

Caldwell, Jacqui

From: Jason Smathers [jason.smathers@gmail.com]
Sent: Wednesday, September 08, 2010 3:20 PM
Subject: FOIA request. Subject: FOIA requests resulting in investigation of requester

Dear FOIA Officer:

I hereby submit the following request under the Freedom of Information Act.

Records Requested

I request a copy of all FOIA requests including all corresponding internal and external communication, investigative records, and any other resulting record where a FOIA request was sent to your agency. Further, where that request aroused the suspicion of the person or agency who received that FOIA request. Finally, where that FOIA request was provided to an investigator or investigative agency (or they were consulted), not for response, but for investigation into the person requesting the records to determine if the request was for criminal purposes. Additionally, please provide any policy documents or internal communication describing when a FOIA request should be referred to an investigator or an investigative agency.

News Media Fee Category and authorization of up to \$30 in fees

I am a member of the News Media as defined in 22CFR171.11(o) and request to be billed according to the news media fee category. I do authorize up to \$30 in fees if this request is denied or fees are incurred further than the exemption allows. I do retain the right to appeal any denial of this request.

(o) Representative of the news media means any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public.

I write for and am gathering news for Witnesses Unto Me, a publication which distributes among other writing, news.

The term news means information that is about current events or that would be of current interest to the public.

My experience in journalism allows me judge the current interest of a topic to the public. I make this request with knowledge and belief the topic is of current interest to the public.

News media include television or radio stations broadcasting to the public at large and publishers of periodicals (but only in those instances when they can qualify as disseminators of ``news'') who make their products available for purchase by the general public.

Witnesses Unto Me disseminates many types of writing, including news. For an example of a recent news article, see "City of Dearborn limits free speech around Arab Festival" written by myself and published June 22, 2010 by Witnesses Unto Me. Witnesses Unto Me is available to the general public and is not limited to any subset of the public.

Freelance journalists may be regarded as working for a news organization if they can demonstrate, such as by past publication, a likelihood of publication through a representative of the news media, even though not actually employed by it.

My articles are frequently published by both Witnesses Unto Me and SBC Voices, the two publications for which I write. I am assured of publication as the publisher of Witnesses Unto Me and a regular columnist with SBC Voices.

Fee Waiver Request

I am requesting a fee waiver as a person primarily engaged in disseminating information requesting information about alleged government

government operations. The requested records must be meaningfully informative in relation to the subject matter of the request and should not already be in public domain.

The information requested is not currently available to the public to the best of my knowledge. Releasing these records will contribute to the public understanding of how FOIA requests are processed and how suspicious requests are handled.

3. The disclosure of requested records must contribute to "public understanding of government operations." Disclosure must contribute to the understanding of the public at large, as opposed to the understanding of the requester or a narrow segment of interested persons. One must demonstrate with reasonable specificity the ability to understand, extract and convey the requested information as well as the ability and intent to actively disseminate the information to the general public.

Open government is a concern for every American. The results of this request will contribute to the public understanding of the government's handling of FOIA requests.

4. The disclosure must contribute "significantly" to public understanding of government operations or activities. On balance, the public's understanding of government operations must be significantly greater after disclosure in comparison to the public's understanding prior to disclosure.

There is currently no understanding in the public about how suspicious FOIA requests are handled. This request will significantly contribute to the public's understanding in this area.

5. The extent to which disclosure will serve the requester's commercial interest, if any. Status as a nonprofit organization or representative of the news media is not alone sufficient to satisfy this requirement.

I have absolutely no commercial interest in this request.

6. The extent to which the identified public interest in the disclosure outweighs the requester's commercial interest.

I have absolutely no commercial interest in this request, whereas there is a great identified public interest in disclosure.

Delivery of records

You can deliver the documents to me in any of the following ways, listed in order of preference, most desirable first:

Email electronic copy: jason.smathers@gmail.com

Mail CD Rom or DVD: P.O. Box 781; Topock, AZ 86436-0781

Mail paper copies only if by doing so my out of pocket expense is reduced.

Format

Electronic format is preferred. I only request paper copies if my out of pocket expense is reduced by sending paper copies, in which case consider this a request for paper copies. In all other situations, electronic files are preferred. Email is the preferred method of sending electronic files, but web download is another acceptable alternative. Files on CD or DVD in the mail are also acceptable, but doing so adds expensive and time which I hope to avoid.

Signed,
/Jason Smathers/
Jason Smathers
P.O. Box 781
Topock, Arizona 86436-0781
Phone: 707-948-6377, fax: 206-888-2742
Jason.smathers@gmail.com

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE
WASHINGTON, D.C. 20508

September 28, 2009

Mr. Jason Smathers
P.O. Box 781
Topock, AZ 86436-0781

Dear Mr. Smathers:

This letter is USTR's response to your request under the Freedom of Information Act for "all corresponding internal and external communication, investigative records, and any other resulting record where a FOIA request was sent to your agency. Further where that request aroused the suspicion of the person or agency who received that FOIA request. Finally, where that FOIA request was provided to an investigator or investigative agency (or they were consulted), not for response, but for investigation into the person requesting the records to determine if the request was for criminal purposes. Additionally, please provide any policy documents or internal communication describing when a FOIA request should be referred to an investigator or an investigative agency.

There has been no FOIA request, or requestor, that has been provided to an investigator or investigative agency, nor was an investigative agency consulted about any request. Further, because there has been nothing investigated or referred to an investigator or investigative agency, there has been no investigation into any person requesting records to determine if the request was for criminal purposes. Additionally, there are no policy documents or internal communications describing when a FOIA request should be referred to an investigator or an investigative agency.

USTR does not have any documents in response to your FOIA request.

Inasmuch as this constitutes a complete response to your request, I am closing your file in this office. In the event that you are dissatisfied with USTR's determination, you may appeal such a denial, within thirty (30) days, in writing to:

FOIA Appeals Committee
Office of the United States Trade Representative
1724 F Street, N.W.
Washington, DC 20508

Both the letter and the envelope should be clearly marked: "Freedom of Information Act Appeal". In the event you are dissatisfied with the results of any such appeal, judicial review will thereafter be available to you in the United States District Court for the judicial district in which you reside or have your principal place of business, or in the District of Columbia, where we searched for the records you seek.

Mr. Jason Smathers
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Should you have any questions, please contact the FOIA Office at (202) 395-3419.

Sincerely,

A handwritten signature in black ink that reads "Carmen Suro-Bredie". The signature is written in a cursive style with a distinct underline at the end.

Carmen Suro-Bredie
Chief FOIA Officer

Case File #10091253