



**Refuse to Register**  
**NO REGISTRAR**  
**CONSCRIPCION NO**

*poster by Fred Moore for the  
National Resistance Committee*

**Resisters.info**

Edward Hasbrouck  
1130 Treat Avenue  
San Francisco, CA 94110

+1-415-824-0214  
edward@hasbrouck.org

<https://resisters.info>

21 September 2020

Chief, Special Access and FOIA Staff (RD-F), Room 5500  
National Archives and Records Administration  
8601 Adelphi Rd.  
College Park, MD 20740-6001

(by e-mail to <Specialaccess\_\_foia@nara.gov>)

**FOIA REQUEST**

**Expedited processing requested**

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 the following temporary and permanent records of the National Commission on Military, National, and Public Service (NCMNPS), custody and control of which was transferred to the National Archives and Records Administration (NARA) on the expiration of the statutory mandate for the existence of the NCMNPS on 18 September 2020:

(1) All records of the NCMNPS "VOTE-A-RAMA" conducted approximately 15 July 2019 through 19 July 2019, including any records of the items voted on or otherwise decided, the options on the ballot or considered for decision with respect to each item, the outcome of each vote or decision, the number of votes for each option if recorded, the vote of each Commissioner if recorded, any directives for how these decisions or outcomes of votes were to be carried out or acted on, and any records including e-mail messages describing outcomes of the VOTE-A-RAMA or directing how the

decisions made during the VOTE-A-RAMA were to be implemented or carried out, including instructions for writing the NCMNPS's final report or portions thereof based on these decisions.

(2) All instructions for what research was to be conducted or commissioned by, for, or on behalf of the NCMNPS, including any e-mail messages or other communications of decisions regarding what research was to be conducted, the terms of reference for such research, research methodologies, and what issues or questions or policy options were or were not to be included in the scope of research.

(3) All contracts between the NCMNPS and researchers, research firms, or research consultants, including any attachments, addenda, amendments, and items incorporated by reference.

(4) All records of the affiliations, backgrounds, qualifications, or experience of persons or entities who carried out or commissioned research by, for, or on behalf of the NCMNPS, including any c.v.'s, résumés, or profiles of researchers, research entities, contractors, or subcontractors.

(5) All reports of research produced or commissioned by, for, or on behalf of the NCMNPS.

(6) All records of messages, Q & A, comments, or "chat" submitted to or sent or received by the NCMNPS through Facebook, YouTube, or Zoom, including comments, Q & A, and chat associated with livestreamed or posted video or audio recordings of NCMNPS events.

(7) All records of usage by the NCMNPS of Web-based services including but not limited to Facebook, Twitter, YouTube, Instagram, Medium, LinkedIn, Eventbrite, Zoom, and Google Analytics.

(8) All records of Web analytics (such as numbers of visitors, attributes of visitors, dates of visits, pages visited, etc.) to the NCMNPS Web site at <<https://inspire2serve.gov>>, including but not limited to all records of, or obtainable through, the Google Analytics account associated with the Google Analytics tracking cookies included in the HTML code on pages of the NCMNPS Web site.

(9) All versions of all files that are, or have at any time, been available from the NCMNPS Web site at <<https://inspire2serve.gov>>, including all subdirectories, and including any change logs or records of the start and end dates of when each version of each file was available on the site.

(10) All e-mail messages, including attachments, received at <[info@inspire2serve.gov](mailto:info@inspire2serve.gov)>, or <[national.commission.on.service.info@mail.mil](mailto:national.commission.on.service.info@mail.mil)>, including messages forwarded to those addresses.

(11) All e-mail messages, including attachments, sent or received at <[foia@inspire2serve.gov](mailto:foia@inspire2serve.gov)>, including messages forwarded to that address.

(12) All records of a petition, "Don't Force Women to Register for the Draft, Dump the Draft Entirely", handed by me to Brig. Genl. Joseph Heck, Chair of the NCMNPS, at the conclusion of the NCMNPS's public event chaired by Brig. Genl. Heck in the Golden Eagle Ballroom at California State University, 5151 State University Dr., Los Angeles, CA, on 20 September 2018, consisting of three looseleaf binders containing 1699 pages, plus cover pages, of printouts with 25,497 signatures;

(13) All records of a petition, “Pass the new bill to abolish the military draft”, submitted by David Swanson of RootsAction.org and WorldBeyondWar.org, consisting of a 371-page PDF file containing 12,611 signatures and individual comments of the signatories.

(14) All records released by the NCMNPS in response to any FOIA request.

(15) All records of processing of FOIA requests, appeals, or action on remand following appeals, including all internal or external e-mail correspondence sent or received pertaining to FOIA requests and any records of searches including search tasking instructions, filesystems to be searched, search methodologies, search query terms or algorithms, referrals, consultations, or delegations.

(16) All inbound, outbound, or internal e-mail messages, including any attachments, to or from any e-mail address used by the NCMNPS for official business that include the case-insensitive text string “nara.gov” (without the quotation marks) anywhere in the complete message headers;

(17) All inbound, outbound, or internal e-mail messages, including any attachments, to or from any e-mail address used by the NCMNPS for official business that include the case-insensitive text string “justice.gov” (without the quotation marks) anywhere in the complete message headers;

(18) The entirety of any document or electronic file containing any records responsive to any portion of this request described in clauses 1-17 above (so that no portion of any document or file containing any responsive portions should be withheld as “unresponsive”).

(19) Any and all records of internal metadata contained in files responsive to any portion of this request described in clauses 1-18 above.

(20) All records of filesystem metadata pertaining to files responsive to any portion of this request described in clauses 1-18 above, including but not limited to records of (a) the filename of each responsive digital record, as it was found on a NCMNPS, contractor, or service provider’s workstation, server, storage device, or media; (b) the size of each file in bytes, KB, MB, or GB; (c) the name or other label or identifier of the workstation, server, storage device, or media on which the file was found; (d) the path to the file in the filesystem on which it was found; and (e) the file date(s) as recorded in the file, in that filesystem, and/or in any label(s) on physical devices or storage media.

I request that all responsive records be provided in text-searchable, unencrypted electronic form.

I request that all records of e-mail messages be produced, in order of preference, in the form and format of “.mbx” files (most preferred), “.pst” files, or “.eml” files (least preferred), with each mailbox as a separate file, preserving all internal folders and sub-folders and including all attachments, in accordance with NARA recommendations for preferred e-mail file formats in *Appendix A to NARA Bulletin 2015-04*, <<https://www.archives.gov/records-mgmt/bulletins/2015/2015-04-appendix-a.html>>.

If e-mail messages are not readily reproducible as “.mbx”, “.pst”, or “.eml” files, or for any other records held in electronic form, I request that each such record be provided in the form of a discrete file with the same name and file format as the file was held by or on behalf of the NCMNPS,

as a complete bitwise digital copy of the original word processor file, PDF file, e-mail file, or other digital file, including any file headers, embedded metadata, and all other file content.

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; not substitute such newly-created “documents”, images, or views for requested records held by you as digital files; and not split one file into multiple files or combine multiple files into one file.

In reporting on the quantities of records found, produced, and/or withheld, I request that you report quantities of digital data in KB, MG, TB, etc., and/or in counts of ASCII characters for ASCII data, not report files as “documents” if they are not in fact documents, and not report filesizes or quantities of records in “pages” if the records consist of files that are not stored in paginated formats.

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 and format 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 or format, 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.

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

As a representative of the news media, 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 NCMNPS and the exceptionally controversial subjects of the draft and Selective 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 NCMNPS in response to my FOIA requests and reporting, analysis, and commentary based on this information and other sources – about the NCMNPS 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 of significant records on the Web, along with reporting, analysis, and commentary informed by the records released in response to this request.

If copying fees are not waived, please provide me with the opportunity to inspect and make my own copies of the responsive records. In light of the substantial risk of COVID-19 infection involved in traveling from San Francisco to College Park, Maryland, and the fact that most of the responsive records are held in digital form, I believe that it would be appropriate to provide for remote access and copying. These records are important to my writing, however, and if remote access is not provided and fees for digital copying are not waived and would be prohibitive, I will consider traveling to College Park – even though that would involve substantial personal risk – to inspect and copy these records.

Please process this request on an expedited basis. I am a person primarily engaged in disseminating information to the public as a writer and journalist. There is an urgency to inform the public about Federal Government activity.

The statutory criteria for expedited processing are contained in 5 U.S. Code § 552 (a)(6)(E):

“(i) Each agency shall promulgate regulations, pursuant to notice and receipt of public comment, providing for expedited processing of requests for records — (I) in cases in which the person requesting the records demonstrates a compelling need;...

“(v) For purposes of this subparagraph, the term “compelling need” means — ...

“(II) with respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity.”

The NCMNPS was a temporary agency, and its statutory mandate expired 18 September 2020. The purpose for the creation of the NCMNPS was to carry out or commission research and make recommendations to Congress, the President, and the public, which it did.

Congress is currently considering legislative proposals related to those recommendations, including H.R. 6415 (which would, *inter alia*, expand the authority of the President to order registration with the Selective Service System to women as well as men) and H.R. 5492 (which would repeal the Military Selective Service Act including Presidential authority to order registration).

The records responsive to this FOIA request will be essential for Congress and the public to understand the basis for the various recommendations of the NCMNPS, and to assess the weight which should be given to any or all of those recommendations, now that the NCMNPS has dissolved.

Records responsive to this request are essential to avoid having the public and Congress be forced to rely on purely conclusionary reports and recommendations by the NCMNPS.

For example, records of research conducted or commissioned by the NCMNPS, including the terms of reference, questions assigned, limitations placed on research, assumptions made as the basis for research, research methodologies, who conducted the research (and what biases or preconceptions they may have had), and the sources consulted will be important to public understanding. None of the NCMNPS’s research records were disclosed by the NCMNPS prior to its expiration.

In addition, records of the NCMNPS’s activities responsive to this request are likely to be highly probative of the credibility that Congress should afford to NCMNPS witnesses and the NCMNPS’s report, and the weight that they should be given in Congressional decision-making.

Time is of the essence, because Congress could consider and act on these proposals at any time. For example, hearings concerning the NCMNPS’s recommendations, at which members of the NCMNPS were to testify, were scheduled to have been held 31 March 2020 before the Senate Armed Service Committee. Due to the COVID-19 pandemic, these hearings have been postponed, but could be held any day – with former members of the NCMNPS, whose credibility would be at issue, as

witnesses. See <<https://www.armed-services.senate.gov/hearings/20-03-31-final-recommendations-and-report-of-the-national-commission-on-military-national-and-public-service>>.

There is thus an urgency to inform the public about the activities of the NCMNPS which these records document and which are relevant to ongoing and imminent Congressional debate.

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 the adequacy of the search for responsive records or your decision to withhold any information, to deny a waiver of fees, or to deny expedited processing.

Pursuant to NARA regulations at 36 CFR § 1230.3(b), no responsive or *potentially* responsive records may be destroyed, deleted, or disposed of while this request is pending.

It is particularly critical to ensure that the online accounts with third-party service providers containing outsourced records responsive or potentially responsive to items 7 and 8 of this request are kept active, to enable the records held by those service providers to be searched and retrieved in response to this request.

Please respond as soon as possible to confirm your receipt of this request, to advise the reference number assigned to this request and the expected date of completion of action with respect to this request, and to confirm that you have taken action to ensure the preservation of all potentially responsive records, including preservation following the expiration of the NCMNPS.

I look forward to your complete reply within 10 days, as the FOIA statute and NARA's FOIA regulations require.

I previously requested most of these same records from the NCMNPS. That request was received by the NCMNPS at the addresses designated in the NCMNPS FOIA regulations for submission of FOIA requests on 15 September 2020 by e-mail and on 17 September 2020 by US Postal Service Priority Mail Express. That request, and responsibility for responding to that request, should have been transferred by the NCMNPS to NARA along with the other temporary and permanent records of the NCMNPS. But I do not know how soon that request will reach the NARA FOIA office.

Since time is of the essence, I am making this new request directly to NARA. If you believe that it would be more efficient and that NARA could more quickly respond to this request if it were consolidated with the earlier request made to NARA, and which has now been transferred to NARA, please let me know and I will consider narrowing or consolidating these requests, if you so recommend, in order to expedite your response.

To avoid unnecessary delays, please contact me immediately by telephone at +1-415-824-0214 in San Francisco should you have any questions regarding this request.

The records transferred to NARA by the NCMNPS, and which are potentially responsive to this request, include both records which are (or might be, given that I do not know how records schedule DAA-0220-2020-0001 was interpreted by the NCMNPS or might be interpreted by NARA) deemed “temporary” – and which thus had been scheduled for destruction by the NCMNPS at the termination of its statutory mandate – and records which were or might be deemed “permanent”. It appears that the “temporary” records might be deemed “NARA operational records”, while the “permanent” records might be deemed “archival records”. NARA has designated different addresses for submission of FOIA requests for these two categories of records. In an abundance of caution, and in accordance with NARA’s FOIA regulations, I am sending a copy of this request to NARA’s main FOIA address, <[foia@nara.gov](mailto:foia@nara.gov)>, to forward to whichever subsidiary office(s) are appropriate. (“If you are unable to determine where to send your request, send it to the NARA FOIA Officer (NGC), Room 3110, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. That office will forward your request to the office(s) that have the records you are seeking.”)

I certify under penalty of perjury that the statements above are true and correct to the best of my knowledge and belief.

Executed 21 September 2020 in the City and County of San Francisco, CA

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Edward Hasbrouck

cc: NARA FOIA Officer (NGC), Room 3110  
National Archives and Records Administration  
8601 Adelphi Rd.  
College Park, MD 20740-6001  
by e-mail to <[foia@nara.gov](mailto:foia@nara.gov)>