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11 October 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 or 2018-SP-03:

(1) Any records of meetings (by whatever name they may be described) or in-person, telephonic, or online gatherings or conversations between one or more members of the Commission and one or more persons not on the staff of the Commission during the period from 25-30 June 2018, inclusive, including visits by members of the Commission to Iowa and Illinois, and including any entries in paper or electronic calendars, diaries, or scheduling systems, agendas, minutes, “memoranda for the record”, documents or electronic presentations or files distributed or shown to any member or members of the Commission, reports, briefings, transcripts, or audio and/or video recordings;

(2) All records of any press release, news advisory, or statement distributed by the Commission or any employee (including any member of the Commission) or contractor of the Commission to any news service, member of the news media, or press release or news distribution service.

I also request (3) the entirety of any document or electronic file containing any records responsive to any portion of the request described in clauses 1-2 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 2018-SP-01 and 20-18-SP-03, 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.

The majority of the information available to the public about the Commission and its activities, including the single largest body of independent reporting, analysis, and commentary on the activities of the Commission, 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.

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.

Meetings, fact-finding and site visits, and briefings with less than a quorum of members of the Commission are of equal importance to public understanding of the work of the Commission.

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