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17 December 2018

FOIA Request
National Commission on Military, National, and Public Service
2530 Crystal Drive, Suite 1000, Box No. 63
Arlington, VA 22202

(by e-mail to <FOIA@inspire2serve.gov>)

FOIA REQUEST

Fee benefit requested
Fee waiver requested

Dear FOIA Officer:

This is a request pursuant to the Freedom of Information Act, 5 U.S.C. § 552.

I request access to and copies of any and all of the following records that have not previously been disclosed to me in response to my FOIA requests 2018-SP-01, 2018-SP-03, 2019-CP-01, or 2019-SP-01:

(1) Any records of meetings (by whatever name they may be described) or in-person, telephonic, or online gatherings of a quorum of members of the Commission, including any entries in paper or electronic calendars, diaries, or scheduling systems, agendas, minutes, “memoranda for the record”, motions or proposals, votes, decisions (whether by vote, consensus, unanimous consent, “without objection”, decision of the Chair, or otherwise), documents or electronic presentations or files distributed or shown to the Commission, transcripts, audio and/or video recordings, records that classified information was to be discussed, or records of any objections made by member(s) of the Commission to allowing members of the public access to any such meeting;

(2) Any documents, files, or other records incorporated by reference in any decision of the Commission, including but not limited to the entirety of any item approved or disapproved by the Commission, the entirety of any item included in a “consent calendar” or otherwise approved or disapproved *en bloc*, and, recursively, the entirety of any item incorporated by reference in an item incorporated by reference. If, for example, the Commission has determined, by vote or otherwise, to approve or disapprove Plan X, Report Y, or Schedule Z, than the entirety of Plan X, Report Y, or Schedule Z, and any items incorporated by reference in it, is responsive to this request;

(3) All records of the Commission's postings to or interaction with third-party Web sites and services including, but not limited to, Twitter, Facebook, Instagram, Eventbrite, Youtube, and Medium.

(4) All records of written, verbal, or recorded speeches, statements, articles, or presentations given by any member or members of the commission to any persons or publications other than officers or staff of Federal agencies, including but not limited to any submitted or published text, speaking notes, transcripts, audio or video recordings, slides, captions, PowerPoint files, or other records.

I also request (5) the entirety of any document or electronic file containing any records responsive to any portion of the request described in clauses 1-4 above (so that no portion of any document or file containing any responsive portions should be withheld as "unresponsive").

I request that all responsive records be provided in text-searchable electronic form. With respect to any records held in electronic form, I request that they be provided in the original electronic form in which they are held, as complete bitwise digital copies of the original word processor files, PDF files, or other electronic files, including any file headers, embedded metadata, and all other file content.

I request that any responsive records of e-mail messages be produced as copies of the raw "message source" files, including full addresses and all headers and attachments, as those message source files are held on mail servers or backup or archival digital storage media.

I specifically request that you not create new documents or files in response to this request, not create "documents" such as page-view images or print views from digital records, and not substitute such newly-created "documents", images, or views for requested records held by you as digital files.

If all or any part of this request or searches for responsive records are referred or delegated to other agencies, contractors, offices, or staff, I request that any referral, delegation, or search tasking instructions specifically include my request with respect to the form in which records are to be produced, so that records are not inadvertently converted to, or produced in, other forms or formats.

If you believe that you could respond to this request more quickly if responsive records are produced in a different form, please call me immediately at +1-415-824-0214 to discuss your proposed form of production and possible modification of this request to expedite your response.

As a representative of the news media I am only required to pay for the direct cost of duplication after the first 100 pages of paper records, or cost equivalent for copies of electronic records. Through this request, I am gathering information on policies, procedures, and practices that is of current interest to the public as part of widespread public interest in the activities of the Commission and the exceptionally controversial subjects of the draft, Selective Service, and compulsory service.

I am an award-winning freelance journalist, and the publisher of an informational Web site at <<https://resisters.info>> which is one of the most comprehensive and widely consulted sources of news, analysis, and background and reference information – including information obtained from the Commission in response to my previous FOIA requests, and reporting, analysis, and commentary based on this information and other sources – about the Commission and the issues of the draft, draft registration, compulsory "service", and Selective Service. The information obtained in response to this

request will be made available to the public through publication on the Web, along with reporting, analysis, and commentary informed by the records released in response to this request.

Substantially more information about the Commission and its activities – including substantially more of the Commission’s own records as well as the single largest body of independent reporting, analysis, and commentary on the activities of the Commission -- is available on my Web site than is available on the Commission’s own Web site at <<http://www.inspire2serve.gov>>.

The majority of the information available to the public about the Commission and its activities is available only on my Web site and through articles I have written for my own e-mail newsletters and other Web sites and print publications.

Most of the Commission records available to the public are available only because they have been released by the Commission in response to my previous FOIA requests, and have been published by me on my Web site along with reporting, analysis, and commentary informed by these Commission records. Most of these records have not been published by the Commission on its own Web site or anywhere else, and are not available anywhere except on my Web site.

Please waive any applicable fees. Release of the information is in the public interest because it will contribute significantly to public understanding of government operations and activities.

The public interest in access to information concerning the meetings of the Commission has been explicitly recognized by votes of Congress and of the Commission itself.

The statute establishing the Commission provides that, “Each meeting of the Commission shall be held in public unless any member objects or classified information is to be considered.” While this provision allows Commission meetings or portions thereof to be closed in some cases, it creates an unambiguous, explicit statutory presumption that all Commission meetings shall be open to the public.

The Commission itself has decided that, “Minutes shall be made available to the public on the Commission's website to the extent such minutes or portions thereof would be releasable under the Freedom of Information Act.” (“National Commission on Military, National, and Public Service, First Amended and Restated Business Rules, Adopted by the Commission on April 19, 2018”, available at <<https://resisters.info/FOIA/8-AmendedBusinessRules-FINAL.pdf>>.)

The Commission’s decision that minutes of its meetings “shall be made available to the public on the Commission's website” to the extent releasable under FOIA is clear evidence of the Commission’s recognition of the public interest in access to this information.

Minutes of most of the Commission’s meetings were available to the public because they were released in response to my FOIA requests, and published on my Web site, months before the Commission posted them on its Web site.

I have no commercial interest in this information. My reporting on this issue, while carried out in my capacity as a professional journalist, has been unpaid and not undertaken for profit.

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

Please respond as soon as possible to confirm your receipt of this request and to advise the reference number assigned to this request and the expected date of completion of Commission action with respect to this request. I look forward to your complete reply within 20 work days, as the FOIA statute and the Commission's FOIA regulations require. To avoid unnecessary delays, please contact me immediately by telephone or e-mail should you have any questions regarding this request.

Sincerely,

Edward Hasbrouck