

**26 Feb 2021, 7:15**

*Date sent:* Fri, 26 Feb 2021 07:15:06 -0800 (PST)  
*From:* cer <cer@nara.gov>  
*To:* cer <cer@nara.gov>  
*Copies to:* cer <cer@nara.gov>, Edward Hasbrouck <edward@hasbrouck.org>  
*Subject:* Re: NCMNPS FOIA request

Dear Mr. Hasbrouck,

This is a follow-up to your FOIA request 20-54033 (ER0566), seeking access to archival records of the National Commission on Military, National, and Public Service (NCMNPS).

**\*Administrative Note\***

In order to better track your FOIA request for archival NCMNPS records, we have split your request into two cases. The first case, FOIA request 20-54033, is for the non-email archival records.

We created a second case, FOIA request 21-19882 with a receipt date of October 1, 2020, for the email archival records (Commissioners' Emails (disposition item 1.3)). Due to system limitations, we could not use the original receipt date of September 21; October 1 is the closest date we could use.

**\*Delivery of Commission Correspondence Files\***

We completed processing the 1,216 records identified as Commission Correspondence Files (disposition item 3.3). Most of these records are open in full. However, 81 files contain information exempt from disclosure under FOIA (b)(6), which relates to personal privacy. In most cases, the information withheld was personal email addresses, street addresses, and phone numbers. We have prepared redacted or public use versions of the files to make available to you.

The agency referred to these records as Commission Correspondence Files when they transferred the files as per the schedule. When processing the records, staff found this set contained considerably more than what might be thought of as correspondence. The records also include materials for both internal meetings and meetings with third parties, briefing materials, primers, literature reviews, proposed recommendations, and preparations for the interim and final reports. As a result, NARA refers to this set of records as "Program Records."

We are in the process of making these records available in the National Archives Catalog (<https://catalog.archives.gov/>), but that still may take some weeks. Instead, attached is a spreadsheet that lists the narrative title for each file, the file size (bytes), the path of the file as transferred to NARA, and a link to access the file. The spreadsheet also identifies which files are redacted versions.

I wish to point out that when the agency transferred these records, the file directory included folders named \Commission Internal Meetings\2019 and \Commission Internal Meetings\2019\July 2019 Voting\. On the spreadsheet, the "file path of transferred records" column will indicate what files were transferred in these folders.

Again, the metadata we received with the transfer of the files did not specify which workstation or server the file resided on when in use by the NCMNPS. The transferring official likely pulled the files from the

original locations to create a new directory specifically for transferring them to NARA. The transferring official provided the files on a thumbdrive and all the archival files had a date modified of 9/18/2020 or 9/19/2020.

**\*Closing\***

We have provided you access to all 2,913 NCMNPS non-email archival files via the following emails dated:

- November 5: Commission Records [Establishment of the NCMP] (disposition item 1.1)
- November 24: Significant Actions and Decisions (disposition item 1.2)
- November 24: Congressional Correspondence and Communication (disposition item 3.4)
- December 18: Commission Findings and Recommendations (disposition item 3.2)
- December 28: Historically Significant Media (disposition item 5.1)
- January 4: Public Input (disposition item 2)
- February 2: Commission Meetings (disposition item 3.1)
- February 26: Commission Correspondence Files (disposition item 3.3)

Most of these records provided are open in full. However, some contain information exempt from disclosure under FOIA (b)(6), which relates to personal privacy. In those instances, we prepared and provided a redacted version.

This concludes the processing of your FOIA request 20-54033 (ER0566) for the non-email archival records of the National Commission on Military, National, and Public Service (NCMNPS).

We are still working on your FOIA request 21-19882 for the NCMNPS email archival files. We hope to complete the processing of these records in early/mid-March. At that time, we will work with you to construct search criteria in order to identify potentially responsive emails.

If you are not satisfied with our action on this request, you have the right to file an administrative appeal within ninety (90) calendar days from the date of this letter. Appeals must be in writing and may be delivered by regular U.S. mail or by email. By filing an appeal, you preserve your rights under the Freedom of Information Act and present the deciding agency with an opportunity to review your request and reconsider its decision. If you submit your appeal by regular mail, it should be addressed to the Deputy Archivist of the United States (ND), National Archives and Records Administration, 8601 Adelphi Road, Room 4200, College Park, Maryland 20740-6001. Both the letter and envelope should be clearly marked "FOIA Appeal." If you submit your appeal by email, please send it to [foia@nara.gov](mailto:foia@nara.gov), addressed to the Deputy Archivist, with the words "FOIA Appeal" in the subject line. Please be certain to explain why you believe this response does not meet the requirements of the Freedom of Information Act. All communications concerning this request should reference your FOIA tracking number 20-54033 (ER0566).

If you would like the opportunity to discuss our response and attempt to resolve your dispute without initiating the appeals process, you may contact our FOIA Public Liaison for assistance:

Accessioned Executive Branch Records - Washington, DC Area  
FOIA Requester Service Center: 301-837-3190  
FOIA Public Liaison: Michael Marquis

8601 Adelphi Road, Room 5500  
College Park, MD 20740-6001  
[dc.foia.liaison@nara.gov](mailto:dc.foia.liaison@nara.gov)  
301-837-3190

If you are unable to resolve your dispute through our Public Liaison, the Office of Government Information Services (OGIS) is the federal FOIA ombudsman. OGIS offers mediation services to help resolve disputes between FOIA requesters and federal agencies. You may contact OGIS at the following address:

Office of Government Information Services (OGIS)  
National Archives and Records Administration  
8601 Adelphi Road, Room 2510  
College Park, MD 20740-6001  
[ogis@nara.gov](mailto:ogis@nara.gov)  
202-741-5770  
1-877-684-6448 (toll-free)

Sincerely,  
Lynn Goodsell  
Reference Branch Chief, Electronic Records Division (RRE)  
National Archives and Records Administration (NARA)  
[cer@nara.gov](mailto:cer@nara.gov)  
20-54033

Attachment: NCMNPS Commission Correspondence.xlsx

On Tuesday, February 2, 2021 at 4:17:47 PM UTC-5 cer wrote:

> Dear Mr. Hasbrouck,  
> This is in reply to your FOIA request 20-54033 (ER0566), seeking access to  
> archival records of the National Commission on Military, National, and  
> Public Service (NCMNPS).  
>  
> \*Delivery of Commission Meetings Minutes\*  
> We completed processing the 463 records identified as Commission Meetings  
> (disposition item 3.1). Most of these records are open in full. However,  
> two files contain information exempt from disclosure under FOIA (b)(6),  
> which relates to personal privacy. In both cases, the information exempt  
> was personal phone numbers. We have prepared redacted or public use  
> versions of the files to make available to the public.  
>  
> We are in the process of making these records available in the National  
> Archives Catalog (<https://catalog.archives.gov/>), but that still may take  
> some weeks. Instead, attached is a spreadsheet that lists the narrative  
> title for each file, the file size (bytes), the path of the file as  
> transferred to NARA, and a link to access the file. The spreadsheet also  
> identified which files are redacted versions and the couple of files for  
> which we extracted embedded files to provide separately.  
>  
> Again, the metadata we received with the transfer of the files did not  
> specify which workstation or server the file resided on when in use by the  
> NCMNPS. The transferring official likely pulled the files from the  
> original locations to create a new directory specifically for transferring  
> them to NARA. The transferring official provided the files on a thumbdrive  
> and all the archival files had a date modified of 9/18/2020 or 9/19/2020.  
>  
>

> \*Narrowing Your Request and Next Steps\*

> I understand you wish to narrow your FOIA request. Please understand that  
> with today's delivery of the Commission Meeting records, we only have two  
> sets of NCMNPS permanent electronic records left to process. We are unable  
> to provide access to the records until we have completed processing. We  
> process the records as a set. If you wish to narrow your request to  
> specific records, we still will not be able to search for and provide  
> access to potentially responsive records until processing is complete.

>  
> 1. Commission Correspondence Files (disposition item 3.3): We hope to  
> complete processing these records and provide you a spreadsheet with links  
> to the records by the end of February. We are discovering that while these  
> files contain some correspondence, there is a large volume of  
> non-correspondence records including powerpoint presentations and speaker  
> biographies.

>  
> For us to search to try to identify responsive records based on a  
> narrowing of your request, will delay us providing you access to the  
> records. We can provide you access to all the records much sooner than if  
> we first attempt a search to determine what records might be responsive.  
> We do not have the means to search across the various Microsoft documents  
> and PDFs. The only finding aid we have for these records is the  
> description spreadsheet that is prepared as part of the processing and that  
> is the spreadsheet we've been providing to you. Once the records are in  
> the Catalog, the PDFs may be searchable if the agency had OCR'd them.

>  
> 2. Commissioners' Emails (disposition item 1.3): We hope to complete  
> processing these records by early March. We only received the email boxes  
> for the 11 commissioners: Edward Allard, Steven Barney, Janine Davidson,  
> Mark Gearan, Avril Haines, Joseph Heck, Jeanette James, Alan Khazei, Tom  
> Kilgannon, Shawn Skelly, and Debra Wada.

>  
> Given the volume of the emails and the FOIA review needed, we cannot  
> provide access to them like we have the other NCMNPS records. Instead, we  
> will search the emails based on the criteria you provide. You can tell us  
> which of your search criteria you would like us to search for first. Our  
> searching of emails is rather limited and basic and might entail searching  
> each email box separately. Therefore a search for all emails with "  
> nara.gov" email address might mean conducting that search 11 times. Some  
> of the search criteria you may wish to consider include to, from, date  
> range, and keyword.

>  
> We will need to review any potentially responsive emails for sensitive  
> information. The larger the volume of responsive records, the longer the  
> review will take and may mean placing the request in NARA's Research  
> Service's FOIA queues. I will provide more details about handling your  
> request for the email files once we are close to finishing processing them.

>  
> With that background, please let me know how you wish to narrow your  
> request.

> \*Closing\*

> This is an interim response to your FOIA request in order to provide you  
> access with additional sets of processed and reviewed NCMNPS records.

>  
> If you are not satisfied with our action on your request, you have the  
> right to file an administrative appeal within ninety (90) calendar days  
> from the date of this letter. Appeals must be in writing and may be

> delivered by regular U.S. mail or by email. By filing an appeal, you  
> preserve your rights under the Freedom of Information Act and present the  
> deciding agency with an opportunity to review your request and reconsider  
> its decision. If you submit your appeal by regular mail, it should be  
> addressed to the Deputy Archivist of the United States (ND), National  
> Archives and Records Administration, 8601 Adelphi Road, Room 4200, College  
> Park, Maryland 20740-6001. Both the letter and envelope should be clearly  
> marked "FOIA Appeal." If you submit your appeal by email, please send it to  
> fo...@nara.gov, addressed to the Deputy Archivist, with the words "FOIA  
> Appeal" in the subject line. Please be certain to explain why you believe  
> this response does not meet the requirements of the Freedom of Information  
> Act. All communications concerning this request should reference your FOIA  
> tracking number 20-54033 (ER0566).  
>  
> If you would like the opportunity to discuss our response and attempt to  
> resolve your dispute without initiating the appeals process, you may  
> contact our FOIA Public Liaison for assistance:  
>  
> Accessioned Executive Branch Records - Washington, DC Area  
> FOIA Requester Service Center: 301-837-3190 <(301)%20837-3190>  
> FOIA Public Liaison: Michael Marquis  
> 8601 Adelphi Road, Room 5500  
> College Park, MD 20740-6001  
> dc.foia...@nara.gov  
> 301-837-3190 <(301)%20837-3190>  
>  
> If you are unable to resolve your dispute through our Public Liaison, the  
> Office of Government Information Services (OGIS) is the federal FOIA  
> ombudsman. OGIS offers mediation services to help resolve disputes between  
> FOIA requesters and federal agencies. You may contact OGIS at the following  
> address:  
>  
> Office of Government Information Services (OGIS)  
> National Archives and Records Administration  
> 8601 Adelphi Road, Room 2510  
> College Park, MD 20740-6001  
> og...@nara.gov  
> 202-741-5770 <(202)%20741-5770>  
> 1-877-684-6448 <(877)%20684-6448> (toll-free)  
>  
> Sincerely,  
> Lynn Goodsell  
> Reference Branch Chief, Electronic Records Division (RRE)  
> National Archives and Records Administration (NARA)  
> c...@nara.gov  
>  
> Attachment: NCMNPS Meetings.xlsx  
>  
>  
> On Monday, January 25, 2021 at 4:28:06 PM UTC-5 cer wrote:  
>  
>> Dear Mr. Hasbrouck,  
>> This is a status update regarding your FOIA request 20-54033 (ER0566),  
>> seeking access to archival records of the National Commission on Military,  
>> National, and Public Service (NCMNPS).  
>>  
>> At the end of November, I indicated that we hoped to finish processing  
>> most of the NCMNPS records by the end of January. Unfortunately, it is  
>> taking us a little bit longer to finish processing the last sets of records  
>> and the email files.

>>  
>> Our goal is to complete processing the Commission Meetings (disposition  
>> item 3.1) by mid-February and the Commission Correspondence Files  
>> (disposition item 3.3) by the end of February. Soon after the processing  
>> is complete, I will send you a spreadsheet with links so you can access the  
>> records.  
>>  
>> We hope to complete processing the commissioners' email files by early  
>> March. We will work with you to develop search criteria to help identify  
>> the emails potentially responsive to your request. We will need to review  
>> any potentially responsive emails for sensitive information and that will  
>> likely be a separate process.  
>>  
>> Sincerely,  
>> Lynn Goodsell  
>> Reference Branch Chief, Electronic Records Division (RRE)  
>> National Archives and Records Administration (NARA)  
>> c...@nara.gov  
>>  
>>  
>> On Monday, January 4, 2021 at 11:03:37 AM UTC-5 cer wrote:  
>>  
>>> Dear Mr. Hasbrouck,  
>>> This is in reply to your follow-up FOIA request 20-54033 (ER0566),  
>>> seeking access to archival records of the National Commission on Military,  
>>> National, and Public Service (NCMNPS).  
>>>  
>>> We completed processing the 160 records identified as Public Input  
>>> (disposition item 3.2). Most of these records are open in full. However,  
>>> six files contain information exempt from disclosure under FOIA (b)(6),  
>>> which relates to personal privacy. In general, the information exempt was  
>>> personal email addresses, street addresses, and phone numbers. We have  
>>> prepared redacted or public use versions of the files to make available to  
>>> the public. The attached Readme\_Redacted\_Excel\_Files.pdf explains further  
>>> how the Microsoft Excel spreadsheets are redacted.  
>>>  
>>> We are in the process of making these records available in the National  
>>> Archives Catalog (<https://catalog.archives.gov/>), but that still may  
>>> take some weeks. Instead, attached is a spreadsheet that lists the  
>>> narrative title for each file, the file size (bytes), the path of the file  
>>> as transferred to NARA, and a link to access the file. The spreadsheet  
>>> also identified which files are redacted versions and the few files that  
>>> may have copyright restrictions.  
>>>  
>>> Again, the metadata we received with the transfer of the files did not  
>>> specify which workstation or server the file resided on when in use by the  
>>> NCMNPS. The transferring official likely pulled the files from the  
>>> original locations to create a new directory specifically for transferring  
>>> them to NARA. The transferring official provided the files on a thumbdrive  
>>> and all the archival files had a date modified of 9/18/2020 or 9/19/2020.  
>>>  
>>>  
>>> This is an interim response to your FOIA request in order to provide you  
>>> access with additional sets of processed and reviewed NCMNPS records.  
>>>  
>>> If you are not satisfied with our action on your request, you have the  
>>> right to file an administrative appeal within ninety (90) calendar days  
>>> from the date of this letter. Appeals must be in writing and may be  
>>> delivered by regular U.S. mail or by email. By filing an appeal, you  
>>> preserve your rights under the Freedom of Information Act and present the

>>> deciding agency with an opportunity to review your request and reconsider  
>>> its decision. If you submit your appeal by regular mail, it should be  
>>> addressed to the Deputy Archivist of the United States (ND), National  
>>> Archives and Records Administration, 8601 Adelphi Road, Room 4200, College  
>>> Park, Maryland 20740-6001. Both the letter and envelope should be clearly  
>>> marked "FOIA Appeal." If you submit your appeal by email, please send it to  
>>> fo...@nara.gov, addressed to the Deputy Archivist, with the words "FOIA  
>>> Appeal" in the subject line. Please be certain to explain why you believe  
>>> this response does not meet the requirements of the Freedom of Information  
>>> Act. All communications concerning this request should reference your FOIA  
>>> tracking number 20-54033 (ER0566).

>>>  
>>> If you would like the opportunity to discuss our response and attempt to  
>>> resolve your dispute without initiating the appeals process, you may  
>>> contact our FOIA Public Liaison for assistance:

>>>  
>>> Accessioned Executive Branch Records - Washington, DC Area  
>>> FOIA Requester Service Center: 301-837-3190 <(301)%20837-3190>  
>>> FOIA Public Liaison: Michael Marquis  
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>>> College Park, MD 20740-6001  
>>> dc.foia...@nara.gov  
>>> 301-837-3190 <(301)%20837-3190>

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>>> If you are unable to resolve your dispute through our Public Liaison,  
>>> the Office of Government Information Services (OGIS) is the federal FOIA  
>>> ombudsman. OGIS offers mediation services to help resolve disputes between  
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>>> og...@nara.gov  
>>> 202-741-5770 <(202)%20741-5770>  
>>> 1-877-684-6448 <(877)%20684-6448> (toll-free)

>>>  
>>> Sincerely,  
>>> Lynn Goodsell  
>>> Reference Branch Chief, Electronic Records Division (RRE)  
>>> National Archives and Records Administration (NARA)  
>>> c...@nara.gov

>>>  
>>> Attachments:  
>>> NCMNPS Public Input.xlsx  
>>> Readme\_Redacted\_Excel\_Files.pdf

>>>  
>>> On Monday, December 28, 2020 at 10:49:48 AM UTC-5 cer wrote:

>>>  
>>>> Dear Mr. Hasbrouck,  
>>>> This is in reply to your follow-up FOIA request 20-54033 (ER0566),  
>>>> seeking access to archival records of the National Commission on Military,  
>>>> National, and Public Service (NCMNPS).

>>>>  
>>>> We completed processing the 647 records identified as Historically  
>>>> Significant Media (disposition item 5.1). These records do not have  
>>>> access restrictions, but a few may have copyright restrictions.  
>>>>

>>>> These records are very unlikely to contain the information you seek as  
>>>> outlined in your FOIA request. But as we explained previously, we are  
>>>> providing you access to all the records except the emails so you will be  
>>>> able to identify the records you seek instead of relying on just our  
>>>> evaluation.

>>>>

>>>> We are in the process of making these records available in the National  
>>>> Archives Catalog (<https://catalog.archives.gov/>), but that still may  
>>>> take some weeks. Instead, attached are spreadsheets that lists the  
>>>> narrative title for each file, the file size (bytes), the path of the file  
>>>> as transferred to NARA, and a link to access the file.

>>>>

>>>> Again, the metadata we received with the transfer of the files did not  
>>>> specify which workstation or server the file resided on when in use by the  
>>>> NCMNPS. The transferring official likely pulled the files from the  
>>>> original locations to create a new directory specifically for transferring  
>>>> them to NARA. The transferring official provided the files on a thumbdrive  
>>>> and all the archival files had a date modified of 9/18/2020 or 9/19/2020.

>>>>

>>>>

>>>> This is an interim response to your FOIA request in order to provide  
>>>> you access with additional sets of processed and reviewed NCMNPS records.

>>>>

>>>> If you are not satisfied with our action on your request, you have the  
>>>> right to file an administrative appeal within ninety (90) calendar days  
>>>> from the date of this letter. Appeals must be in writing and may be  
>>>> delivered by regular U.S. mail or by email. By filing an appeal, you  
>>>> preserve your rights under the Freedom of Information Act and present the  
>>>> deciding agency with an opportunity to review your request and reconsider  
>>>> its decision. If you submit your appeal by regular mail, it should be  
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>>>> fo...@nara.gov, addressed to the Deputy Archivist, with the words  
>>>> "FOIA Appeal" in the subject line. Please be certain to explain why you  
>>>> believe this response does not meet the requirements of the Freedom of  
>>>> Information Act. All communications concerning this request should  
>>>> reference your FOIA tracking number 20-54033 (ER0566).

>>>>

>>>> If you would like the opportunity to discuss our response and attempt  
>>>> to resolve your dispute without initiating the appeals process, you may  
>>>> contact our FOIA Public Liaison for assistance:

>>>>

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>>>> FOIA Requester Service Center: 301-837-3190 <(301)%20837-3190>  
>>>> FOIA Public Liaison: Michael Marquis  
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>>>> 301-837-3190 <(301)%20837-3190>

>>>>

>>>> If you are unable to resolve your dispute through our Public Liaison,  
>>>> the Office of Government Information Services (OGIS) is the federal FOIA  
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>>>> FOIA requesters and federal agencies. You may contact OGIS at the following  
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>>>> og...@nara.gov  
>>>> 202-741-5770 <(202)%20741-5770>  
>>>> 1-877-684-6448 <(877)%20684-6448> (toll-free)  
>>>>  
>>>> Sincerely,  
>>>> Lynn Goodsell  
>>>> Reference Branch Chief, Electronic Records Division (RRE)  
>>>> National Archives and Records Administration (NARA)  
>>>> c...@nara.gov  
>>>>  
>>>> Attachments:  
>>>> NCMNPS Significant Media.xlsx  
>>>>  
>>>>  
>>>> On Friday, December 18, 2020 at 12:02:35 PM UTC-5 Edward Hasbrouck  
>>>> wrote:  
>>>>  
>>>>> On 18 Dec 2020 at 7:10, "cer" <cer <[c...@nara.gov](mailto:c...@nara.gov)>> wrote:  
>>>>>  
>>>>> > This is an interim response to your FOIA request in order to provide  
>>>>> you  
>>>>> > access with additional sets of processed and reviewed NCMNPS  
>>>>> records.  
>>>>>  
>>>>> Thank you.  
>>>>>  
>>>>> > If you would like the opportunity to discuss our response and  
>>>>> attempt to  
>>>>> > resolve your dispute without initiating the appeals process, you may  
>>>>> > contact our FOIA Public Liaison for assistance:  
>>>>> >  
>>>>> > Accessioned Executive Branch Records - Washington, DC Area  
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>>>>> > FOIA Public Liaison: Michael Marquis  
>>>>> > 8601 Adelphi Road, Room 5500  
>>>>> > College Park, MD 20740-6001  
>>>>> > dc.foia...@nara.gov  
>>>>> > 301-837-3190 <(301)%20837-3190>  
>>>>>  
>>>>> As i have previously reported to you, I have received no response to  
>>>>> multiple messages seeking the assistance of the FOIA Public Liaison at  
>>>>> this address. It appears that his assistance is not, in fact,  
>>>>> available.  
>>>>> If there is some other way he can be contacted, please let me know.  
>>>>>  
>>>>> Peace,  
>>>>>  
>>>>> Edward Hasbrouck  
>>>>>  
>>>>>  
>>>>>  
>>>>>  
>>>>> -----  
>>>>> Draft Registration and Draft Resistance:  
>>>>> <https://Resisters.info>  
>>>>>  
>>>>> "Resistance News" mailing list:

>>>> <https://resisters.info/newsletter.html>  
>>>>  
>>>> Edward Hasbrouck  
>>>> edw...@hasbrouck.org  
>>>> <https://hasbrouck.org>  
>>>> +1-415-824-0214 <(415)%20824-0214>  
>>>>  
>>>>  
>>>>