; (b)(6) OSD-POLICY
Subject: FW: Request from Congress
Attachments: Congressional Revision.tif

I sent the following message to Mr. Trigilio, and received his out office response. This is a hot FOIA request from Congress. What I need is an estimat of time that it would take NESA to search (not review) for the information in the request. I am working with Mr. Jimenez, OGC, on this. If you have any questions, please call me.

Jim Hogan
Office of Freedom of Information
696-4699

From: Hogan, James CIV WHS/ESD
Sent: Wednesday, August 24, 2005 12:41 PM
To: Trigilio, John, CIV, OSD-POLICY
Subject: Request from Congress

Mr. Trigilio,

Attached is the revised request that we received from Congress concerning the "Downing Street" memo. This is changed from the request we received over a month ago. OGC has asked me to get an estimate from DoD and OSD components on how long it would take to search (not review) for the requested information because it is our intention to charge the members for search fees. However, we are unable to finalize that untis we get an estimate from you.

Thank you,

Jim Hogan

Hogan, James CIV WHS/ESD

From: Hogan, James, CIV, WHS/ESD

Sent: Friday, August 05, 2005 1:47 PM

To: 'Ferrell, Zsatique L. '; O'rourke, Paul J, CDR, JCS SJS; 'Maryanne Stupar'; 'Linda Hall'; 'Andrews, MSgt Pamela (USAF)'; 'Scott, CIV Jacqueline (PKI)'; Trigilio, John, CIV, OSD-POLICY; Turner, James, CIV, OASD-PA; (b)(6) CIV OSD OUSDI; (b)(6) (b)(6)

Cc: Steene, Shawn, CIV, OSD-POLICY

Subject: Revised request from Congress

Attachments: Congressional Revision.tif

As you can see by the attached, the big request from Members of Congress had been revised. Please look it over, and give me a revised fee estimate, even if your revision hasn't changed any. I am working with the DoD OGC on this, and would appreciate an answer by Wednesday, Aug. 10.

Jim Hogan

Hogan, James CIV WHS/ESD

From: Hogan, James, CIV, WHS/ESD
Sent: Tuesday, July 26, 2005 4:21 PM
To: Jimenez, Frank, Mr, DoD OGC; (b)(6) DoD OGC; (b)(6)
Subject: More search time

This just in from USCENTCOM: 350 hours of search time. I'll update the letter. USEUCOM probably will have minimal search time, if any.

Hogan, James CIV WHS/ESD

From: Hogan, James, CIV, WHS/ESD
Sent: Tuesday, July 26, 2005 4:18 PM
To: (b)(6) DoD OGC; (b)(6) DoD OGC; Jimenez, Frank, Mr, DoD OGC
Subject: Response to request from Members of Congress
Attachments: 05-F-1956.doc

Attached is our final version of our response letter. Please let me know of any comments any of you may have on this.

By the way, here's a breakdown from various components on estimated search time (in hours):

OSD:	
USD(I)	300
OASD(PA)	89
ODASD(NESA)	None, yet.
Joint Staff:	240
NRO	10
DIA	500
NGA	200
NSA	still working, but at 2 hours plus some computer time.

Jim

Hogan, James CIV WHS/ESD

From: Hogan, James, CIV, WHS/ESD
Sent: Tuesday, July 19, 2005 10:12 AM
To: (b)(6) CIV OSD OUSDI
Subject: Congressional Request
Attachments: Congressional Request.tif

(b)(6)

First of all, I don't remember, are you in USD(I) or NII (that reorganization still confuses me)? When I called you, I called the number in the phone book for USD(I). If you are in NII, who should I work with in USD(I)?

Anyway, this is the request in question. I see the primary issue for USD(I) is item 3 of the request. It's possible that item 2 would be an issue; however, I've asked the staffer to go back to the Members and tell us specifically what "subjects" they are talking about.

This is a FOIA request, and not an official request from a Congressional committee. Therefore, we treat this as any other FOIA request. Right now, all I need is an estimate of search (not review) time. No search for documents should be initiated until later.

Thank you for your help,

Jim Hogan
696-3081

Hogan, James CIV WHS/ESD

From: Hogan, James, CIV, WHS/ESD
Sent: Friday, July 15, 2005 3:37 PM
To: Trigilio, John, CIV, OSD-POLICY
Cc: (b)(6) CIV, OSD-POLICY
Subject: Congressional Request
Attachments: Congressional Request.tif

Mr. Trigilio,

(b)(6) suggested that I contact you directly. We have received the attached FOIA request from 50 members of Congress. It is our intention to deny the members the fee waiver; however, before doing so, we are asking all the affected DoD components to estimate the amount of search time (not review or other administrative time) it would take to find the requested documents. Please include the time it would take to search for documents at Suitland. Given the sensitivity of this, please have someone get back to me as soon as possible with the estimated search time. Also, be aware that we may have to defend this estimate in court. For your information, I am also consulting with OGC and Department of Justice.

Jim Hogan
Office of Freedom of Information and Security Review
696-3081

Hogan, James CIV WHS/ESD

From: Hogan, James, CIV, WHS/ESD
Sent: Friday, July 15, 2005 2:51 PM
To: Happoldt, Anita O, CIV, JCS SJS; O'rourke, Paul J, CDR, JCS SJS
Subject: Congressional Request
Importance: High
Attachments: Congressional Request.tif

Anita and Paul,

Please note the attached FOIA request. Our plan is to get an estimate of fees (we have not yet determined whether we will grant a fee waiver) for the entire DoD and let the requeters know. Then, if and when the fee issue is settled, we will refer this for search.

Please estimate the number of hours it will take for the Joint Staff to search (not review or any other time) for the responsive information, and get back to me ASAP with that estimate. Please understand we may have to defend this estimate in court.

This request has high visibility in DoD, and it is imperative that you get back to me as soon as you can.
Thank you,

Jim

Hogan, James CIV WHS/ESD

From: Hogan, James, CIV, WHS/ESD
Sent: Friday, July 15, 2005 1:47 PM
To: (b)(6) 'foia@nro.mil'
Subject: Congressional Request
Importance: High
Attachments: Congressional Request.tif

(b)(6) and (b)(6)

Please note the attached FOIA request. Our plan is to get an estimate of fees (we have not yet determined whether we will grant a fee waiver) for the entire DoD and let the requeters know. Then, if and when the fee issue is settled, we will refer this for direct response.

Please estimate the number of hours it will take for your organization to search (not review or any other time) for the information responsive to items 2 and 3. I need this answer ASAP, obviously. Also, please respond to let me know that you received this.

Thank you,

Jim

Hogan, James CIV WHS/ESD

From: Hogan, James, CIV, WHS/ESD
Sent: Friday, July 15, 2005 1:29 PM
To: 'Greg L. Outlaw(b)(2) @eucom.mil)'; 'Scott, CIV Jacqueline (PKI)'; 'Scott Kinsey'
Subject: Congressional Request
Importance: High
Attachments: Congressional Request.tif

Greg, Scott, and Jackie,

Please note the attached FOIA request. Our plan is to get an estimate of fees (we have not yet determined whether we will grant a fee waiver) for the entire DoD and let the requeters know. Then, if and when the fee issue is settled, we will refer this for direct response.

Please estimate the number of hours it will take for your organization to search (not review or any other time) for the responsive information, and get back to me ASAP with that estimate. Please understand we may have to defend this estimate in court.

This request has high visibility in DoD, and it is imperative that you get back to me as soon as you can. For EUCOM, the relevant item for you is #5, for Operation Northern Watch. For CENTCOM, it would be items 1, 3, 4, and 5. For DIA, items 2 and 3.

Thank you,

Jim

Hogan, James CIV WHS/ESD

From: Hogan, James, CIV, WHS/ESD
Sent: Friday, July 15, 2005 1:17 PM
To: Turner, James, CIV, OASD-PA
Subject: The Congressional Request
Attachments: Congressional Request.tif

Jim,

Remember that request from Congress? If not, it's attached.

Anyway, I'm going out to the components to get an estimate of fees. Please look at tiem #3, and give me an estimate of how many hours it would take Public Affairs to search for this information. Just so you know, it may be the case that we would have to defend this estimate in court.

Thank you,

Jim

Hogan, James CIV WHS/ESD

From: Hogan, James CIV WHS/ESD
Sent: Wednesday, August 24, 2005 12:41 PM
To: Trigilio, John, CIV, OSD-POLICY
Subject: Request from Congress
Attachments: Congressional Revision.tif

Mr. Trigilio,

Attached is the revised request that we received from Congress concerning the "Downing Street" memo. This is changed from the request we received over a month ago. OGC has asked me to get an estimate from DoD and OSD components on how long it would take to search (not review) for the requested information because it is our intention to charge the members for search fees. However, we are unable to finalize that untis we get an estimate from you.

Thank you,

Jim Hogan

Hogan, James CIV WHS/ESD

From: Hogan, James CIV WHS/ESD
Sent: Tuesday, August 30, 2005 8:14 AM
To: Jimenez, Frank, Mr, DoD OGC; (b)(6) DoD OGC; (b)(6) , DoD OGC
Subject: Response to Conyers

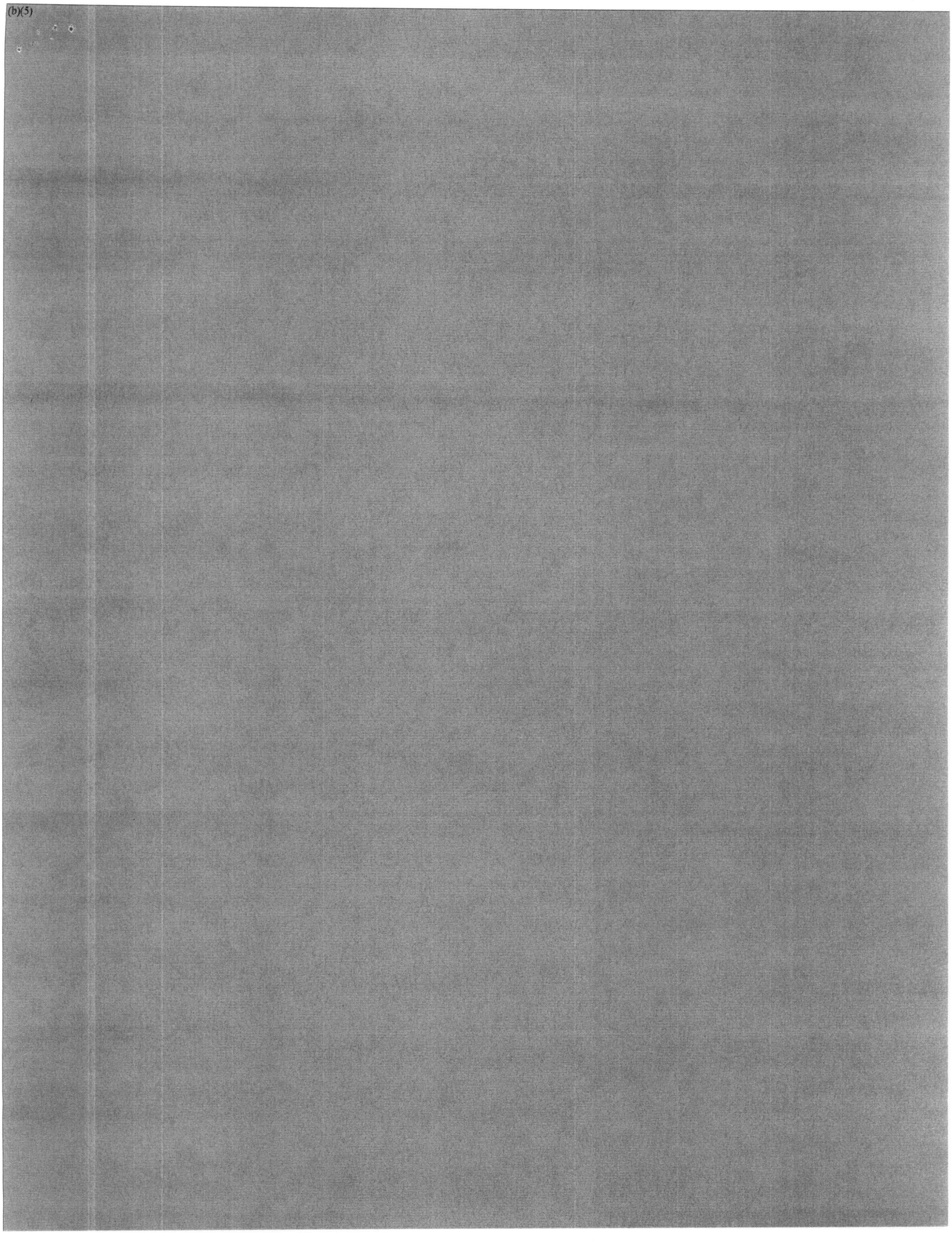
Attachments: 05-F-1956.doc

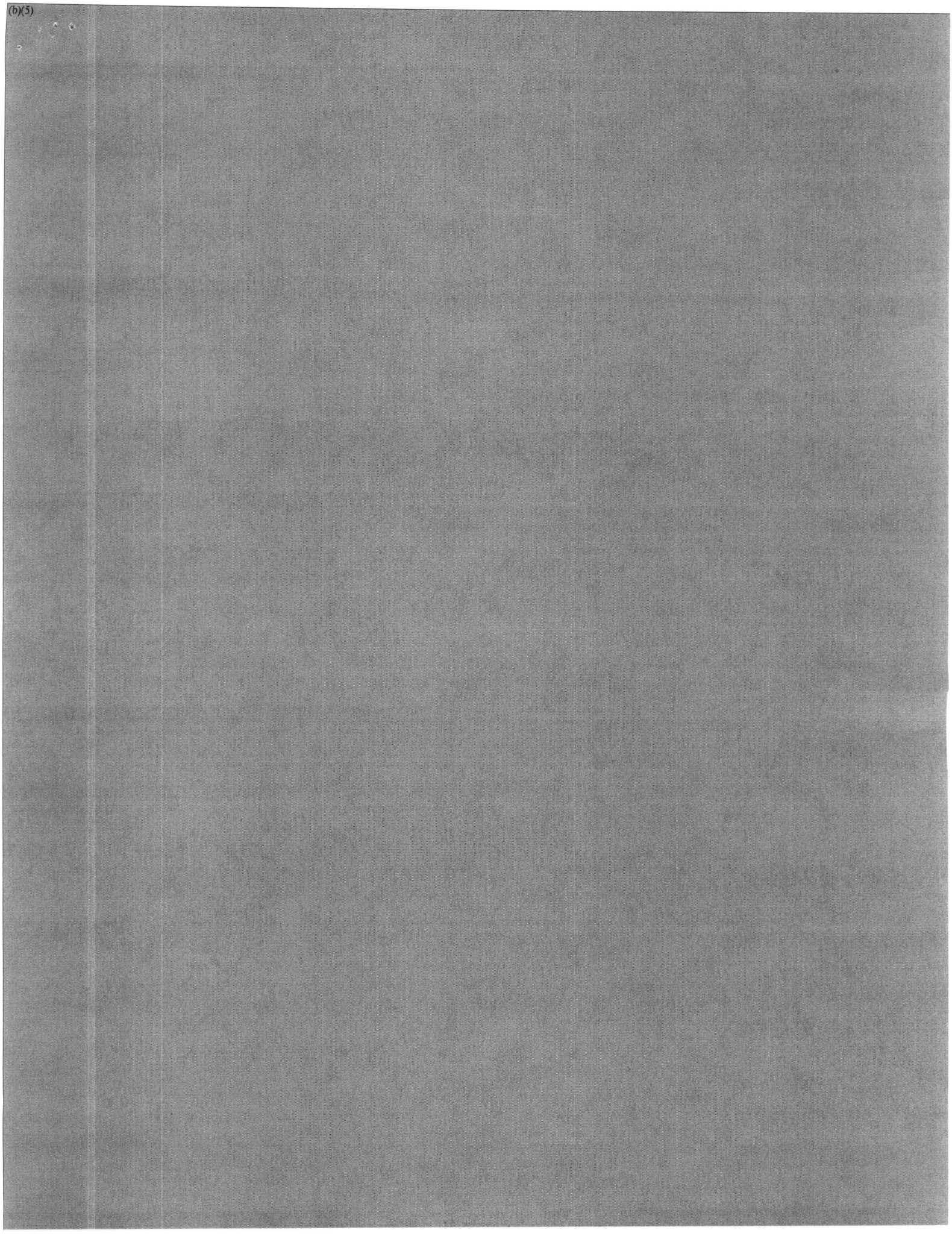
05-F-1956.doc (40 KB)

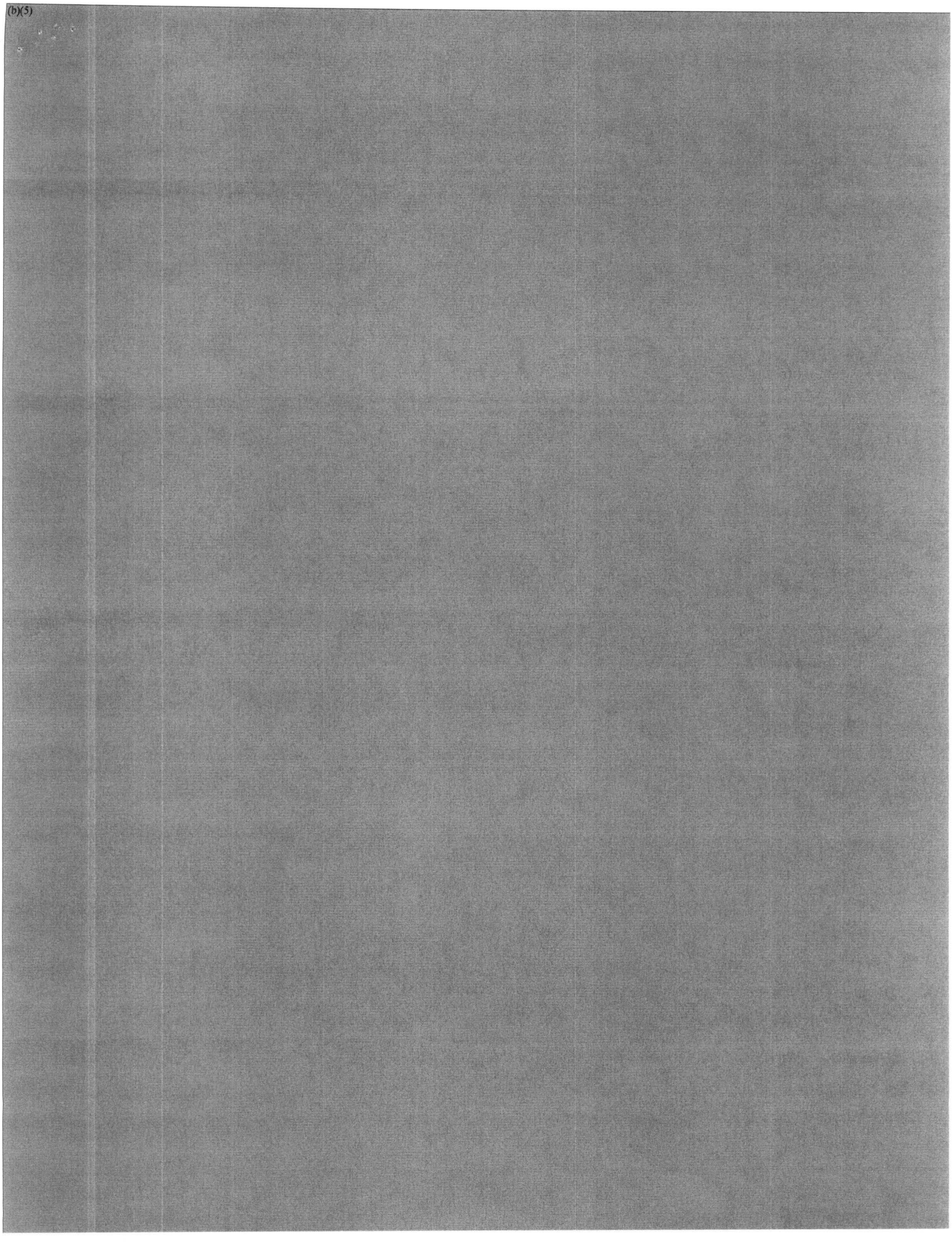
entlemen,

I haven't heard from any of you on this response I sent to you last week. Since I need to put this response in the mail tomorrow to Conyers, please let me know now if you have any comments. If I don't hear from you by 1200 tomorrow, I'll assume you don't have any recommended changes. Thank you.

Jim


(b)(5)


(b)(5)


(b)(5)

Hogan, James CIV WHS/ESD

From: Hogan, James CIV WHS/ESD
Sent: Tuesday, November 29, 2005 3:22 PM
To: Whitman, Bryan, SES, OASD-PA; (b)(6) CIV, OSD-LA; (b)(6) DoD OGC (b)(6); Jimenez, Frank, Mr, DoD OGC
Cc: Kammer, William CIV WHS/ESD
Subject: FOIA Request from Congressman Conyers

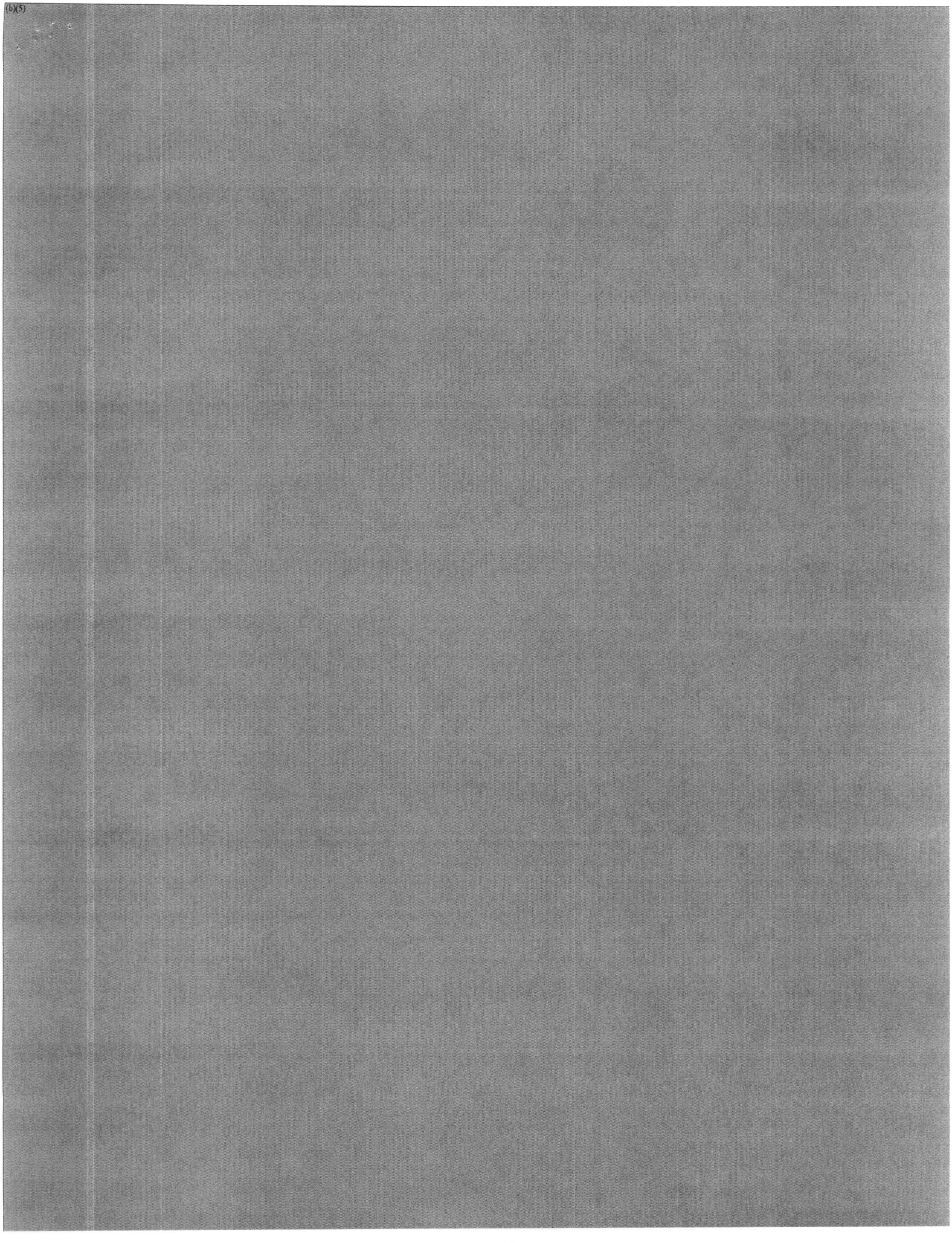
Attachments: Response to Conyers.tif

Response to Conyers.tif (212 K...

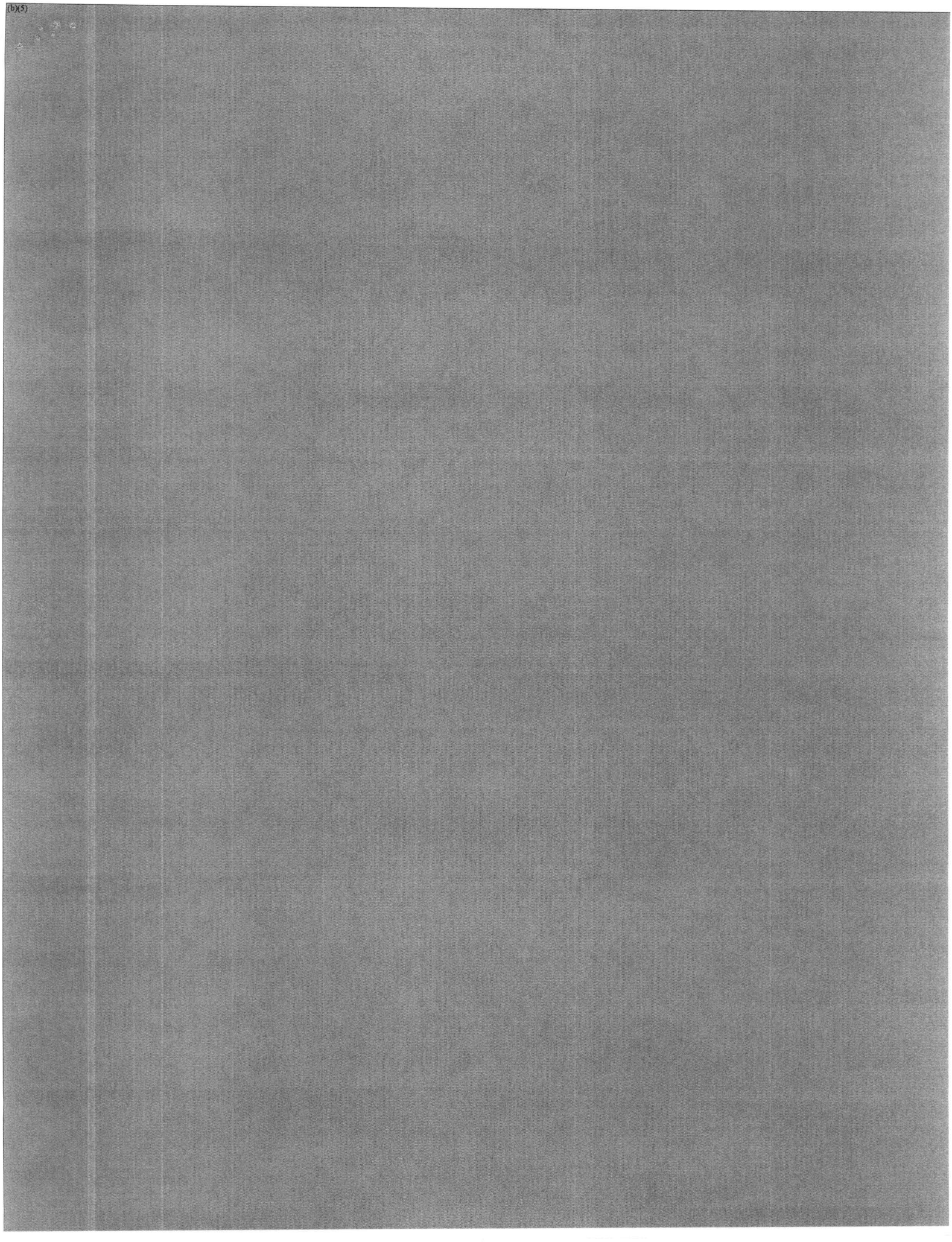
Gentlemen,

If you remember, over 2 months ago the attached was sent to Congressman Conyers in response to his FOIA request. Since then, nothing has been heard from his office, until today. I received a call from someone today asking how the processing of the FOIA request was coming, and I asked them if they had received our September 1 response. I was told that they had not. So, as soon as I send this message, I will fax it to the Congressman's office. This is a heads up incase this creates any publicity.

Jim Hogan
Chief, FOIA Policy, Appeals, and Litigation
696-4699


(b)(5)

(b)(5)


(b)(5)

Hogan, James CIV WHS/ESD

From: Kammer, William CIV WHS/ESD

Sent: Tuesday, November 29, 2005 3:26 PM

To: O'Connor, Peter CIV WHS/ESD (peter.o'connor@whs.mil)

Cc: Hogan, James CIV WHS/ESD (James.Hogan@dfoisr.whs.mil)

Subject: "Off Line" Hot Intem

The office for Congressman Conyers called and asked for a status check on a FOIA request from multiple Congressional representatives for Intelligence related issues in Iraq. FOID had sent a response to Congressman Conyers' office on Sep 1, 2005 and denied a request for a fee waiver. The FOID letter was not received by Congressman Conyers' office. A copy of the letter was faxed to the office by FOID on 29 Nov 05. Costs associated with the request were estimated to be $110,000. The denial of the fee waiver by FOID to members of Congress could result in a media story. A hot item was submitted on this issue previously, but the fact that Congressman Conyers' office is just now receiving the denial brings the issue up again. OSD(LA), OSD(PA) and OSD(OGC) have been notified by FOID that the issue may be come up.

(b)(6) **CTR WHS/ESD**

From: Hogan, James, CIV, WHS/ESD
Sent: Wednesday, August 17, 2005 10:16 AM
To: (b)(6), CTR, WHS/ESD
Subject: Letter to 51 members of congress

(b)(6)

I haven't heard anything from the attorneys - please press on with the letters.

Jim

[redacted] **CTR, WHS/ESD**

From: Kammer, William, CIV, WHS/ESD
Sent: Tuesday, August 09, 2005 3:01 PM
To: Henshall, Dave, CIV, WHS/ESD; [redacted] CTR, WHS/ESD
Cc: Hogan, James, CIV, WHS/ESD
Subject: RE: FOIA Case 05-F-1956, Congressman John Conyers, Committee on the Judiciary

Hold the presses gentlemen. I talked to Jim and he told me he had already sent out an electronic tasker for the cost estimate, so forget that issue.

From: Henshall, Dave, CIV, WHS/ESD
Sent: Tuesday, August 09, 2005 2:40 PM
To: [redacted] CTR, WHS/ESD
Cc: Kammer, William, CIV, WHS/ESD; Hogan, James, CIV, WHS/ESD
Subject: FOIA Case 05-F-1956, Congressman John Conyers, Committee on the Judiciary

[redacted]

I have assigned the subject case to you for processing. Please note that this request has a high level interest and should be handled as expeditiously as possible.

Will would like to see the proposed tasker to the DoD components. At this time, we are looking for a cost estimate only.

Please let me know if you have any questions.
Dave Henshall
Senior Advisor, Information and Privacy
Office of Freedom of Information and Security Review
1155 Defense Pentagon
Washington, DC 20301-1155
Voice (703) 696-3243
FAX (703) 696-4506

Henshall, Dave, CIV, WHS/ESD

From: Henshall, Dave, CIV, WHS/ESD
Sent: Tuesday, August 09, 2005 2:40 PM
To: (b)(6) CTR, WHS/ESD
Cc: Kammer, William, CIV, WHS/ESD; Hogan, James, CIV, WHS/ESD
Subject: FOIA Case 05-F-1956, Congressman John Conyers, Committee on the Judiciary
Attachments: 05-F-1956 Interim Reply.pdf; 05-F-1956 Original Request.pdf; 05-F-1956 Amended Request.pdf

(b)(6)

I have assigned the subject case to you for processing. Please note that this request has a high level interest and should be handled as expeditiously as possible.

Will would like to see the proposed tasker to the DoD components. At this time, we are looking for a cost estimate only.

Please let me know if you have any questions.

Dave Henshall
Senior Advisor, Information and Privacy
Office of Freedom of Information and Security Review
1155 Defense Pentagon
Washington, DC 20301-1155
Voice (703) 696-3243
FAX (703) 696-4506

ACTION: WTP; CLOSED: 9-1-05; CHARGED: NO; COPIED: NO

FOI/PA CASE ASSIGNMENT WORKSHEET

Case No: [redacted]

ACTION ASSIGNED TO Haskell **TEAM:** (A) B C PMB **REVIEWER** JH **CARD** ___

TYPE REQUEST: Appeal Commercial Educational News/Media NonCom/Scientific (Other)

EXPEDITED RESPONSE REQUESTED ___ **GRANT?** Y N **DMDC/DCII CHECK** ___

UP-FRONT DOCUMENT SEARCH ___ **DATE RECEIVED:** _____

REMARKS:

CLOSED ___

ORIGINAL

(ASBCA) Armed Services Board of Contract Appeals	
(AT&L) Acquisition, Technology, & Logistics	
(AS&C) Advanced Systems & Concepts	
(DARPA) Defense Advanced Research Projects Agency	
(DPAP) Defense Procurement & Acquisition Policy	
(DARC) Defense Acquisition Regulation Council	
(DDR&E) Defense Research and Engineering	
(DS) Defense Systems	
(DSB) Defense Science Board	
(DSMC) Defense Systems Management College	
(DUSDAR) DUSD Acquisition Reform	
(ECOADJ) Economic Adjustment	
(I&E) Installations & Environment	
(JSFPO) Joint Strike Force Program Office	
(L&MR) Logistics & Material Readiness	
(DMEA) Defense Micro Electronics Activity	
(IC) International Cooperation	
(MDA) Missile Defense Agency	
(NCB) Nuclear, Chemical, & Biological Defense Programs	
(SADBU) Small & Disadvantaged Business Utilization	
(SPPGMS) Special Programs	
(ATSDIO) Assistant to the Secretary of Defense (Intelligence Oversight)	
(COMP) Comptroller	
(PA&E) Program Analysis & Evaluation	
(DAU) Defense Acquisition University	
(DPO) Defense Privacy Office	
(DSO-Iraq) Defense Support Office – Iraq, *formerly (CPA)*	

(EXSEC) The Exec. Secretariat	
(I) Intelligence	X
(JFSC) Joint Forces Staff College	
(JS) Joint Staff	X
(LA) Legislative Affairs	
(NDU) National Defense University	
(NII) Networks and Information Integration	
(NSPS) National Security Personnel System	
(NSSG) National Security Study Group	
(OGC) Office of General Counsel	
(DOHA) Director, Office of Hearings and Appeals	
(OSA/WHL) Office of the Special Assistant to the Secretary of Defense for White House Liaison	
(OT&E) Operational Test & Evaluation	
(PA) Public Affairs	X
(P&R) Personnel & Readiness	
(CPMS) Civilian Personnel Management Service	
(DEOMI) Defense Equal Opportunity Management Institute	
(DMDC) Defense Manpower Data Center	
(SAID) Statistical Information Analysis Division	
(FVAP) Federal Voting Assistance Program	
(HA) Health Affairs	
(DHSD) Deployment Health Support	
(RA) Reserve Affairs	
(USUHS) Uniformed Services University of Health Sciences	
(PFPA) Pentagon Force Protection Agency	
(USDP) USD (Policy)	
(DTSA) Defense Technology Security Administration	

(ISA) International Security Affairs	
(AFRA) African Affairs	
(APA) Asian and Pacific Affairs	
(DPMO) Defense POW Missing Personnel Affairs Office	
(NESAA) Near Eastern & South Asian Affairs	X
(WHA) Western Hemisphere Affairs	
(ISP) International Security Policy	
(CPP) Counter Proliferation Policy	
(CTR) Cooperative Threat Reduction	
(EURNATO) European and NATO Affairs	
(NF&MDP) Nuclear Forces and Missile Defense Policy	
(NNAC) Non-Nuclear Arms Control	
(NPP) Non-Proliferation Policy	
(NS&S) Nuclear Safety & Security	
(RP&CP) Requirements, Plans, and Counter Proliferation Policy	
(RUE) Russia, Ukraine, Eurasia	
(SACP) Strategic Arms Control Policy	
(SFO) Strategy, Forces, & Operations	
(DSCA) Defense Security Cooperation Agency	
(SO/LIC) Special Operations and Low Intensity Conflict	
(CN) Counter Narcotics	
(CT) Combating Terrorism	
(SO) Stability Operations	
(ODA) Office of Detainee Affairs	
(ODNA) Office of the Director, Net Assessment	

(Strategy) DASD *Also Former (PS) Policy Support Records*	
(WHMO) White House Military Office	
(WHS) Washington Headquarters Services	
(A&P) Acquisition & Procurement	
(APSD) Administration & Program Support	
(ESD) Executive Services Directorate	X
(DFD) Defense Facilities	
(FMD) Financial Management	
(GC) General Counsel	
(HRD) Human Resources	
(P&E) Planning & Evaluation	
(PENREN) Pentagon Renovation & Construction Program Office	

ARMY		DTIC	
NAVY		DTRA	
USAF		NGA	
USMC		N. GUARD	
CENTCOM	X	NSA	
EUCOM	X	NSC	
JFCOM		SHAPE	
NORTHCOM		TRICARE	
PACOM			
SOCOM		CIA	
SOUTHCOM		C. GUARD	
STRATCOM		DEA	
TRANSCOM		DHS	
DCAA		DOE	
DCMA		DOJ	
DECA		DOL	
DFAS		FBI	
DIA	X	FEMA	
DISA		NARA	
DLA		ONDCP	
DoDIG		S. SVC	
DoDEA		STATE	
DSS			

FOI/PA CASE ASSIGNMENT WORKSHEET

Case No: 05-F-1956

ACTION ASSIGNED TO Henshall TEAM: (A) B C PMB REVIEWER ____ CARD __

TYPE REQUEST: Appeal Commercial Educational News/Media NonCom/Scientific Other

EXPEDITED RESPONSE REQUESTED __ GRANT? Y N DMDC/DCII CHECK __

UP-FRONT DOCUMENT SEARCH __ DATE RECEIVED: ____

REMARKS: Congress request

CLOSED __ WITHDRAWN __

AMENDED

(ASBCA) Armed Services Board of Contract Appeals	
(AT&L) Acquisition, Technology, & Logistics	
(AS&C) Advanced Systems & Concepts	
(DARPA) Defense Advanced Research Projects Agency	
(DPAP) Defense Procurement & Acquisition Policy	
(DARC) Defense Acquisition Regulation Council	
(DDR&E) Defense Research and Engineering	
(DS) Defense Systems	
(DSB) Defense Science Board	
(DSMC) Defense Systems Management College	
(DUSDAR) DUSD Acquisition Reform	
(ECOADJ) Economic Adjustment	
(I&E) Installations & Environment	
(JSFPO) Joint Strike Force Program Office	
(L&MR) Logistics & Material Readiness	
(DMEA) Defense Micro Electronics Activity	
(IC) International Cooperation	
(MDA) Missile Defense Agency	
(NCB) Nuclear, Chemical, & Biological Defense Programs	
(SADBU) Small & Disadvantaged Business Utilization	
(SPPGMS) Special Programs	
(ATSDIO) Assistant to the Secretary of Defense (Intelligence Oversight)	
(COMP) Comptroller	
(PA&E) Program Analysis & Evaluation	
(DAU) Defense Acquisition University	
(DPO) Defense Privacy Office	
(DSO-Iraq) Defense Support Office – Iraq, *formerly (CPA)*	

(EXSEC) The Exec. Secretariat	
(I) Intelligence	X
(JFSC) Joint Forces Staff College	
(JS) Joint Staff	X
(LA) Legislative Affairs	
(NDU) National Defense University	
(NII) Networks and Information Integration	
(NSPS) National Security Personnel System	
(NSSG) National Security Study Group	
(OGC) Office of General Counsel	
(DOHA) Director, Office of Hearings and Appeals	
(OSA/WHL) Office of the Special Assistant to the Secretary of Defense for White House Liaison	
(OT&E) Operational Test & Evaluation	
(PA) Public Affairs	X
(P&R) Personnel & Readiness	
(CPMS) Civilian Personnel Management Service	
(DEOMI) Defense Equal Opportunity Management Institute	
(DMDC) Defense Manpower Data Center	
(SAID) Statistical Information Analysis Division	
(FVAP) Federal Voting Assistance Program	
(HA) Health Affairs	
(DHSD) Deployment Health Support	
(RA) Reserve Affairs	
(USUHS) Uniformed Services University of Health Sciences	
(PFPA) Pentagon Force Protection Agency	
(USDP) USD (Policy)	
(DTSA) Defense Technology Security Administration	

(ISA) International Security Affairs	
(AFRA) African Affairs	
(APA) Asian and Pacific Affairs	
(DPMO) Defense POW Missing Personnel Affairs Office	
(NESAA) Near Eastern & South Asian Affairs	X
(WHA) Western Hemisphere Affairs	
(ISP) International Security Policy	
(CPP) Counter Proliferation Policy	
(CTR) Cooperative Threat Reduction	
(EURNATO) European and NATO Affairs	
(NF&MDP) Nuclear Forces and Missile Defense Policy	
(NNAC) Non-Nuclear Arms Control	
(NPP) Non-Proliferation Policy	
(NS&S) Nuclear Safety & Security	
(RP&CP) Requirements, Plans, and Counter Proliferation Policy	
(RUE) Russia, Ukraine, Eurasia	
(SACP) Strategic Arms Control Policy	
(SFO) Strategy, Forces, & Operations	
(DSCA) Defense Security Cooperation Agency	
(SO/LIC) Special Operations and Low Intensity Conflict	
(CN) Counter Narcotics	
(CT) Combating Terrorism	
(SO) Stability Operations	
(ODA) Office of Detainee Affairs	
(ODNA) Office of the Director, Net Assessment	

(Strategy) DASD *Also Former (PS) Policy Support Records*	
(WHMO) White House Military Office	
(WHS) Washington Headquarters Services	
(A&P) Acquisition & Procurement	
(APSD) Administration & Program Support	
(ESD) Executive Services **Directorate**	
(DFD) Defense Facilities	
(FMD) Financial Management	
(GC) General Counsel	
(HRD) Human Resources	
(P&E) Planning & Evaluation	
(PENREN) Pentagon Renovation & Construction Program Office	

ARMY		DTIC	
NAVY		DTRA	
USAF		NGA	X
USMC		N. GUARD	
CENTCOM	X	NSA	X
EUCOM		NSC	
JFCOM		SHAPE	
NORTHCOM		TRICARE	
PACOM		NRO	X
SOCOM		CIA	
SOUTHCOM		C. GUARD	
STRATCOM		DEA	
TRANSCOM		DHS	
DCAA		DOE	
DCMA		DOJ	
DECA		DOL	
DFAS		FBI	
DIA	X	FEMA	
DISA		NARA	
DLA		ONDCP	
DoDIG		S. SVC	
DoDEA		STATE	
DSS			

U. S. HOUSE OF REPRESENTATIVES

Committee on the Judiciary
Democratic Staff Office
B-351 Rayburn House Office Building
Washington, D.C. 20515
Fax: (202) 225-7680

FACSIMILE COVER LETTER

TO: (b)(6) [redacted]

FAX NO: 703-696-4527 # PAGES: 2 (including this page)

FROM:

____GREG BARNES	____KANYA BENNETT
____DANIELLE BROWN	____MIA CHESTER
✓ STACEY DANSKY	____VERONICA ELIGAN
____SAMPAK GARG	____MICHONE JOHNSON
____TED KALO	____KEENAN KELLER
____STEPHANIE MOORE	____MICHELLE PERSAUD
____NOLAN RAPPAPORT	____MICHELLE RICHARDSON
____TERESA VEST	____KRISTIN WELLS

COMMENTS: Please let me know if you need anything else

If parts of this transmission are unclear or transmission was faulted, please call: (202) 225-6906.

MEMO FOR RECORD 9/2/2005

05-F-1953

Here's a breakdown of the estimated search time:

NESA	300 hours
PA	89
JS	100
CENTCOM	500
NGA	1000
NRO	10
DIA	350-500
USD(I)	150

Jim Hogan

PRELIMINARY COST ESTIMATES

Hogan, James, CIV, WHS/ESD

From: Maryanne Stupar [mgstupa@nsa.gov]
Sent: Wednesday, August 03, 2005 2:56 PM
To: Hogan, James, CIV, WHS/ESD
Subject: Re: FOIA Request you are coordinating across DoD agencies

Jim,

We finally got a decent reply from the SID organizations who would need to search. This is their estimate:

4 people at the GS9-15 ($44) rate X 2087 hrs (1 year) = $367,312
1 person at the GS9-15 ($44) rate X 1565 hrs (3/4 year) = $68,860
1 person at the GS9-15 ($44) rate X 96 hrs = $4224
1 person at the SCE ($75) rate X 689 hrs = $51,675

Finally, in the process, we figured out that our General Counsel's Office would also have records. Their estimate is

1 person at GS9-15 rate ($44) X 24 hrs. = $1056

This should conclude our estimate. If you have any questions, please feel free to give Pamela or me a call. Thanks!!

Marianne
FOIA/PA Office
NSA
301-688-6527

----- Original Message -----
From: Hogan, James, CIV, WHS/ESD
To: 'Maryanne Stupar'
Sent: Wednesday, July 20, 2005 1:20 PM
Subject: RE: FOIA Request you are coordinating across DoD agencies

Maryanne,

OK, thank you very much, this helps. My guess is that SID will have a lot of time.

Jim

From: Maryanne Stupar [mailto:mgstupa@nsa.gov]
Sent: Wednesday, July 20, 2005 1:20 PM
To: Hogan, James, CIV, WHS/ESCD
Cc: mgstupa@nsa.gov
Subject: FOIA Request you are coordinating across DoD agencies

Jim

I checked with both of the POCs to whom I sent the search estimate request for that FOIA request from members of Congress.

One POC (from the SIGINT Directorate) is out in class through Friday. So I will have to see if I can coordinate SID's response with someone else in her office and get back to you on that portion.

The other POC (the SIGINT reports database office), gave me an estimate of $445.76. Her search would require two hours at the professional rate of $44/hr. and two hours of machine search on Anchory. Anchory costs are $178.88/hr. So it's $88 for a person and $357.76 for a machine. What we do in our estimates back to requesters is give them the total ($445.76) and deduct their two free hours ($88) and quote them the difference ($357.76) as their assessable fees.

I will email you again, as soon as I have the SID response.

Thanks!
Marianne Stupar
NSA FOIA Office
301-688-6527

Hogan, James CIV WHS/ESD

From: (b)(6) CIV, OSD-POLICY [(b)(6)@osd.mil]
Sent: Wednesday, August 24, 2005 4:54 PM
To: (b)(6) CIV, OSD-POLICY; Hogan, James CIV WHS/ESD
Cc: (b)(6) CTR, OSD-POLICY; (b)(6) LTC (USA), OSD-POLICY; (b)(6) (b)(6) CIV, OSD-POLICY
Subject: RE: Request from Congress
Importance: High

(b)(6) ---

I estimate (on the basis of the Weinberger/Aziz FOIA, as well as the earlier FOIA request for documents with respect to the INC) that this FOIA request would result in roughly 300 work hours for NESA-Northern Gulf alone. There would also be work hours incurred by other units (i.e., CENTCOM, Joint Staff, so on).

-- (b)(6)

-----Original Message-----
From: (b)(6) CIV, OSD-POLICY
Sent: Wednesday, August 24, 2005 3:36 PM
To: (b)(6) CIV, OSD-POLICY
Cc: (b)(6) CTR, OSD-POLICY; (b)(6) LTC (USA), OSD-POLICY; (b)(6) CIV, OSD-POLICY
Subject: FW: Request from Congress

(b)(6)

Attached is the FOIA in question. We just need the SWAG for the time NESA would need to search the NESA-related documents. We wouldn't be the lead-agency or otherwise responsible for the stuff about Northern Watch and Southern Watch, etc.

Please extrapolate from your Weinberger-Aziz FOIA and generate an estimate we can provide to Mr. Hogan.

V/R,

(b)(6)
OSD Policy / NESA Northern Gulf
Pentagon Room 1A939
(703) 692-4906
(703) 692-6672 (fax)

-----Original Message-----
From: Hogan, James CIV WHS/ESD
Sent: Wednesday, August 24, 2005 12:48 PM
To: (b)(6) CIV, OSD-POLICY; (b)(6) LTC (USA), OSD-POLICY
Subject: FW: Request from Congress

I sent the following message to Mr. Trigilio, and received his out office response. This is a hot FOIA request from Congress. What I need is an estimat of time that it would take NESA to search (not review)

for the information in the request. I am working with Mr. Jimenez, OGC, on this. If you have any questions, please call me.

Jim Hogan
Office of Freedom of Information
696-4699

From: Hogan, James CIV WHS/ESD
Sent: Wednesday, August 24, 2005 12:41 PM
To: Trigilio, John, CIV, OSD-POLICY
Subject: Request from Congress

Mr. Trigilio,

Attached is the revised request that we received from Congress concerning the "Downing Street" memo. This is changed from the request we received over a month ago. OGC has asked me to get an estimate from DoD and OSD components on how long it would take to search (not review) for the requested information because it is our intention to charge the members for search fees. However, we are unable to finalize that untis we get an estimate from you.

Thank you,

Jim Hogan

Hogan, James CIV WHS/ESD

From: O'rourke, Paul J, CDR, JCS SJS
Sent: Monday, July 18, 2005 4:51 PM
To: Hogan, James, CIV, WHS/ESD; Happoldt, Anita O, CIV, JCS SJS
Cc: (b)(6) CIV, JCS SJS; (b)(6) CIV, JCS SJS
Subject: RE: Congressional Request

Jim,

Some of the categories require a little tighter definition.
We estimate about 240 man hours to go through records all the way back to 1995.
That is man hours, pulling some of those folks away from current work to give up
the search hours is another story. Getting that amount of time out of people might
take months. We aren't really sure what we might really find in some of those categories.
Definitely a lot there for DIA and the COCOMS.

R/CDR Paul O'Rourke
Chief (Acting), Information Management Division
(703) 697 - 8747
DSN 227 - 8747
-----Original Message-----
From: Hogan, James, CIV, WHS/ESD
Sent: Friday, July 15, 2005 2:51 PM
To: Happoldt, Anita O, CIV, JCS SJS; O'rourke, Paul J, CDR, JCS SJS
Subject: Congressional Request
Importance: High

Anita and Paul,

Please note the attached FOIA request. Our plan is to get an estimate of fees (we have not yet determined whether we will grant a fee waiver) for the entire DoD and let the requeters know. Then, if and when the fee issue is settled, we will refer this for search.

Please estimate the number of hours it will take for the Joint Staff to search (not review or any other time) for the responsive information, and get back to me ASAP with that estimate. Please understand we may have to defend this estimate in court.

This request has high visibility in DoD, and it is imperative that you get back to me as soon as you can.
Thank you,

Jim

Hogan, James CIV WHS/ESD

From: Happoldt, Anita O, CIV, JCS SJS
Sent: Monday, August 08, 2005 5:02 PM
To: Hogan, James, CIV, WHS/ESD
Cc: O'rourke, Paul J, CDR, JCS SJS
Subject: Revised Congressional request

Jim,

I come up with 100 hours search time and 500 hours review, coord and final processing time. Need anything else let me know. Have a good one.

v/r
Anita

E-MAIL DISCUSSION WITH OGC

Henshall, Dave, CIV, WHS/ESD

From: Kammer, William, CIV, WHS/ESD
Sent: Monday, August 08, 2005 2:01 PM
To: Henshall, Dave, CIV, WHS/ESD
Subject: FW: This just in - Response to Congress

Dave, here's what I have on the Congressional request. (b)(6) 0914 message is the one main point. Draft a letter to the signatory in the modified request.

From: (b)(6) DoD OGC
Sent: Monday, August 08, 2005 9:32 AM
To: Jimenez, Frank, Mr, DoD OGC; Hogan, James, CIV, WHS/ESD; Kammer, William, CIV, WHS/ESD
Cc: (b)(6) DoD OGC
Subject: RE: This just in - Response to Congress

I read his letter that way; I think it's the only reasonable interpretation. It would not hurt, however, to send the acknowledgment to all of the original signers.

-----Original Message-----
From: Jimenez, Frank, Mr, DoD OGC
Sent: Monday, August 08, 2005 9:30 AM
To: (b)(6) DoD OGC; Hogan, James, CIV, WHS/ESD; Kammer, William, CIV, WHS/ESD
Cc: (b)(6) DoD OGC
Subject: RE: This just in - Response to Congress

Do we have any assurance that Conyers is speaking on behalf of all the original signers? Does he make that representation in his letter?

-----Original Message-----
From: (b)(6) DoD OGC
Sent: Monday, August 08, 2005 09:20
To: Jimenez, Frank, Mr, DoD OGC; Hogan, James, CIV, WHS/ESD; Kammer, William, CIV, WHS/ESD
Cc: (b)(6) DoD OGC
Subject: RE: This just in - Response to Congress

The first one was signed by a group of perhaps 20 Democratic Members of Congress (I think they are all Democrats--I don't recall seeing any Republicans). The second one was signed by Congressman Conyers, ranking member of the Judiciairy Committee, on Judiciary Committee letterhead.

-----Original Message-----
From: Jimenez, Frank, Mr, DoD OGC
Sent: Monday, August 08, 2005 9:15 AM
To: (b)(6) DoD OGC; Hogan, James, CIV, WHS/ESD; Kammer, William, CIV, WHS/ESD
Cc: (b)(6) DoD OGC
Subject: RE: This just in - Response to Congress

Who signed first request and who signed second (all signers)?

-----Original Message-----
From: (b)(6) DoD OGC
Sent: Monday, August 08, 2005 09:14
To: Hogan, James, CIV, WHS/ESD; Kammer, William, CIV, WHS/ESD
Cc: (b)(6) DoD OGC; Jimenez, Frank, Mr, DoD OGC
Subject: RE: This just in - Response to Congress

Will:

Jim let me know that he has passed the baton for this one to you. How much fun can one guy have?

In my view, this is clearly a revision to the request sent in by the group of Members of Congress. It explicitly describes the request as made under the FOIA and a modification of the previous request. I don't think the use of Committee letterhead would change its status in any event, by itself, but the way the request is described in this letter removes any potential argument that it has been converted into an official request.

I recommend that you send a response acknowledging receipt of this modofication now. We should revise the estimate based on the narrowed scope and send them basically the letter already prepared with revised numbers when the revised estimate is completed. You might include in the acknowledgment the fact that some of records requested are in the public domain already.

This is a remarkably rational approach taked by the requesters. May they really are interested in obtaining some documents.

(b)(6)

-----Original Message-----
From: Hogan, James, CIV, WHS/ESD
Sent: Friday, August 05, 2005 12:36 PM
To: (b)(6) DoD OGC; Jimenez, Frank, Mr, DoD OGC; (b)(6) DoD OGC
Subject: This just in - Response to Congress
Importance: High

I just got this now. Congressman Conyers has narrowed the scope of the request. However, my preliminary review is that the revision is still going to result in large fees. Also, if you notice, the request is now on Committee letterhead. Stew, how does that affect our response?

We now have 2 options. First, we can change our response to not mention our fees estimate, say that we just received their revised request, and because of that we are attempting to get a new fees estimate. However, our initial review indicates that the time and cost will still be high. The other option would be to hold off on our letter until we have the revised estimates in hand (may take another week). Given that we just got the revision, the limit of 20 working days to respond does not start until today.

Please let me know where you think we should go. I am leaning towards the second option.

From: (b)(6) DoD OGC
Sent: Friday, August 05, 2005 9:47 AM
To: Hogan, James, CIV, WHS/ESD; (b)(6) DoD OGC; (b)(6) DoD OGC
Subject: RE: Response to Congress

I agree with Jim. I think State is making a mistake. The appropriate thing to do with a broad request like this is ask the requester to narrow it based on our estimates of time and cost—exactly what Jim proposes. There's no deadline for sending this letter, but 20 days after our receipt of the request if we have not responded they can file suit. Sooner the better.

-----Original Message-----
From: Hogan, James, CIV, WHS/ESD
Sent: Friday, August 05, 2005 07:30
To: Jimenez, Frank, Mr, DoD OGC; (b)(6) DoD OGC; (b)(6) (b)(6) DoD OGC

Subject: RE: Response to Congress

I have talked to State on several occasions. They are taking the stand that the request is "too broad" to process. I prefer not to take such a stand, since the FOIA doesn't allow for an Agency to not process a request because it's too broad (ACLU litigation is a case in point).

We should get a response on the mail by Wednesday. I can pass this on to someone else if you want to take longer.

From: Jimenez, Frank, Mr, DoD OGC
Sent: Thursday, August 04, 2005 5:14 PM
To: Hogan, James, CIV, WHS/ESD; (b)(6) DoD OGC; (b)(6) (b)(6) DoD OGC
Subject: RE: Response to Congress

Have we talked to State, which received the same request? Is what we're doing consistent with what they're doing? And what's the very last day we can send this letter?

-----Original Message-----
From: Hogan, James, CIV, WHS/ESD
Sent: Thursday, August 04, 2005 13:50
To: (b)(6), DoD OGC; Jimenez, Frank, Mr, DoD OGC; (b)(6) (b)(6) DoD OGC
Subject: RE: Response to Congress

The NSA OGC is currently reviewing these charges, if you want to contact them. I am told that (b)(6) is working this.

From: (b)(6) Mr, DoD OGC
Sent: Thursday, August 04, 2005 11:59 AM
To: Jimenez, Frank, Mr, DoD OGC; Hogan, James, CIV, WHS/ESD; (b)(6) (b)(6) DoD OGC
Subject: RE: Response to Congress

Jim:

That's a big change for sure. Are we prepared to give them some kind of breakdown of the fees?

(b)(6)

-----Original Message-----
From: Jimenez, Frank, Mr, DoD OGC
Sent: Thursday, August 04, 2005 11:18
To: Hogan, James, CIV, WHS/ESD; (b)(6) DoD OGC; (b)(6) DoD OGC
Subject: RE: Response to Congress

Whoa! How did we go from $70K to over $500K?? Are you absolutely sure?

-----Original Message-----
From: Hogan, James, CIV, WHS/ESD
Sent: Thursday, August 04, 2005 08:05

To: Jimenez, Frank, Mr, DoD OGC; (b)(6) DoD OGC; (b)(6) , DoD OGC
Subject: Response to Congress

Gentlemen,

The attached has been reviewed by (b)(6) at DoJ. Her changes were primarily ones of style; she recommended that we tone it down and make it less harsh in some areas.

Two issues for you to think about. One, the fees jumped up with a new estimate from NSA. This could be "bad press" for us to reveal this amount at this time. Instead, we could say that we haven't fine tuned the estimate, the potential cost could be exorbitant.

Two, the request is left hanging, in my opinion. I would like to close it, and (b)(6) (who is now retired) took that out. We could say that we will close it by a certain date, say Sept. 15, if we don't hear from them.

I intend to send this out tomorrow, since I'll be on leave Monday, Tuesday, Wednesday of next week.

Jim

(b)(6) **CTR, WHS/ESD**

From: Henshall, Dave, CIV, WHS/ESD
Sent: Wednesday, August 10, 2005 3:26 PM
To: Jimenez, Frank, Mr, DoD OGC
Cc: (b)(6) CTR, WHS/ESD; Kammer, William, CIV, WHS/ESD; (b)(6) DoD OGC; (b)(6)
Subject: RE: 05-F-1956

Noted. Thanks again.

From: Jimenez, Frank, Mr, DoD OGC
Sent: Wednesday, August 10, 2005 3:28 PM
To: Henshall, Dave, CIV, WHS/ESD
Cc: (b)(6) CTR, WHS/ESD; Kammer, William, CIV, WHS/ESD; (b)(6) DoD OGC (b)(6) (b)(6)
Subject: RE: 05-F-1956

If we get another letter signed by all 51 designating Conyers as their sole POC, then we can deal only with him. In the meantime, I'm nervous about his self-designation as the POC.

-----Original Message-----
From: Henshall, Dave, CIV, WHS/ESD
Sent: Wednesday, August 10, 2005 15:21
To: Jimenez, Frank, Mr, DoD OGC
Cc: (b)(6) CTR, WHS/ESD; Kammer, William, CIV, WHS/ESD; (b)(6) DoD OGC; (b)(6)
Subject: RE: 05-F-1956

(b)(6)

We'll get right on it. Thanks for your advice and support!

Dave Henshall
Senior Advisor, Information and Privacy
Office of Freedom of Information and Security Review
1155 Defense Pentagon
Washington, DC 20301-1155
Voice (703) 696-3243
FAX (703) 696-4506

From: Jimenez, Frank, Mr, DoD OGC
Sent: Wednesday, August 10, 2005 3:03 PM
To: Henshall, Dave, CIV, WHS/ESD (b)(6) DoD OGC; (b)(6)
Cc: (b)(6) CTR, WHS/ESD; Kammer, William, CIV, WHS/ESD
Subject: RE: 05-F-1956

We should send copies to the other signers, i.e., copies not of the original request, but of our response to Conyers. Please do so. Many thanks.

-----Original Message-----
From: Henshall, Dave, CIV, WHS/ESD
Sent: Wednesday, August 10, 2005 12:50
To: Jimenez, Frank, Mr, DoD OGC; (b)(6) DoD OGC; (b)(6)
Cc: (b)(6) CTR, WHS/ESD; Kammer, William, CIV, WHS/ESD
Subject: RE: 05-F-1956

Gentlemen,

Our reply, mailed yesterday afternoon after including the "*you and your colleagues*" language, was directed to John Conyers alone. From a procedural standpoint, we can send copies to the other signers of the original request. Please advise and I will proceed accordingly.

I've included copies of the original and revised request for your information and use as appropriate.

Dave Henshall
Senior Advisor, Information and Privacy
Office of Freedom of Information and Security Review
1155 Defense Pentagon
Washington, DC 20301-1155
Voice (703) 696-3243
FAX (703) 696-4506

P.S. Will Kammer and Jim Hogan are out of the office today.

From: Jimenez, Frank, Mr, DoD OGC
Sent: Wednesday, August 10, 2005 12:09 PM
To: Kammer, William, CIV, WHS/ESD; (b)(6)
Cc: (b)(6) Henshall, Dave, CIV, WHS/ESD; (b)(6) CTR, WHS/ESD
Subject: RE: 05-F-1956

Let me be more specific. We don't know that Conyers has the authority to speak on behalf of all the signers, other than his own word. And we don't know that all the signers know about Conyers' letter. I'm very concerned that we're letting one person modify a request on behalf of 20 without knowing that the 20 have authorized it, especially in this context where miscommunication could turn into a press release and bad story. Can anyone articulate why we shouldn't cc the other 19 on our letter to Conyers?

> -----Original Message-----
> **From:** Jimenez, Frank, Mr, DoD OGC
> **Sent:** Tuesday, August 09, 2005 19:16
> **To:** Kammer, William, CIV, WHS/ESD; (b)(6) DoD OGC
> **Cc:** (b)(6) CIV, WHS/ESD; (b)(6) CTR, WHS/ESD
> **Subject:** RE: 05-F-1956
>
> Conyers and all the other original signers, too, right??
>
> > -----Original Message-----
> > **From:** Kammer, William, CIV, WHS/ESD
> > **Sent:** Tuesday, August 09, 2005 15:37
> > **To:** (b)(6) DoD OGC

Cc: (b)(6) Henshall, Dave, CIV, WHS/ESD; Jimenez, Frank, Mr, DoD OGC; (b)(6) CTR, WHS/ESD
Subject: RE: 05-F-1956

Thanks for looking at this (b)(6) We did not send an acknowledgement of the first letter. We talked directly to the staffer to work on getting the request amended. With your "you and your colleagues" language added I think we are addressing the concern of keeping the original group of requesters in the loop. We will make your changes and get out the letter to Conyers today.

Will

From: (b)(6) Mr, DoD OGC
Sent: Tuesday, August 09, 2005 3:20 PM
To: Kammer, William, CIV, WHS/ESD
Cc: (b)(6) Henshall, Dave, CIV, WHS/ESD; Jimenez, Frank, Mr, DoD OGC
Subject: RE: 05-F-1956

I have revised it a bit. Did you send an acknowledgement of the first letter to all signers? If so, why not do the same with this one?

> -----Original Message-----
> **From:** Kammer, William, CIV, WHS/ESD
> **Sent:** Monday, August 08, 2005 15:50
> **To:** (b)(6) DoD OGC (b)(6)
> **Cc:** (b)(6) Henshall, Dave, CIV, WHS/ESD
> **Subject:** FW: 05-F-1956
>
> (b)(6) please take a look at the attached proposed response to Congressman Conyers. It is bare bones enough not to cause any problems right away.

> **From:** Henshall, Dave, CIV, WHS/ESD
> **Sent:** Monday, August 08, 2005 3:06 PM
> **To:** Kammer, William, CIV, WHS/ESD
> **Subject:** 05-F-1956
>
> Will,
>
> As requested.
>
> Dave Henshall
> Senior Advisor, Information and Privacy
> Office of Freedom of Information and Security Review
> 1155 Defense Pentagon
> Washington, DC 20301-1155
> Voice (703) 696-3243
> FAX (703) 696-4506

(b)(6) **CTR, WHS/ESD**

From: Henshall, Dave, CIV, WHS/ESD
Sent: Wednesday, August 10, 2005 3:19 PM
To: (b)(6) CTR, WHS/ESD
Cc: Kammer, William, CIV, WHS/ESD; Hogan, James, CIV, WHS/ESD
Subject: FW: 05-F-1956

(b)(6)

Please begin work on this effort.

Thanks!

Dave

From: Jimenez, Frank, Mr, DoD OGC
Sent: Wednesday, August 10, 2005 3:03 PM
To: Henshall, Dave, CIV, WHS/ESD; (b)(6) DoD OGC; (b)(6)
Cc: (b)(6) CTR, WHS/ESD; Kammer, William, CIV, WHS/ESD
Subject: RE: 05-F-1956

We should send copies to the other signers, i.e., copies not of the original request, but of our response to Conyers. Please do so. Many thanks.

-----Original Message-----
From: Henshall, Dave, CIV, WHS/ESD
Sent: Wednesday, August 10, 2005 12:50
To: Jimenez, Frank, Mr, DoD OGC; (b)(6) DoD OGC; (b)(6)
Cc: (b)(6) CTR, WHS/ESD; Kammer, William, CIV, WHS/ESD
Subject: RE: 05-F-1956

Gentlemen,

Our reply, mailed yesterday afternoon after including the "*you and your colleagues*" language, was directed to John Conyers alone. From a procedural standpoint, we can send copies to the other signers of the original request. Please advise and I will proceed accordingly.

I've included copies of the original and revised request for your information and use as appropriate.

Dave Henshall
Senior Advisor, Information and Privacy
Office of Freedom of Information and Security Review
1155 Defense Pentagon
Washington, DC 20301-1155
Voice (703) 696-3243
FAX (703) 696-4506

P.S. Will Kammer and Jim Hogan are out of the office today.

From: Jimenez, Frank, Mr, DoD OGC
Sent: Wednesday, August 10, 2005 12:09 PM
To: Kammer, William, CIV, WHS/ESD; (b)(6) DoD OGC
Cc: (b)(6) Henshall, Dave, CIV, WHS/ESD; (b)(6) CTR, WHS/ESD
Subject: RE: 05-F-1956

Let me be more specific. We don't know that Conyers has the authority to speak on behalf of all the signers, other than his own word. And we don't know that all the signers know about Conyers' letter. I'm very concerned that we're letting one person modify a request on behalf of 20 without knowing that the 20 have authorized it, especially in this context where miscommunication could turn into a press release and bad story. Can anyone articulate why we shouldn't cc the other 19 on our letter to Conyers?

-----Original Message-----
From: Jimenez, Frank, Mr, DoD OGC
Sent: Tuesday, August 09, 2005 19:16
To: Kammer, William, CIV, WHS/ESD; (b)(6) DoD OGC
Cc: (b)(6) Henshall, Dave, CIV, WHS/ESD; (b)(6) CTR, WHS/ESD
Subject: RE: 05-F-1956

Conyers and all the other original signers, too, right??

-----Original Message-----
From: Kammer, William, CIV, WHS/ESD
Sent: Tuesday, August 09, 2005 15:37
To: (b)(6) DoD OGC
Cc: (b)(6) Henshall, Dave, CIV, WHS/ESD; Jimenez, Frank, Mr, DoD OGC; (b)(6) CTR, WHS/ESD
Subject: RE: 05-F-1956

Thanks for looking at this (b)(6) We did not send an acknowledgement of the first letter. We talked directly to the staffer to work on getting the request amended. With your "you and your colleagues" language added I think we are addressing the concern of keeping the original group of requesters in the loop. We will make your changes and get out the letter to Conyers today.

Will

From: (b)(6) DoD OGC
Sent: Tuesday, August 09, 2005 3:20 PM
To: Kammer, William, CIV, WHS/ESD
Cc: (b)(6) Henshall, Dave, CIV, WHS/ESD; Jimenez, Frank, Mr, DoD OGC
Subject: RE: 05-F-1956

I have revised it a bit. Did you send an acknowledgement of the first letter to all signers? If so, why not do the same with this one?

-----Original Message-----
From: Kammer, William, CIV, WHS/ESD
Sent: Monday, August 08, 2005 15:50
To: (b)(6) DoD OGC (b)(6)
Cc: (b)(6) Henshall, Dave, CIV, WHS/ESD
Subject: FW: 05-F-1956

(b)(6) please take a look at the attached proposed response to Congressman Conyers. It is bare bones enough not to cause any problems right away.

From: Henshall, Dave, CIV, WHS/ESD
Sent: Monday, August 08, 2005 3:06 PM
To: Kammer, William, CIV, WHS/ESD
Subject: 05-F-1956

Will,

As requested.
Dave Henshall
Senior Advisor, Information and Privacy
Office of Freedom of Information and Security Review
1155 Defense Pentagon
Washington, DC 20301-1155
Voice (703) 696-3243
FAX (703) 696-4506

Hogan, James CIV WHS/ESD

From: Hogan, James, CIV, WHS/ESD
Sent: Friday, August 05, 2005 12:36 PM
To: (b)(6) DoD OGC; Jimenez, Frank, Mr, DoD OGC; (b)(6) DoD OGC
Subject: This just in - Response to Congress
Importance: High
Attachments: Congressional Revision.tif

I just got this now. Congressman Conyers has narrowed the scope of the request. However, my preliminary review is that the revision is still going to result in large fees. Also, if you notice, the request is now on Committee letterhead. Stew, how does that affect our response?

We now have 2 options. First, we can change our response to not mention our fees estimate, say that we just received their revised request, and because of that we are attempting to get a new fees estimate. However, our initial review indicates that the time and cost will still be high. The other option would be to hold off on our letter until we have the revised estimates in hand (may take another week). Given that we just got the revision, the limit of 20 working days to respond does not start until today.

Please let me know where you think we should go. I am leaning towards the second option.

From: (b)(6) DoD OGC
Sent: Friday, August 05, 2005 9:47 AM
To: Hogan, James, CIV, WHS/ESD; Jimenez, Frank, Mr, DoD OGC; (b)(6) DoD OGC
Subject: RE: Response to Congress

I agree with Jim. I think State is making a mistake. The appropriate thing to do with a broad request like this is ask the requester to narrow it based on our estimates of time and cost—exactly what Jim proposes. There's no deadline for sending this letter, but 20 days after our receipt of the request if we have not responded they can file suit. Sooner the better.

> -----Original Message-----
> **From:** Hogan, James, CIV, WHS/ESD
> **Sent:** Friday, August 05, 2005 07:30
> **To:** Jimenez, Frank, Mr, DoD OGC; (b)(6) DoD OGC; (b)(6) DoD OGC
> **Subject:** RE: Response to Congress
>
> I have talked to State on several occasions. They are taking the stand that the request is "too broad" to process. I prefer not to take such a stand, since the FOIA doesn't allow for an Agency to not process a request because it's too broad (ACLU litigation is a case in point).
>
> We should get a response on the mail by Wednesday. I can pass this on to someone else if you want to take longer.
>
> ---
>
> **From:** Jimenez, Frank, Mr, DoD OGC
> **Sent:** Thursday, August 04, 2005 5:14 PM
> **To:** Hogan, James, CIV, WHS/ESD; (b)(6) DoD OGC; (b)(6) DoD OGC
> **Subject:** RE: Response to Congress
>
> Have we talked to State, which received the same request? Is what we're doing consistent with what they're doing? And what's the very last day we can send this letter?

-----Original Message-----
From: Hogan, James, CIV, WHS/ESD
Sent: Thursday, August 04, 2005 13:50
To: (b)(6) DoD OGC; Jimenez, Frank, Mr, DoD OGC; (b)(6) DoD OGC
Subject: RE: Response to Congress

The NSA OGC is currently reviewing these charges, if you want to contact them. I am told that (b)(6) is working this.

From (b)(6), DoD OGC
Sent: Thursday, August 04, 2005 11:59 AM
To: Jimenez, Frank, Mr, DoD OGC; Hogan, James, CIV, WHS/ESD; (b)(6) DoD OGC
Subject: RE: Response to Congress

Jim:

That's a big change for sure. Are we prepared to give them some kind of breakdown of the fees?

(b)(6)

-----Original Message-----
From: Jimenez, Frank, Mr, DoD OGC
Sent: Thursday, August 04, 2005 11:18
To: Hogan, James, CIV, WHS/ESD; (b)(6) DoD OGC; (b)(6) DoD OGC
Subject: RE: Response to Congress

Whoa! How did we go from $70K to over $500K?? Are you absolutely sure?

-----Original Message-----
From: Hogan, James, CIV, WHS/ESD
Sent: Thursday, August 04, 2005 08:05
To: Jimenez, Frank, Mr, DoD OGC; (b)(6) DoD OGC; (b)(6) (b)(6) DoD OGC
Subject: Response to Congress

Gentlemen,

The attached has been reviewed by (b)(6) at DoJ. Her changes were primarily ones of style; she recommended that we tone it down and make it less harsh in some areas.

Two issues for you to think about. One, the fees jumped up with a new estimate from NSA. This could be "bad press" for us to reveal this amount at this time. Instead, we could say that we haven't fine tuned the estimate, the potential cost could be exorbitant.

Two, the request is left hanging, in my opinion. I would like to close it, and (b)(6) (who is now retired) took that out. We could say that we will close it by a certain date, say Sept. 15, if we don't hear from them.

I intend to send this out tomorrow, since I'll be on leave Monday, Tuesday, Wednesday of next week.

Jim

Hogan, James CIV WHS/ESD

From: (b)(6), DoD OGC
Sent: Monday, August 08, 2005 9:14 AM
To: Hogan, James, CIV, WHS/ESD; Kammer, William, CIV, WHS/ESD
Cc: (b)(6) DoD OGC; Jimenez, Frank, Mr, DoD OGC
Subject: RE: This just in - Response to Congress

Will:

Jim let me know that he has passed the baton for this one to you. How much fun can one guy have?

In my view, this is clearly a revision to the request sent in by the group of Members of Congress. It explicitly describes the request as made under the FOIA and a modification of the previous request. I don't think the use of Committee letterhead would change its status in any event, by itself, but the way the request is described in this letter removes any potential argument that it has been converted into an official request.

I recommend that you send a response acknowledging receipt of this modofication now. We should revise the estimate based on the narrowed scope and send them basically the letter already prepared with revised numbers when the revised estimate is completed. You might include in the acknowledgment the fact that some of records requested are in the public domain already.

This is a remarkably rational approach taked by the requesters. May they really are interested in obtaining some documents.

(b)(6)

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From: Hogan, James, CIV, WHS/ESD
Sent: Friday, August 05, 2005 12:36 PM
To: (b)(6) DoD OGC; Jimenez, Frank, Mr, DoD OGC; (b)(6) DoD OGC
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Importance: High

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Please let me know where you think we should go. I am leaning towards the second option.

From: (b)(6) DoD OGC
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Subject: RE: Response to Congress

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From: Hogan, James, CIV, WHS/ESD
Sent: Friday, August 05, 2005 07:30
To: Jimenez, Frank, Mr, DoD OGC; (b)(6), DoD OGC; (b)(6) DoD OGC
Subject: RE: Response to Congress

I have talked to State on several occasions. They are taking the stand that the request is "too broad" to process. I prefer not to take such a stand, since the FOIA doesn't allow for an Agency to not process a request because it's too broad (ACLU litigation is a case in point).

We should get a response on the mail by Wednesday. I can pass this on to someone else if you want to take longer.

From: Jimenez, Frank, Mr, DoD OGC
Sent: Thursday, August 04, 2005 5:14 PM
To: Hogan, James, CIV, WHS/ESD; (b)(6) DoD OGC; (b)(6) DoD OGC
Subject: RE: Response to Congress

Have we talked to State, which received the same request? Is what we're doing consistent with what they're doing? And what's the very last day we can send this letter?

-----Original Message-----
From: Hogan, James, CIV, WHS/ESD
Sent: Thursday, August 04, 2005 13:50
To: (b)(6) DoD OGC; Jimenez, Frank, Mr, DoD OGC; (b)(6) DoD OGC
Subject: RE: Response to Congress

The NSA OGC is currently reviewing these charges, if you want to contact them. I am told that (b)(6) is working this.

From: (b)(6) DoD OGC
Sent: Thursday, August 04, 2005 11:59 AM
To: Jimenez, Frank, Mr, DoD OGC; Hogan, James, CIV, WHS/ESD; (b)(6) (b)(6) DoD OGC
Subject: RE: Response to Congress

Jim:

That's a big change for sure. Are we prepared to give them some kind of breakdown of the fees?

(b)(6)

-----Original Message-----
From: Jimenez, Frank, Mr, DoD OGC
Sent: Thursday, August 04, 2005 11:18
To: Hogan, James, CIV, WHS/ESD (b)(6) DoD OGC; (b)(6) (b)(6) DoD OGC
Subject: RE: Response to Congress

Whoa! How did we go from $70K to over $500K?? Are you absolutely sure?

-----Original Message-----
From: Hogan, James, CIV, WHS/ESD
Sent: Thursday, August 04, 2005 08:05
To: Jimenez, Frank, Mr, DoD OGC; (b)(6) DoD OGC; (b)(6), Mr, DoD OGC
Subject: Response to Congress

Gentlemen,

The attached has been reviewed by (b)(6) at DoJ. Her changes were primarily ones of style; she recommended that we tone it down and make it less harsh in some areas.

Two issues for you to think about. One, the fees jumped up with a new estimate from NSA. This could be "bad press" for us to reveal this amount at this time. Instead, we could say that we haven't fine tuned the estimate, the potential cost could be exorbitant.

Two, the request is left hanging, in my opinion. I would like to close it, and (b)(6) (who is now retired) took that out. We could say that we will close it by a certain date, say Sept. 15, if we don't hear from them.

I intend to send this out tomorrow, since I'll be on leave Monday, Tuesday, Wednesday of next week.

Jim

Hogan, James CIV WHS/ESD

From: Hogan, James, CIV, WHS/ESD
Sent: Thursday, August 11, 2005 12:26 PM
To: Jimenez, Frank, Mr, DoD OGC; (b)(6) DoD OGC; Kammer, William, CIV, WHS/ESD
Cc: (b)(6) DoD OGC
Subject: RE: This just in - Response to Congress

We cannot read about one-third of the signatures of the members, so we'll have to call the staffer to get an accurate list of the members. Also, has anyone in OGC advised Legislative Affairs of this request?

From: Jimenez, Frank, Mr, DoD OGC
Sent: Thursday, August 11, 2005 11:43 AM
To: Hogan, James, CIV, WHS/ESD; (b)(6) DoD OGC; Kammer, William, CIV, WHS/ESD
Cc: (b)(6) DoD OGC
Subject: RE: This just in - Response to Congress

Thanks. Please keep me posted on the revised fees estimate.

-----Original Message-----
From: Hogan, James, CIV, WHS/ESD
Sent: Thursday, August 11, 2005 11:25
To: Jimenez, Frank, Mr, DoD OGC; (b)(6) DoD OGC; Kammer, William, CIV, WHS/ESD
Cc: (b)(6) DoD OGC
Subject: RE: This just in - Response to Congress

Yes, it does make sense for NSA not to have any records. As I understand it, the revised request would not include "raw" intel data - only for analysis of the data. The no record response is from their OGC.

From: Jimenez, Frank, Mr, DoD OGC
Sent: Thursday, August 11, 2005 9:27 AM
To: Hogan, James, CIV, WHS/ESD; (b)(6) DoD OGC; Kammer, William, CIV, WHS/ESD
Cc: (b)(6) DoD OGC
Subject: RE: This just in - Response to Congress

1. You can just send the other 50 copies of what you sent Conyers. No need for a new letter.
2. NSA is now saying they have no responsive records? Does that make any sense?

-----Original Message-----
From: Hogan, James, CIV, WHS/ESD
Sent: Thursday, August 11, 2005 09:05
To: Jimenez, Frank, Mr, DoD OGC; (b)(6) DoD OGC; Kammer, William, CIV, WHS/ESD
Cc: (b)(6) DoD OGC
Subject: RE: This just in - Response to Congress

OK, no problem. We'll mention in the other letters that we received the revision from Conyers and assume that he is speaking on behalf of all of them.

I am still receiving revised fee estimates from the components. One interesting point - NSA now has a no record response versus hundreds of thousands of dollars of search fees.

From: Jimenez, Frank, Mr, DoD OGC
Sent: Thursday, August 11, 2005 9:01 AM
To: Hogan, James, CIV, WHS/ESD; (b)(6) DoD OGC; Kammer, William, CIV, WHS/ESD
Cc: (b)(6) DoD OGC
Subject: RE: This just in - Response to Congress

Yes, please. Until such time as we receive correspondence from the 52 designating Conyers as the POC, I think it's risky to just take Conyers' word for it that he's their legitimate POC. How do we know whether and how he's communicating with them?

-----Original Message-----
From: Hogan, James, CIV, WHS/ESD
Sent: Thursday, August 11, 2005 08:07
To: Jimenez, Frank, Mr, DoD OGC; (b)(6) DoD OGC; Kammer, William, CIV, WHS/ESD
Cc: (b)(6) DoD OGC
Subject: RE: This just in - Response to Congress

I just got back from leave, and I will check on what we did. Do you want us to send an acknowledgement letter to each of the other 51 members in addition to Conyers?

From: Jimenez, Frank, Mr, DoD OGC
Sent: Monday, August 08, 2005 9:42 AM
To: (b)(6) DoD OGC; Hogan, James, CIV, WHS/ESD; Kammer, William, CIV, WHS/ESD
Cc: (b)(6) DoD OGC
Subject: RE: This just in - Response to Congress

Agree.

-----Original Message-----
From: (b)(6) DoD OGC
Sent: Monday, August 08, 2005 09:32
To: Jimenez, Frank, Mr, DoD OGC; Hogan, James, CIV, WHS/ESD; Kammer, William, CIV, WHS/ESD
Cc: (b)(6) DoD OGC
Subject: RE: This just in - Response to Congress

I read his letter that way; I think it's the only reasonable interpretation. It would not hurt, however, to send the acknowledgment to all of the original signers.

-----Original Message-----
From: Jimenez, Frank, Mr, DoD OGC
Sent: Monday, August 08, 2005 9:30 AM
To: (b)(6) DoD OGC; Hogan, James, CIV, WHS/ESD; Kammer, William, CIV, WHS/ESD
Cc: (b)(6) DoD OGC
Subject: RE: This just in - Response to Congress

Do we have any assurance that Conyers is speaking on behalf of all the original signers? Does he make that representation in his letter?

-----Original Message-----

From: (b)(6) DoD OGC
Sent: Monday, August 08, 2005 09:20
To: Jimenez, Frank, Mr, DoD OGC; Hogan, James, CIV, WHS/ESD; Kammer, William, CIV, WHS/ESD
Cc: (b)(6) DoD OGC
Subject: RE: This just in - Response to Congress

The first one was signed by a group of perhaps 20 Democratic Members of Congress (I think they are all Democrats--I don't recall seeing any Republicans). The second one was signed by Congressman Conyers, ranking member of the Judiciairy Committee, on Judiciary Committee letterhead.

-----Original Message-----
From: Jimenez, Frank, Mr, DoD OGC
Sent: Monday, August 08, 2005 9:15 AM
To: (b)(6) DoD OGC; Hogan, James, CIV, WHS/ESD; Kammer, William, CIV, WHS/ESD
Cc: (b)(6) DoD OGC
Subject: RE: This just in - Response to Congress

Who signed first request and who signed second (all signers)?

-----Original Message-----
From: (b)(6) DoD OGC
Sent: Monday, August 08, 2005 09:14
To: Hogan, James, CIV, WHS/ESD; Kammer, William, CIV, WHS/ESD
Cc: (b)(6) DoD OGC; Jimenez, Frank, (b)(6) DoD OGC
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Will:

Jim let me know that he has passed the baton for this one to you. How much fun can one guy have?

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(b)(6)

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Importance: High

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Subject: RE: Response to Congress

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-----Original Message-----
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Sent: Thursday, August 04, 2005 13:50
To: (b)(6) DoD OGC; Jimenez, Frank, Mr, DoD OGC; (b)(6) LtCol, DoD OGC
Subject: RE: Response to Congress

The NSA OGC is currently reviewing these charges, if you want to contact them. I am told that (b)(6) is working this.

From: (b)(6) DoD OGC
Sent: Thursday, August 04, 2005 11:59 AM
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Subject: RE: Response to Congress

Jim:

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(b)(6)

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Jim

Hogan, James CIV WHS/ESD

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Sent: Thursday, September 01, 2005 3:19 PM
To: Hogan, James CIV WHS/ESD; (b)(6) DoD OGC; (b)(6) DoD OGC
Subject: RE: Response to Conyers

I'm OK with this if (b)(6) is.

-----Original Message-----
From: Hogan, James CIV WHS/ESD
Sent: Wednesday, August 31, 2005 15:14
To: (b)(6) DoD OGC; (b)(6), DoD OGC; Jimenez, Frank, Mr, DoD OGC
Subject: RE: Response to Conyers

No, I have them all.

From: (b)(6) DoD OGC (b)(6)
Sent: Wednesday, August 31, 2005 3:13 PM
To: Hogan, James CIV WHS/ESD; (b)(6) DoD OGC; Jimenez, Frank, Mr, DoD OGC
Subject: RE: Response to Conyers

Are there more estimates coming in?

-----Original Message-----
From: Hogan, James CIV WHS/ESD
Sent: Wednesday, August 31, 2005 3:00 PM
To: (b)(6) DoD OGC (b)(6), DoD OGC; Jimenez, Frank, Mr, DoD OGC
Subject: Response to Conyers

I just got a call from the FOIA attorney at NGA, and she tells me that they estimate 1000 hours for search. Since I just got this call, I had not included their numbers in the previous draft of the letter. This will increase the estimated search time to 2500 hours, and the estimate search fees to $110,000.

Please let me know when your reviews of the letter are complete and we can send it out.

Jim

Hogan, James CIV WHS/ESD

From: (b)(6)
Sent: Monday, July 18, 2005 2:18 PM
To: Hogan, James, CIV, WHS/ESD
Subject: RE: Congressional Request

Jim,
I am (b)(6) the FOIA Specialist for NGA. It will take us hundreds of hours to research this information.

(b)(6)
FOIA Specialist
National Geospatial-Intelligence Agency
(301)227-5619

-----Original Message-----
From: (b)(6)
Sent: Friday, July 15, 2005 3:24 PM
To: (b)(6)
Subject: FW: Congressional Request
Importance: High

FYI.
-----Original Message-----
From: Hogan, James, CIV, WHS/ESD [mailto:James.Hogan@dfoisr.whs.mil]
Sent: Friday, July 15, 2005 1:47 PM
To: (b)(6) foia@nro.mil
Subject: Congressional Request
Importance: High

(b)(6) and (b)(6)

Please note the attached FOIA request. Our plan is to get an estimate of fees (we have not yet determined whether we will grant a fee waiver) for the entire DoD and let the requeters know. Then, if and when the fee issue is settled, we will refer this for direct response.

Please estimate the number of hours it will take for your organization to search (not review or any other time) for the information responsive to items 2 and 3. I need this answer ASAP, obviously. Also, please respond to let me know that you received this.

Thank you,

Jim

Hogan, James CIV WHS/ESD

From: (b)(3):10 USC §424

Sent: Friday, July 15, 2005 2:45 PM

To: Hogan, James, CIV, WHS/ESD

Subject: RE: Congressional Request

We estimate 10 hours of search time . . . we do work on Friday's.

(b)(3):10 USC 424

-----Original Message-----
From: Hogan, James, CIV, WHS/ESD [mailto:James.Hogan@dfoisr.whs.mil]
Sent: Friday, July 15, 2005 1:47 PM
To: (b)(6) foia@nro.mil
Subject: Congressional Request
Importance: High

(b)(3):10 USC 424 and (b)(6)

Please note the attached FOIA request. Our plan is to get an estimate of fees (we have not yet determined whether we will grant a fee waiver) for the entire DoD and let the requeters know. Then, if and when the fee issue is settled, we will refer this for direct response.

Please estimate the number of hours it will take for your organization to search (not review or any other time) for the information responsive to items 2 and 3. I need this answer ASAP, obviously. Also, please respond to let me know that you received this.

Thank you,

Jim

Hogan, James CIV WHS/ESD

From: (b)(3):5 USC §574(j),(b)(3):10 USC §424

Sent: Tuesday, July 19, 2005 11:29 AM

To: Hogan, James, CIV, WHS/ESD

Cc: (b)(3):5 USC §574(j),(b)(3):10 USC §424

Subject: Congressional Request

Jim: This is a follow-up to our telephone conversation this morning. After contact with all the responsive offices we have come up with a figure of about 500 hours of search time in response to the request from Congress. Let me know if you need any additional information.

(b)(3):5 USC §574(j),(b)(3):10 USC §424

DIA

Hogan, James CIV WHS/ESD

From: Maryanne Stupar [mgstupa@nsa.gov]
Sent: Wednesday, August 10, 2005 1:55 PM
To: Hogan, James, CIV, WHS/ESD
Subject: Re: Revised request from Congress

Jim,

(U) This is NSA's formal reply to the revised request from members of Congress. The two paragraphs below are from our OGC and only pertain to Item 3 of the request. The remaining items of the request are not in NSA's purview.

> (U) NSA does not have responsive records. NSA does not prepare the final analysis of collected intelligence; rather, NSA collects and provides it to policy and decision makers and other customers for final analysis. Additionally, the requester wants documents that pertain to "synthesizing collected intelligence."
>
> (U//FOUO) It is OGC's opinion that the term "synthesize " in the context provided by the FOIA requester is equivalent to "analyze," and NSA is a collector of intelligence, not a final "synthesizer" or analyzer" of finished intelligence. As such, NSA would not have responsive documents.

Please let me or Pamela know if you need any more input for this request.
Thanks!

Marianne Stupar
FOIA/PA Office
NSA
301-688-6527

> ----- Original Message -----
> **From:** Hogan, James, CIV, WHS/ESD
> **To:** 'Ferrell, Zsatique L. ' ; O'rourke, Paul J, CDR, JCS SJS ; 'Maryanne Stupar' ; 'Linda Hall' ; 'Andrews, MSgt Pamela (USAF)' ; 'Scott, CIV Jacqueline (PKI)' ; Trigilio, John, CIV, OSD-POLICY ; Turner, James, CIV, OASD-PA ; (b)(6) Ms CIV OSD OUSDI ; (b)(6)
> **Cc:** (b)(6) CIV, OSD-POLICY
> **Sent:** Friday, August 05, 2005 1:47 PM
> **Subject:** Revised request from Congress
>
> As you can see by the attached, the big request from Members of Congress had been revised. Please look it over, and give me a revised fee estimate, even if your revision hasn't changed any. I am working with the DoD OGC on this, and would appreciate an answer by Wednesday, Aug. 10.
>
> Jim Hogan

Hogan, James CIV WHS/ESD

From: Maryanne Stupar [mgstupa@nsa.gov]
Sent: Wednesday, July 20, 2005 1:20 PM
To: Hogan, James, CIV, WHS/ESD
Cc: mgstupa@nsa.gov
Subject: FOIA Request you are coordinating across DoD agencies

Jim

I checked with both of the POCs to whom I sent the search estimate request for that FOIA request from members of Congress.

One POC (from the SIGINT Directorate) is out in class through Friday. So I will have to see if I can coordinate SID's response with someone else in her office and get back to you on that portion.

The other POC (the SIGINT reports database office), gave me an estimate of $445.76. Her search would require two hours at the professional rate of $44/hr. and two hours of machine search on Anchory. Anchory costs are $178.88/hr. So it's $88 for a person and $357.76 for a machine. What we do in our estimates back to requesters is give them the total ($445.76) and deduct their two free hours ($88) and quote them the difference ($357.76) as their assessable fees.

I will email you again, as soon as I have the SID response.

Thanks!
Marianne Stupar
NSA FOIA Office
301-688-6527

Hogan, James CIV WHS/ESD

From: Maryanne Stupar [mgstupa@nsa.gov]
Sent: Wednesday, August 03, 2005 2:56 PM
To: Hogan, James, CIV, WHS/ESD
Subject: Re: FOIA Request you are coordinating across DoD agencies

Jim,

We finally got a decent reply from the SID organizations who would need to search. This is their estimate:

4 people at the GS9-15 ($44) rate X 2087 hrs (1 year) = $367,312
1 person at the GS9-15 ($44) rate X 1565 hrs (3/4 year) = $68,860
1 person at the GS9-15 ($44) rate X 96 hrs = $4224
1 person at the SCE ($75) rate X 689 hrs = $51,675

Finally, in the process, we figured out that our General Counsel's Office would also have records. Their estimate is

1 person at GS9-15 rate ($44) X 24 hrs. = $1056

This should conclude our estimate. If you have any questions, please feel free to give Pamela or me a call. Thanks!!

Marianne
FOIA/PA Office
NSA
301-688-6527

> ----- Original Message -----
> **From:** Hogan, James, CIV, WHS/ESD
> **To:** 'Maryanne Stupar'
> **Sent:** Wednesday, July 20, 2005 1:20 PM
> **Subject:** RE: FOIA Request you are coordinating across DoD agencies
>
> Maryanne,
>
> OK, thank you very much, this helps. My guess is that SID will have a lot of time.
>
> Jim
>
> ---
>
> **From:** Maryanne Stupar [mailto:mgstupa@nsa.gov]
> **Sent:** Wednesday, July 20, 2005 1:20 PM
> **To:** Hogan, James, CIV, WHS/ESCD
> **Cc:** mgstupa@nsa.gov
> **Subject:** FOIA Request you are coordinating across DoD agencies
>
> Jim

I checked with both of the POCs to whom I sent the search estimate request for that FOIA request from members of Congress.

One POC (from the SIGINT Directorate) is out in class through Friday. So I will have to see if I can coordinate SID's response with someone else in her office and get back to you on that portion.

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I will email you again, as soon as I have the SID response.

Thanks!
Marianne Stupar
NSA FOIA Office
301-688-6527

Hogan, James CIV WHS/ESD

From: Scott, CIV Jacqueline (PKI) (b)(6)
Sent: Friday, July 15, 2005 4:47 PM
To: Hogan, James, CIV, WHS/ESD
Cc: (b)(6)
Subject: RE: Congressional Request

Jim,

Received ~~ I did not receive items 4 and 5. I read items 1 and 3; agree #3 rests with USCENTCOM but not sure about #1. Please provide insight on why #1 would be USCENTCOM and not the Secretary of Defense or Chairman, JCS.

I'll be TDY next week ~~(b)(6) will handle.

Break Break

(b)(6) ~~ immediate attention required; see second email for request. Please remind Jim to send items 4 and 5. The Command Action Group (CAG) handles all congressional responses for the command. Please ask (b)(6) to discuss with (b)(6) regarding CAG and congressional responses.

Thanks

JACQUELINE J. SCOTT
DSN: 651-2830
Comm: 813-827-2830

-----Original Message-----
From: Hogan, James, CIV, WHS/ESD (b)(6)
Sent: July 15,2005 13:45
To: Hogan, James, CIV, WHS/ESD; 'Greg L. Outlaw (b)(6) @eucom.mil)'; 'Scott, CIV Jacqueline (PKI)'; 'Scott Kinsey'
Subject: RE: Congressional Request

Concerning my last message - please send me an email to let me know that you received it.

From: Hogan, James, CIV, WHS/ESD
Sent: Friday, July 15, 2005 1:29 PM
To: Greg L. Outlaw (b)(6) @eucom.mil); 'Scott, CIV Jacqueline (PKI)'; (b)(6)
Subject: Congressional Request
Importance: High

(b)(6) and Jackie,

Please note the attached FOIA request. Our plan is to get an estimate of fees (we have not yet determined whether we will grant a fee waiver) for the entire DoD and let the requeters know. Then, if and when the fee issue is settled, we will refer this for direct response.

Please estimate the number of hours it will take for your organization to search (not review or any other time) for the responsive information, and get back to me ASAP with that estimate. Please understand we

may have to defend this estimate in court.

This request has high visibility in DoD, and it is imperative that you get back to me as soon as you can. For EUCOM, the relevant item for you is #5, for Operation Northern Watch. For CENTCOM, it would be items 1, 3, 4, and 5. For DIA, items 2 and 3.

Thank you,

Jim